

IN THE MATTER OF

\*

BEFORE THE

Louis Giovanni Pescetto

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STATE BOARD OF

Respondent

\*

ACUPUNCTURE

License Number: U00279

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**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The State of Maryland Board of Acupuncture (the "Board"), on January 11, 2000 voted to charge Louis Giovanni Pescetto (the "Respondent") (D.O.B. August 27, 1950), License Number U00279, under the Maryland Acupuncture Act (the "Act"), MD. HEALTH OCC. CODE ANN. ("H.O.") § 1A-309 (2000 Repl. Vol.)

The pertinent provision of H.O. §1A-309 provides the following:

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:

- (3) Is guilty of immoral or unprofessional conduct in the practice of acupuncture[;].

Respondent was notified of the charges through service by certified mail on December 20, 2000. A hearing was scheduled in this matter before the Board for April 13, 20, and 27, 2001. On March 19, 2001, Respondent, his attorney James Kemp Fowley, Esquire, and Janet Klein Brown, Administrative Prosecutor, appeared before the Case Resolution Conference Committee (the "CRC") of the Board. As a result of negotiations with the Office of the Attorney General, Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and

Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

### **FINDINGS OF FACT**

The Board makes the following findings of fact:

#### **I. Background**

1. At all times relevant to these findings, Respondent was and is an acupuncturist licensed to practice acupuncture in Maryland. Respondent was originally issued a license to practice acupuncture in Maryland on or about August 20, 1987, being issued license number U00279.

2. At all times relevant to these findings Respondent engaged in the private practice of acupuncture in Columbia, Maryland and in Woodlawn, Maryland.

3. Respondent was a member of the faculty of the Traditional Acupuncture Institute ("TAI"), Columbia, Maryland from 1992 through 1999.

#### **II. Patient Specific Findings**

##### **Patient A<sup>1</sup>**

4. In 1993, Patient A, a female, was a student at TAI.

5. In or around July-August 1993, Respondent became Patient A's "group leader" at TAI. While in a class, Respondent touched Patient A's hand during a classroom exercise and Patient A became very emotional and cried.

6. Shortly after this incident, Patient A went to Respondent's acupuncture office

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<sup>1</sup>Patient names are confidential and are not included in the Consent Order. Respondent is aware of the identity of each patient.

to meet with Respondent to understand her emotional reaction in the class. Patient A told Respondent much detailed and personal information about herself.

7. Thereafter, in September 1993, Respondent began providing acupuncture treatment to Patient A in his Columbia office. Respondent saw Patient A for weekly sessions for which she paid him \$55.00 per session, usually by check. Respondent treated Patient A who remained his patient from September 1993 to approximately Fall 1998.<sup>2</sup>

8. In Fall 1993, Patient A decided to pursue study of "Zero Balancing" ("ZB") in addition to her studies at TAI. Respondent was assigned to be Patient A's ZB mentor.

9. Beginning approximately in early 1994, during treatment sessions, Respondent spoke to Patient A about "unconditional love" and supportive care. Respondent extended these talks beyond Patient A's usual treatment sessions, often lasting approximately 2 to 3 hours when she was the last patient of the day.

10. On April 22, 1994, Respondent hand delivered a note card to Patient A which said "...From 'Penetrating Inside' to 'Flower Covering.'"<sup>3</sup>

11. On June 29, 1994, Respondent mailed Patient A a card which stated "articles, thoughts, gifts from the heart...package of joy and fun and total caring."

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<sup>2</sup>Respondent's treatment record of Patient A begins with a Health History Questionnaire on September 24, 1993 and ends with a report of acupuncture treatment on September 20, 1996. Respondent continued to treat Patient A after September 20, 1996; however, Respondent failed to produce to the Board the records of his treatment of Patient A after September 20, 1996.

<sup>3</sup>"Penetrating Inside" and "Flower Covering" are acupuncture points.

12. On August 6 and 11, 1994, Respondent sent cards to Patient A where she was vacationing, containing inspirational messages to her and expressions of connection he stated he felt toward her.

13. On August 30, 1994, Respondent and Patient A and two of her TAI classmates attended a "pipe ceremony." On September 2, 1994, Respondent gave Patient A a card, enclosing some feathers, and stating "...we are continuing to connect on subtle yet potent levels. I am most grateful."

14. In early Fall 1994, on several occasions, Patient A called Respondent to meet her to talk about her feelings of confusion, depression, and disturbing memories of her past. Respondent made himself available to meet with her, and had meetings with Patient A to talk with her in addition to her acupuncture appointments. On one occasion Patient A wanted to speak with him about her memories of her past sexual abuse. Respondent told her that he was there to support her in any way that she needed him.

15. In Fall 1994, Respondent invited Patient A to go for a walk in a scenic area in a State Park.

16. During Fall 1994 - Winter 1995, Patient A told Respondent about her memories of past sexual abuse and her emotional state, reporting that she felt "out of control" and asked Respondent for guidance.

17. In late Fall 1994, Respondent suggested that Patient A see a psychotherapist, which she did, to deal with recurring memories of her past sexual abuse.

18. On November 16, 1994, Respondent gave Patient A a card on which was printed "Lovers don't finally meet somewhere. They're in each other all along."

19. In 1994, Respondent began meeting Patient A alone for lunch about once a month. It was during these meetings that Respondent usually would give Patient A a card with handwritten messages.

20. Respondent routinely hugged Patient A after a treatment session, then beginning approximately late 1994, he began to give her a brief kiss on the cheek which then progressed to kissing her on her mouth. After treatment sessions, Respondent would walk Patient A to her car and kiss her goodnight. Respondent would also accompany the kiss with caring and affectionate words. Later, Respondent would kiss Patient A and insert his tongue in her mouth.

21. Beginning late 1994 -1995, Respondent gave Patient A presents such as: CD's, office knick knacks, jewelry, and flowers, in addition to many note cards. In Spring 1995, Respondent gave Patient A a gift of a yoga leotard, which he requested she put on while he was present.

22. Between January and April 1995, Respondent gave Patient A over a dozen cards on which he wrote suggestive messages, poetry, and comments about touching her and which he frequently signed "I love you."

23. Between August 1993 and December 1995, during the ZB Workshops, which Respondent attended as an assistant, Patient A would become very upset and very emotional. Respondent would "take care" of Patient A by speaking with her privately in an emotionally supportive manner.

24. In April, 1995, Respondent invited Patient A to go alone with him to a scenic area.

25. In May, June, July and August 1995, Respondent gave Patient A cards with romantic and suggestive poetry.

26. In July 1995, Respondent invited Patient A to go alone with him on a social outing. Patient A had been drinking sherry.<sup>4</sup> Respondent initiated sexual contact with kissing and touching Patient A all over her body.

27. In July and August 1995, Respondent was continuing to treat Patient A on a regular basis.

28. In August 1995, Patient A attended a four day TAI overnight retreat. Respondent was present as a faculty member at the retreat. In the evenings, there were student parties where alcohol was available. Patient A drank alcohol at the parties. Respondent approached Patient A during a student party, kissed her and asked her to come to his room where he was staying. Patient A went to Respondent's room on two nights and stayed a couple of hours. They engaged in mutual fondling and they had sexual intercourse. Respondent told Patient A that he loved her and he spoke to her about her emotional state and her painful past of sexual abuse. Respondent told Patient A that being with him would help her to "free up" and to become "emotionally present" during sexual intimacy.

29. In Fall and winter 1995, Respondent was continuing to treat Patient A on a regular basis.

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<sup>4</sup>Patient A has an intermittent history of alcohol abuse and in 1995, she had resumed drinking. Respondent, who knew her history, told Patient A that it was "okay" for her to consume alcohol.

30. In Fall and winter 1995, Respondent continued to give Patient A cards with romantic messages, stating that he loved her. Respondent continued to engage in sexual intercourse with Patient A. Respondent desired that Patient A not tell anyone about their relationship.

31. Frequently, when Patient A would question Respondent regarding their sexually activity, Respondent would respond by saying that it was possible to love two people; and, that her intimate relationship with him would ultimately help her emotional state and her healing from the sexual abuse. When Patient A became emotionally distraught during sexual activity, Respondent would talk her through the experience.

32. From January to September 1996, Respondent continued to treat Patient A on a regular basis.

33. In early Spring 1996, Respondent had sexual intercourse with Patient A in his acupuncture office, sometimes when she was there for acupuncture treatment sessions. At times, if Patient A was not receptive to sexual activity, Respondent verbally encouraged her.

34. Respondent continued to treat Patient A after September 1996; however, Respondent failed to produce to the Board the records his treatment of Patient A after September 20, 1996.

35. Respondent continued to treat Patient A during 1997 and continued to engage in a sexual relationship with Patient A during 1997.

36. At the end of 1997, Patient A began telling Respondent she wanted to cease the ongoing sexual involvement. Respondent encouraged Patient A to continue the sexual relationship and to engage in sexual activity.

37. In January 1998, Patient A told Respondent that she wanted to discontinue her sexual relationship.

38. During 1998, Respondent continued to provide acupuncture treatment to Patient A and also initiated sexual activity with her; however, the frequency of sexual intercourse decreased because Patient A became more forceful in refusing Respondent's advances. When Patient A rejected Respondent, he would express his love and caring for her and reasons why she should continue having a sexual relationship with him, i.e., it will help her to be emotionally present during sexual intimacy.

39. Also, at the end of 1997 and early 1998, Patient A began telling Respondent that she wanted to go to a different acupuncture practitioner and she asked Respondent with whom she might consult. Respondent actively discouraged Patient A from getting treatment from another acupuncturist. Throughout the treatment and sexual relationship, Respondent told Patient A that no one should know about their sexual relationship.

40. After November 1998, Patient A did not have a sexual relationship with Respondent but Respondent continued to pressure Patient A to have sexual relations with him. Patient A continued to tell Respondent that their sexual relationship had to end.

41. In or about Fall 1998, Patient A terminated her patient relationship with Respondent.

42. In April 1999, Patient A began seeing a different acupuncture practitioner. Patient A did not inform Respondent of the name of the new acupuncturist. Respondent followed Patient A to her acupuncture appointment.

43. In September 1999, Respondent left telephone messages for Patient A requesting to talk with her about their relationship and came to her work without her knowledge and challenged her right to restrict him from coming to her work.

44. In October 1999, Respondent left Patient A a note and telephone messages challenging her right to keep him from her workplace.

45. In early October 1999, Patient A informed TAI faculty members regarding Respondent's behavior.

46. On October 7, 1999, Respondent was placed on a medical leave of absence from TAI for an undetermined period of time.

47. On November 8, 1999, Patient A filed a complaint with the Board regarding her experiences with Respondent.

48. Respondent engaged in unprofessional conduct in the practice of acupuncture, including but not limited to, in that he;

- a. failed to refer Patient A for psychotherapy in early Fall 1994;
- b. discussed with Patient A his thoughts and feelings regarding about "unconditional love;"
- c. extended Patient A's acupuncture treatment sessions beyond the usual session time, without clinical justification;
- d. failed to seek supervision or consultation when Respondent began to give Patient A special treatment, or at any other time, as Respondent became further emotionally involved with Patient A;

- e. engaged in long discussions with Patient A regarding her emotions and feelings, without clinical justification;
- f. frequently met with Patient A alone outside of his office for lunch and other activities;
- g. gave Patient A cards and gifts;
- h. gave Patient A sexually suggestive cards and messages;
- i. invited Patient A to attend social activities with him;
- j. continued to allow Patient A to utilize him for personal counseling;
- k. encouraged Patient A to discuss with him, and to counsel Patient A about, her overwhelming emotional feelings, after he had recommended she engage in psychotherapy;
- l. hugged and kissed Patient A;
- m. did not discourage Patient A from drinking alcohol;
- n. engaged in sexual touching of Patient A;
- o. engaged in sexual intercourse with Patient A;
- p. counseled Patient A that a sexual relationship with him would help her to be emotionally present during sexual intimacy and to "heal" from the effects of sexual abuse;
- q. encouraged Patient A to continue to engage in a sexual relationship with him;
- r. desired that Patient A not tell anyone about their sexual relationship;
- s. failed to maintain a record of acupuncture treatment after September 1996;
- t. discouraged Patient A from receiving acupuncture treatment from any other acupuncturist;
- u. pursued Patient A after she terminated her professional relationship with him.

## Patient B

49. Patient B, a female, first met Respondent at TAI, sometime after September 1995, when she became a student at TAI, and he was a faculty member.

50. In Fall 1996, while a student at TAI, Patient B attended a TAI sponsored student retreat. Respondent was present at the retreat as a faculty member from TAI. Respondent approached her and told her that if she wanted someone to speak with, he would be willing to listen. Patient B revealed to Respondent some information regarding some personal problems. While at the retreat, Respondent performed Zero Balancing ("ZB") on Patient B.

51. Thereafter, Patient B became Respondent's patient and she went to Respondent for regular ZB sessions at his acupuncture office. The sessions were approximately once a month, beginning in September 1996. Respondent charged Patient B \$60.00 for each session, which she paid for by check.

52. Respondent's treatment record for Patient B indicates that Respondent treated Patient B on twenty-three (23) occasions from September 7, 1996 through September 21, 1999.

53. Respondent engaged in certain unprofessional behaviors with Patient B during the time she received ZB from him. For example, when they would hug at the conclusion of a session, occasionally Respondent would say "God you smell great." Toward the end of her care by Respondent, Respondent began talking to her about his personal life.

54. On September 21, 1999, Patient B asked Respondent if he and his partner were "splitting up," to which Respondent responded, "No , but close to it." Towards the end of the session, while Respondent was performing ZB on her, Respondent said, "I want you to know I could cross the line with you at any moment." Patient B was shocked, confused, concerned and fearful, and did not respond.

55. During the treatment session, Respondent continued to make inappropriate and unprofessional comments, such as: "I want you to know you have the most beautiful breasts." Patient B was stunned.

56. Patient B stated that during her treatment by Respondent, he gathered a lot of personal history, and he was particularly aware of her past history of sexual abuse. During all of her sessions, Patient B was completely dressed, laying on her back on a table.

57. Patient B canceled her next appointment and did not reschedule.

58. In early December 1999, Patient B called Respondent and told Respondent that she was not going to see him again for ZB. She told him she was very uncomfortable in their last session because he had made some inappropriate comments to her and she did not feel safe.

59. Respondent apologized and asked if they could talk. Patient B said no. Respondent asked if they could go for a walk together. Patient B said no.

60. Shortly after the December 1999 telephone call, Patient B reported her experiences with Respondent to other acupuncturists.

61. On January 28, 2000, Patient B filed a complaint with the Board regarding her experiences with Respondent.

62. Respondent engaged in unprofessional conduct, including but not limited to, in that he:

- a. disclosed personal information to Patient B; and
- b. made sexually suggestive comments to Patient B.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Respondent committed prohibited acts under the Act, Health Occupations Article § 1A-309(3). Accordingly, the Board concludes as a matter of law that the Respondent is guilty of immoral and unprofessional conduct in the practice of acupuncture.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 8th day of May, 2001, by a majority of the full authorized membership of the Board considering this case:

ORDERED that Respondent's license to practice acupuncture in the State of Maryland be **SUSPENDED** for one (1) year, effective thirty (30) days from the date of this Consent Order; and be it further

ORDERED that Respondent shall be suspended under the following terms:

1. Within **sixty (60) days** of the date of this Consent Order, Respondent shall notify the Board in writing that he has enrolled in a Board approved individual educational

tutorial in professional ethics, specifically focused on boundary violations by health care providers;

2. Respondent authorizes the Board to provide the tutor with the entire investigative file, including all investigative interviews and investigative reports, the February 27, 2001 independent evaluation of the Johns Hopkins Sexual Behaviors Consultation Unit, any subsequent evaluations by this Unit, reports from the individual psychotherapist, reports from the group psychotherapist, if any, the Board's Disciplinary Charges and the Consent Order;

3. Respondent authorizes the tutor to send reports to and communicate with any health professional providing psychotherapeutic treatment to or psychiatric/psychological evaluation of Respondent;

4. Respondent shall ensure that the tutor submits to the Board an assessment at the completion of the educational tutorial which includes a report of attendance, participation and completion of assignments, including a copy of any essay or other written assignment, if any, which Respondent is required to write;

5. Respondent shall successfully complete the individual tutorial in professional ethics;

6. Within **thirty (30) days** of the date of the Consent Order, Respondent shall notify the Board in writing that he has begun participation in individual psychotherapy, as frequently as the individual psychotherapist requires, with a Board approved psychotherapist, focusing on his specific vulnerabilities that led to his unprofessional conduct and boundary violations, especially as described in this Consent Order;

7. Respondent authorizes the Board to provide the individual psychotherapist with all of the documents enumerated in paragraph 2, as well as the assessment of the tutor;

8. Respondent authorizes the individual psychotherapist to send reports to and communicate with any health professional providing an individual educational tutorial, group psychotherapy or psychiatric/psychological evaluation of Respondent;

9. Respondent shall ensure that the individual psychotherapist submits quarterly reports to the Board which include a report of attendance, participation in psychotherapy and progress in dealing with his specific vulnerabilities that led to his unprofessional conduct and boundary violations, especially as described in this Consent Order; the first quarterly report is due within three (3) months of the date of this Order;

10. Respondent shall participate in Board approved group psychotherapy for health care professionals who have engaged in unprofessional conduct, if available, as frequently as, and for as long as, the group psychotherapist requires, focusing on behavioral and attitudinal change regarding personal and professional boundaries;

11. Respondent authorizes the Board to provide the group psychotherapist with all of the documents enumerated in paragraph 7, as well as the reports of the individual psychotherapist;

12. Respondent authorizes the group psychotherapist to send reports to and communicate with any health professional providing an individual tutorial, individual psychotherapy or psychiatric/psychological evaluation of Respondent;

13. Respondent shall ensure that the group psychotherapist submits **quarterly reports** to the Board which include a report of attendance, participation in group psychotherapy and progress in dealing with behavioral and attitudinal change regarding personal and professional boundaries; the first quarterly report is due within **three (3) months** of beginning participation in group therapy;

14. Respondent shall not participate in health care professional weekend retreats or overnight seminars in which he is the leader or one of the persons in authority;

15. Respondent shall not establish a business/professional, employer/employee, teaching, supervisory, or mentoring relationship with any individual for whom Respondent is providing acupuncture or any other health professional services;

16. **Within sixty (60) days** of the date of this Order, Respondent shall reimburse the Board for the cost of the handwriting expert;

17. After successful completion of the individual educational tutorial and at the conclusion of one year of individual psychotherapy and group psychotherapy, if available, Respondent shall undergo subsequent independent evaluation by the Johns Hopkins Sexual Behaviors Consultation Unit to determine whether, and under what circumstances, it is appropriate for Respondent to resume treating female patients and to make recommendations to the Board for further individual and/or group psychotherapy, or further conditions of probation;

18. Respondent authorizes the Johns Hopkins Sexual Behaviors Consultation Unit to review the Board's Disciplinary Charges, the Consent Order, the assessments of the tutor and all reports from the individual psychotherapist and the group psychotherapist,

which have been submitted to the Board, and to consult with any of the individuals who submitted reports to the Board;

19. Respondent shall be responsible for all costs associated with the fulfillment of the terms of suspension; and be it further

**ORDERED** that prior to reinstatement of his license, Respondent shall appear before the Board's Case Resolution Conference, with notification to the Attorney General's Office, Administrative Prosecutor, to explain how the completion of the course in professional ethics and his psychological treatment would affect his actions in the future, to review the evaluation and recommendations of the Johns Hopkins Sexual Behaviors Consultation Unit and to change or modify the conditions of probation, based on the recommendations of the Johns Hopkins Sexual Behaviors Consultation Unit; and be it further

**ORDERED** that after reinstatement, Respondent shall be on **PROBATION**, for **three (3) years** subject to the following conditions:

1. Respondent shall not treat female patients unless recommended by the Johns Hopkins Sexual Behaviors Consultation Unit, and approved by the Board. If Respondent is approved by the Board to treat female patients, Respondent may only treat females under the conditions recommended by the Johns Hopkins Sexual Behaviors Consultation Unit and the supervisor (see paragraph 2 below) and approved by the Board;

2. **Within thirty (30) days** of reinstatement of the license, Respondent shall begin participation in evaluative supervision of his patients with a Board approved licensed acupuncture supervisor, who is not connected with Respondent through any current or

past collegial, professional or academic affiliation and, who will monitor Respondent's practice, including review of Respondent's treatment plans, and promote his skill in the appropriate use of supervision. The frequency and duration of the sessions will be determined by the Board after the Case Resolution Conference;

3. Respondent authorizes the Board to provide the supervisor with the entire investigative file, including all investigative interviews and investigative reports, the February 27, 2001 independent evaluation of the Johns Hopkins Sexual Behaviors Consultation Unit, the subsequent evaluation by this Unit, the assessment of the tutor, the Board's Disciplinary Charges and the Consent Order;

4. Respondent authorizes the supervisor to send reports to and communicate with any health professional providing an individual tutorial with or psychiatric/psychological evaluation or treatment of Respondent;

5. Respondent shall ensure that the supervisor submits quarterly reports to the Board regarding Respondent's participation in supervision; the first quarterly report shall be due within **three (3) months** of the date of reinstatement of the license;

6. If approved by the Board, Respondent may only treat females under the conditions recommended by the supervisor and by the Johns Hopkins Sexual Behaviors Consultation Unit;

7. Respondent shall continue to participate in individual psychotherapy, as frequently as, and as long as, the Johns Hopkins Sexual Behaviors Consultation Unit recommends and as required by the Board, with a Board approved psychotherapist, focusing on specific vulnerabilities that led to his boundary violations;

8. Respondent authorizes the Board to provide the psychotherapist with all of the documents listed in paragraph 3 above;

9. Respondent authorizes the psychotherapist to send reports to and communicate with any health professional providing an individual tutorial with, supervision of, or psychiatric/psychological evaluation or treatment of Respondent;

10. Respondent shall ensure that the psychotherapist submits **quarterly reports** to the Board, the first report being due within three (3) months of reinstatement of the license;

11. Respondent shall participate in Board approved group psychotherapy, if recommended by the Johns Hopkins Sexual Behaviors Consultation Unit, and if available, as frequently as and for as long as required by the group psychotherapist, focusing on behavioral and attitudinal change regarding personal and professional boundaries;

12. Respondent authorizes the Board to provide the group psychotherapist with all of the documents listed in paragraph 3 above, as well as the reports of the individual psychotherapist;

13. Respondent authorizes the group psychotherapist to send reports to and communicate with any health professional providing an individual tutorial with, supervision of, or psychiatric/psychological evaluation or treatment of Respondent;

14. Respondent shall ensure that the group psychotherapist submits **quarterly reports** to the Board, the first quarterly report being due within three (3) months of beginning participation in the group;

15. For one (1) year following reinstatement, Respondent may not participate in health care professional weekend retreats or overnight seminars in which he is the leader or one of the persons in authority; unless he is accompanied by a Board approved individual;

16. Respondent may not establish a business/professional, employer/ employee, teaching, supervisory, or mentoring relationship with any individual for whom Respondent is providing acupuncture or any other health professional services;

17. Respondent shall be responsible for all costs associated with fulfilling the terms and conditions of probation under this Consent Order;

18. There shall be no early termination of probation; and be it further

**ORDERED** that Respondent shall not engage in the conduct as described in the Findings of Fact; and it is further

**ORDERED** that Respondent will comply and practice within all statutes and regulations government the practice of acupuncture in the State of Maryland; and it is further

**ORDERED** that any violation of any of the terms of this Order shall constitute unprofessional conduct;

**AND BE IT FURTHER ORDERED** that if Respondent has satisfactorily complied with all conditions of probation, and there are no outstanding complaints regarding Respondent's practice, Respondent may petition the Board for termination of probation without further conditions or restrictions after the three (3) period of probation imposed under this Consent Order; and be it further

**ORDERED** that if the Board has probable cause to believe that Respondent presents a danger to the public health, safety or welfare, the Board, **WITHOUT PRIOR NOTICE AND AN OPPORTUNITY FOR A HEARING, MAY SUMMARILY SUSPEND THE RESPONDENT'S LICENSE**, provided that Respondent is given notice of the Board's action and an opportunity for a hearing within thirty (30) days after requesting same in accordance with MD. STATE GOV'T CODE ANN. § 10-226(c) (2000 Supp.); and be it further

**ORDERED** that if Respondent violates any of the terms of Respondent's suspension, or fails to comply with the conditions of this probation, the Board, after notice and a hearing, and a determination of violation, may impose any other disciplinary sanctions it deems appropriate, said violation of the Consent Order or violation of probation being proved by a preponderance of evidence; and be it further;

**ORDERED** that this Consent Order is a public document pursuant to MD. STATE GOV'T CODE ANN. § 10-611 et seq.

5/8/01  
Date

  
Sheryl Martin, L.Ac., Vice Chair  
Board of Acupuncture

**CONSENT**

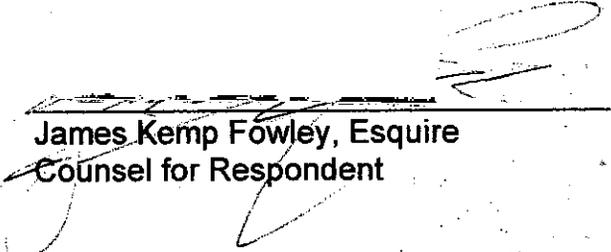
I, Louis Giovanni Pescetto, acknowledge that I am represented by legal counsel, James Fowley, Esquire, and I have had the opportunity to consult with counsel before entering into and signing this document. By this consent, I hereby admit the Findings of Fact and Conclusions of Law, and submit to the foregoing Consent Order consisting of twenty-three (23) pages.

I acknowledge the validity of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. I sign this Consent Order after having an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

5/1/01  
Date

  
Louis Giovanni Pescetto, L.Ac.  
Respondent

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James Kemp Fowley, Esquire  
Counsel for Respondent

STATE OF MARYLAND

CITY/COUNTY of Maryland

I HEREBY CERTIFY that on this 1<sup>st</sup> day of May, 2001 before me, a Notary Public of the State and County aforesaid, personally appeared **Louis Giovanni Pescetto, L.Ac.** and made oath in due form of law that the foregoing was his/her voluntary act and deed.

**AS WITNESS** my hand and Notarial Seal.

Ronald J. Longest  
Notary Public

My Commission Expires: 9/1/03

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April 27, 2001 (12:27PM)