



Bureau for Private Postsecondary Education
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ORDER SUSPENDING APPROVAL TO OPERATE DEGREE GRANTING PROGRAMS

To: Jeffrey Mah, Owner
University of Herbal Medicine
2499 Industrial Parkway West
Hayward, CA 94545

INSTITUTION CODE: 27129906

SATELLITE CODE: 74309341

ORDER NUMBER: 1006541

ORDER MAILING DATE: December 29, 2020

ORDER EFFECTIVE DATE: January 3, 2021

DUE DATE TO REQUEST INFORMAL OFFICE CONFERENCE: February 2, 2021

Beth Scott, as the designee of the Bureau Chief of the Bureau for Private Postsecondary Education (Bureau), hereby issues an Order Suspending Approval to Operate Degree Granting Programs (Order) of the above institution.

This Order is hereby issued to Jeffrey Mah, Owner of University of Herbal Medicine located at 2499 Industrial Parkway West, Hayward, CA 94545, as well as Satellite location located at 2304 S. El Camino Real, San Mateo, CA 94403, pursuant to California Education Code (CEC) section 94885.5 and Title 5 of the California Code of Regulations (5, CCR) section 71410 for the violations described below.

Factual Basis

Pursuant to CEC section 94885.5 (b)(1)(2), the institution was required to submit evidence of having achieved accreditation candidacy or pre-accreditation¹ by October 11, 2020.

On November 4, 2016, University of Herbal Medicine (Institution), an unaccredited degree granting institution, received a provisional approval to operate one (1) degree program, Master of Science Dietary Herbal Therapy and a conditional approval for one (1) degree program, Master of Science in Traditional Chinese Medicine that required an approval by the California Acupuncture Board prior to receiving an approval from the Bureau. The provisional approval was granted in accordance with CEC section 94885.5 (a). The Institution's accreditation plan for Accreditation Commission for Acupuncture (ACAOM) was submitted with the application for approval to operate.

On September 12, 2017, per the Institution's request, the Bureau discontinued the Master of Science Dietary Herbal Therapy program and accreditation was no longer required.

On September 25, 2017, the Institution's degree program, Master of Science in Traditional Chinese Medicine received approval by the California Acupuncture Board.

¹ As defined by 5, CCR section 70000(s), for this purpose, "pre-accreditation" or "candidacy" means that an institution has submitted a completed application for initial accreditation with the required fee, which was accepted by the accreditor.

On October 11, 2017, the Institution received a provisional approval to operate one (1) degree program, Master of Science in Traditional Chinese Medicine offered in English and Chinese Mandarin.

On April 4, 2018, the Bureau received the Accreditation Benchmark Table for ACAOM indicating that the Institution completed Accreditation Steps 1-3.

On October 19, 2018, the Bureau mailed to the Institution a letter requesting an update on the accreditation progress, outlining the procedure to follow if accreditation is no longer pursued, and informing the Institution of the mandated visiting committee that will review the progress of the Institution toward achieving accreditation.

On November 1, 2018, the Bureau received the Accreditation Benchmark Table for ACAOM indicating that the Institution completed Accreditation steps 1-4.

On April 10, 2019, the Bureau mailed the Institution a follow-up letter requesting an update on the accreditation progress, outlining the procedure to follow if accreditation is no longer pursued and informing the Institution of the opportunity to request an extension by September 12, 2019 in order to meet the accreditation requirements.

On September 11, 2019, the Bureau received the Institution's request for an extension to achieve pre-accreditation or candidacy and a revised accreditation plan for ACAOM.

On October 25, 2019, the Bureau informed the Institution that a 12-month extension to achieve pre-accreditation or candidacy on or before October 11, 2020 was granted.

On April 7, 2020, the Bureau received an email from the Institution stating that the Self-Study Report (initial application) and fees to ACAOM had been submitted with a copy of an email from ACAOM acknowledging the receipt of the materials for the Self-Study Report (171 files and a copy of a receipt for fees paid to ACAOM by the Institution).

On April 8, 2020, the Bureau mailed a letter to the Institution that included an Acknowledgement of Achievement of pre-accreditation or candidacy with ACAOM.

On July 8, 2020, the Bureau received an email from ACAOM with a copy of a letter dated April 22, 2020, informing the Institution that ACAOM did not accept the Self-Study Report (initial application) as it did not adequately address ACAOM's eligibility requirements.

On July 15, 2020 the Bureau mailed a letter informing the Institution that ACAOM did not accept the Institution's Self Study Report and that pre-accreditation or candidacy was never achieved.

On October 11, 2020, the Bureau received an email from ACAOM that the Institution submitted an additional Self-Study Report (initial application) to ACAOM on October 10, 2020.

On October 21, 2020, the Bureau received an email from ACAOM with a copy of the letter dated October 21, 2020, informing the Institution that ACAOM did not accept the additional Self-Study Report (initial application) that was submitted on October 10, 2020.

The institution, therefore, had not achieved accreditation candidacy by October 11, 2020, following a 12-month grant of extension.

ORDER

In accordance with the provisions of CEC section 94885.5(d)(1) & (d)(2) and 5, CCR sections 71410 and 74250, the Bureau hereby orders the following:

The approval to operate, issued to University of Herbal Medicine is automatically suspended as to all of the institution's degree programs. The Bureau will not lift the suspension until the Institution complies with the requirements of CEC section 94885.5(d)(1) & (d)(2) by submitting evidence to the Bureau of having achieved accreditation.

1. You must immediately **cease enrolling new students** in all of your degree programs.
2. Within 30 days of the effective date of this Order, you must submit a **degree program closure plan** to the Bureau with all of the following:
 - a. The date the institution stopped enrolling new students in the degree program(s).
 - b. A list of contact information for all students currently enrolled in each degree program.
 - c. A **teach-out plan** with information on the arrangements you have made for students to complete their educational programs at another institution. **The institution shall not teach-out its own students.** The teach-out plan must: (1) provide the name and location of the institution(s) providing the teach-out; (2) include a plan for the disposition of student records per CEC section 94927.5; (3) be compliant with the refund provisions of CEC section 94927; and (4) include a copy of the notification to be provided to students identified in item # 4 below.
3. The institution must notify, in writing, all currently enrolled students within five (5) business days of the effective date of this Order of the following:
 - a. That the institution has received a notice of suspension from the Bureau and may no longer offer degree programs.
 - b. The teach-out plan, which shall provide, at minimum, the following information: (1) the name and location of the institution(s) that is providing the teach-out, (2) the date upon which instruction at the teach-out institution(s) will begin, (3) how and when payments will be made to the new institution and any relevant financial information, and (4) a contact person at the new institution(s).
 - c. That the student has a right to choose not to participate in the teach-out, and instead seek a refund for any classes the student is currently enrolled in or has not yet completed.
4. Any student may seek a refund from the institution rather than participate in a proposed teach-out program. The school must provide refunds within 45 days of the request by a student.
5. Failure of any institution to comply with the requirements of this section will be considered a violation and subject to action by the Bureau.

APPEAL OF ORDER

You may request an appeal of this Order before the Director of the Department of Consumer Affairs, or his or her designee. (5 CCR section 71410.)

Because this suspension is automatic per CEC section 94885.1(e), the institution shall not operate its degree programs during any appeal.

If you wish to appeal this Order, you must do so within 30 days from the effective date of the Order. *Unless you sign a written request for an appeal and deliver it to the Bureau within 30 days from the effective date of the Order, you will be deemed to have waived your right to appeal this matter to the Department of Consumer Affairs.*

Upon timely receipt of your request for an appeal, an informal office conference will be arranged within 30 days, or as extended at your request or by the Bureau for good cause. Upon request and approval, the person approved to operate the institution or representative may participate in the office conference by telephone.

Please submit your request to:

Bureau for Private Postsecondary Education
Attn: Cheryl Lardizabal, Discipline Analyst
1747 N. Market Blvd., Ste. 225
Sacramento, CA 95834

Failure by an institution to comply with the Order above may result in further enforcement action. The Bureau will promptly take all appropriate action to enforce this Order.

CONTACT INFORMATION

If you have any questions regarding this Order or can verify that you submitted evidence to the Bureau of accreditation candidacy or pre-accreditation, please contact Cheryl Lardizabal, Discipline Analyst, at (916) 574-8968 or Cheryl.Lardizabal@dca.ca.gov.

"Original Signature on File"

"December 29, 2020"

Beth Scott
Enforcement Chief

Date

Enclosures

- Declaration of Service by Certified and First-Class Mail