

IN THE MATTER OF	*	BEFORE THE
SHENG WANG, L.Ac.	*	MARYLAND STATE BOARD OF
LICENSE NUMBER: U-677	*	ACUPUNCTURE
RESPONDENT	*	Case No. 02-BP-079

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Acupuncture (the "Board"), and subject to Md. Health Occ. Code Ann. ("H.O.") § 1A-101, et seq., (2000 Repl. Vol.) (the "Act"), the Board charged **Sheng Wang, L.Ac., License Number: U-677 (D.O.B. 05/19/61)**, (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of H.O. § 1A-309:

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.

The Respondent was given notice of the issues underlying the Board's charges by notice received October 9, 2002. Accordingly, a Case Resolution Conference was held on October 25, 2002, and was attended by Barbara Cronin, and Sheryl Martin, Board members, Penny Heisler, Executive Director of the Board, and Jane Pilliod, Counsel to the Board. Also in attendance were the Respondent and his attorney, Theresa Whalen

Esquire, and the Administrative Prosecutor, John S. Nugent.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to the charges herein, the Respondent was licensed to practice acupuncture in the State of Maryland, being issued License No. U-677 by the Board on May 13, 1997.
2. At all times relevant to the charges herein, the Respondent was practicing acupuncture at the Traditional Chinese Medical Center, 711 West 40th Street, Suite 202 ("Rotunda Office") in Baltimore City, Maryland.
3. On or about August 15, 1995, Applicant A¹ submitted an application for a license to practice acupuncture in the State of Maryland to the Board. Applicant A's application was denied and Applicant A has never been licensed to practice acupuncture in the State of Maryland.
4. On or about April 10, 2002, Applicant A entered nolo contendere pleas in the District Court for Baltimore City to two counts of practicing acupuncture in Maryland without a Maryland license.
5. On or about April 10, 2002, the District Court for Baltimore City sentenced Applicant A on each count of practicing acupuncture without a license to six months incarceration, all suspended; two years supervised probation to the

¹ The names of the individuals identified herein are confidential.

Division of Parole and Probation, with the special conditions that she complete one-hundred hours of community service as directed by her probation agent and pay a fine of \$1,000.

6. In the spring of 2001, Applicant A advised the Respondent that she was having problems with her license to practice acupuncture and requested the Respondent take over her patients. Applicant A consulted with patients approximately two days per week and began introducing and transferring patients to the Respondent. During this period, Applicant A practiced acupuncture without a license at the Rotunda Office on at least one patient.
7. On or about October 5, 2001, the Respondent scheduled an appointment for a potential patient for Applicant A at the Rotunda Office.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated H.O. § 1A-309 (8).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 14th day of January, 2003, by a majority of a quorum of the Board,

ORDERED that the Respondent is hereby **REPRIMANDED**; and be it further

ORDERED that the Respondent shall be placed under the **SUPERVISION** of the Board for a period of one year under the following conditions:

- (a) the Respondent shall enroll in and successfully complete a board-approved ethics course; and
- (b) the Respondent shall be subject to unannounced inspections by the Board or a representative thereof; and be it further

ORDERED that the Respondent shall ensure that all individuals practicing acupuncture at the location of his practice are licensed in accordance with the Health Occupations Article; and be it further

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it further

ORDERED that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare and safety, the Board may take immediate action against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it further

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of Acupuncture in Maryland; and be it further

ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 1999), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.

A handwritten signature, possibly "LOA", is written over a horizontal line. Above the line is a rectangular box with a rough, hand-drawn border.

Chair
State Board of Acupuncture

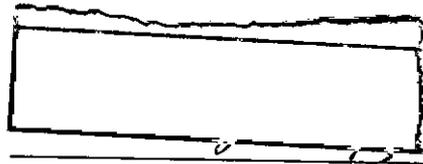
CONSENT OF SHENG WANG,

I, Sheng Wang, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Theresa Whalen, Esquire and have been advised by her of the legal implication of signing this Consent Order;
2. I am aware that without my consent, my license to practice Acupuncture in this State cannot be limited except pursuant to the provisions of § 1A-309 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (1999 Repl. Vol.)
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §1A-310 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice Acupuncture in the State of Maryland.

1/8/03
Date


Sheng Wang

STATE OF MARYLAND

CITY/COUNTY OF Montgomery :

I HEREBY CERTIFY that on this 8th day of January, 2003, before
me, Raymond Owono
Sheng Wang, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared Sheng Wang, License No. U677, and made oath in due form of
law that signing the foregoing Consent Order was his/her voluntary act and deed, and the
statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



Notary Public

RAYMOND OWONO
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires April 3, 2006

My Commission Expires: _____