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BOARD OF ACUPUNCTURE

IN THE MATTER OF

ALBERT LIAO, L.Ac.

LICENSE NUMBER: U01244,

RESPONDENT

* BEFORE THE
* MARYLAND STATE
* ACUPUNCTURE BOARD
* Case No. 2006-008

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On or about May 1, 2007, the Maryland State Acupuncture Board (the "Board") charged **Albert Liao, L.Ac., License No. U01244**, (the "Respondent"), with violating certain provisions of the Maryland Acupuncture Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 1A-101 *et seq.* (2005 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of § 1A-309 of the Act:

Subject to the hearing provisions of § 1A-310 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may deny a license to practice acupuncture to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

- (8) Practices acupuncture with an unauthorized person or assists an unauthorized person in the practice of acupuncture.

BACKGROUND

On Monday, August 6, 2007, the Respondent appeared before the Case Resolution Conference Committee (the "CRC") of the Board. As a result of the CRC, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

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FINDINGS OF FACT

The Board finds the following:

1. At all times relevant to the charges herein, the Respondent was licensed to practice acupuncture in the State of Maryland, being issued License Number U01244 by the Board. The Respondent has been licensed to practice acupuncture in the State of Maryland since 2003.
2. At all times relevant to the charges herein, the Respondent was practicing acupuncture at an office located at 7600 Osler Drive, Suite 215, Towson, Maryland 21204. The practice includes five patient treatment rooms.

PATIENT A¹

3. On or about May 24, 2006, the Board received a complaint from Patient A, a former patient of the Respondent. In her complaint, Patient A indicated that she had been receiving acupuncture treatment from the Respondent based on a referral from her treating physician for pain management in her neck and shoulder. Patient A alleged that she had been left alone in an examination room.
4. As a result of the complaint received from Patient A, the Board opened an investigation into the Respondent's acupuncture practice.

PRACTICE WITH AN UNAUTHORIZED PERSON

5. On or about September 12, 2006, after review of information contained in the Board investigation, the Board decided to investigate further into the Respondent's practice to

¹ The names of the patients and other individuals identified herein are confidential.



determine whether his mother, an unlicensed individual employed at the Respondent's practice, was removing needles from patients.

6. On or about September 18, 2006, the Board's investigator interviewed Patient A. Patient A informed the Board's investigator that the Respondent's mother had removed acupuncture needles from her on at least one occasion and possibly two occasions during prior treatments. She further informed the Board's investigator that the Respondent always inserted the needles, but his mother or father (Physician A) were always the individuals who checked on her mid-way through the treatment. She indicated that the Respondent's mother never made any adjustments to the needles.

7. As a result of the Board's concerns, the Board's investigator obtained a Board subpoena for the review, retrieval, and/or copying of all patient files, appointment ledgers, and other documents from the Respondent's practice. On or about September 26, 2006, the Board's investigator went to the Respondent's practice to serve the subpoena.

8. On or about September 26, 2006, while at the practice, the Board's investigator conducted a sworn recorded interview of the Respondent's mother. The Respondent's mother stated that in 1976 she began working for her husband, Physician A, an acupuncturist licensed by the Board of Physicians. She told the Board's investigator that her initial duties including scheduling appointments, billing, and greeting patients, but her husband eventually trained her to remove acupuncture needles from patients. She told the Board's investigator that she has been removing acupuncture needles from patients for over thirty (30) years. She stated that she does not have any health care practitioner license and has not received any formalized health care training.

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9. The Respondent's mother further informed the Board's investigator that since her son joined the practice in 2003, she has not been removing needles from patients as often. She estimated that she removes needles from 8 to 20% of patients only when her husband and son are busy with other patients. The Respondent's mother further stated that her son is aware that she is removing the needles, and has voiced his objection on numerous occasions.

10. On or about September 26, 2006, the Board's investigator conducted a sworn interview with Physician A. Physician A stated that he has been licensed to perform acupuncture by the Board of Physicians since 1973. He admitted that he trained his wife to remove acupuncture needles from patients soon after he began his practice. He denied ever training his wife to perform needle insertion, and stated that she has never performed needle insertion. He confirmed that his wife has been removing needles from his patients for over thirty (30) years.

11. Physician A further stated that the Respondent joined his practice in 2003, and since that time his wife has not been removing needles from patients as often. He estimated that she removes needles from less than 5% of the practice's patients only when the office is very busy. He further stated that he was trained to perform acupuncture in Taiwan, where it is permissible for an unlicensed assistant to remove needles because there is no danger to the patient.

12. On or about September 26, 2006, the Board's investigator conducted a sworn interview with the Respondent. The Respondent stated that he joined his father's practice in 2003. He informed the Board's investigator that shortly after joining the practice he

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observed activities that were not in compliance with Board rules and regulations including the fact that his mother was removing needles from patients. He informed Thomas that his father's practice predates all rules and regulations adopted by the Board.

13. The Respondent further stated that initially his mother would only remove needles when all five patient rooms were occupied and there was a high volume of patients. He stated that his mother on a limited basis applied the tens unit to patients, but stated that her usage of the device was rare. He informed the Board's investigator that when he became aware that his mother was removing patient needles and had applied a tens unit to patients, he spoke to both his parents about the fact that his mother was not authorized to complete these activities.

14. The Respondent further stated that his parents are "old school" and they do not believe that they are doing anything wrong. He informed the Board's investigator that he has spoken to his parents on numerous occasions about his mother not being allowed to remove needles or perform other regulated treatments.

15. The Board's investigator randomly selected twenty (20) patient files from the Respondent's office pursuant to the Board subpoena. The Board's investigator contacted the patients via telephone to inquire whether the Respondent's mother had removed acupuncture needles. Approximately sixty-five percent of the patients indicated that the Respondent's mother had removed acupuncture needles during some treatments. No patients reported the Respondent's mother inserting the needles.



CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Md. Health Occ. Code Ann. §1A-309(8).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 9th day of October, 2007, by a majority of the Board considering this case:

ORDERED that the Respondent's license to practice acupuncture in the State of Maryland shall be **REPRIMANDED**; and be it further

ORDERED that the Respondent shall provide to the Board within sixty (60) days of the effective dates of this Consent Order a Board-approved document signed by each employee in the office, verifying that each has read this Consent Order and has read, reviewed and understands the law and regulations delineating what duties they are legally permitted to perform under the Maryland Acupuncture Act. A copy of the applicable law and regulations (Md. Health Occ. Code Ann. §§ 1A-101 et seq. and Code Md. Regs. ("COMAR") tit. 10 § 26) shall be attached to each signed document; and be it further

ORDERED that the Respondent shall comply with all statutes, rules, and regulations governing the practice of Acupuncture in the State of Maryland; and be it further

ORDERED that should the Respondent violate any of the terms or conditions of this Consent Order, the Board, after notice, opportunity for a hearing and determination of violation, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation being proven by a preponderance of the evidence; and be it further



ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and be it further

ORDERED that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2004 Repl. Vol.).


David Paton, L.Ac., Chair
State Board of Acupuncture

CONSENT OF ALBERT LIAO, L.Ac.

I, Albert Liao, L.Ac., License Number U01244, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel and have reviewed this Consent Order with my attorney.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 1A-310 and Md. St. Gov't Code Ann. §§ 10-201 *et seq.*
3. I acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other procedural and substantive protections to which I am entitled by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into the foregoing Findings of Fact, Conclusions of Law and Order and agree to abide by the terms and conditions set-forth herein as a resolution of the

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Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice acupuncture.

6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

9/14/07
Date

[Redacted Signature]
Albert Liao, L.Ac.

STATE OF MARYLAND

CITY/COUNTY OF _____:

I HEREBY CERTIFY that on this 14 day of Sept, _____, before me, Robert Berndt Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Albert Liao, L.Ac., License Number U01244, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Robert S. Berndt
Notary Public

My Commission Expires: 8/19/09
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