

IN THE MATTER OF
KEVIN TURNER, L.Ac.
Respondent.

*** BEFORE THE MARYLAND STATE**
*** ACUPUNCTURE BOARD**
*** Board Case No.: 13-05**

License No. U-01658

*** * * * ***

CONSENT ORDER

Background

On March 15, 2013, the Respondent, Kevin Turner, L.Ac., License No. U-01658, notified the Maryland State Acupuncture Board (“Board”) that a former patient, Patient A, had filed a complaint against him with the Better Business Bureau because the patient had received a burn to the skin while under Mr. Turner’s care. The Board subsequently opened an investigation in this matter.

On November 12, 2013, the Respondent Kevin Turner, L.Ac., and his attorney Ian I. Friedman, Esq., attended a settlement conference with Board representatives in an effort to reach resolution of the case prior to the issuance of charges. As a result, the Respondent and the Board have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant to the matters described herein, the Respondent Kevin Turner, L.Ac., is an acupuncturist licensed by the Board to practice acupuncture in Maryland.
2. On March 15, 2013, Mr. Turner notified the Board that a former patient, Patient A, had filed a complaint against him with the Better Business Bureau because the patient had received a burn to the skin during an acupuncture treatment session with Mr. Turner.

3. In the course of its investigation, the Board received information from a former employer of Mr. Turner that, in addition to Patient A, two other patients - Patient B and Patient C, had been burned by Mr. Turner during treatment sessions.
4. In an interview with the Board investigator, Mr. Turner disclosed that he was aware that Patient A and Patient B had been burned by the application of moxibustion ("moxa") during treatment sessions that he performed.
5. In Patient A's case, Mr. Turner admitted that he lit a moxa stick, placed it on her back, and after seven to eight minutes, stepped out of the treatment room briefly. When he returned, the patient told him she had felt a burning sensation on her back. Mr. Turner removed the moxa, applied burn cream from a first aid kit, told the patient to monitor the burn, and documented the burn in Patient A's treatment notes.
6. Photographs of the burn suffered by Patient A revealed a significant and deep reddish-brown scab on the upper layers of her skin.
7. In Patient B's case, Mr. Turner stated that he lit moxa on her abdomen and did not leave the room. When he removed the moxa, he saw indications of a burn, applied burn cream, told her to monitor the burn, and documented the burn in Patient B's treatment notes.
8. By leaving the treatment room during Patient A's moxa treatment, by failing to properly monitor his application of moxa and by causing harm in the form of burns to Patients A and B, Mr. Turner engaged in a pattern or course of conduct that is inconsistent with generally accepted professional standards in the practice of acupuncture.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent Kevin Turner, L. Ac. engaged in a course of conduct that is inconsistent with generally accepted

professional standards in the practice of acupuncture, in violation of Md. Code Ann., Health Occ. § 1A-309(17), and is subject to disciplinary action.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 14th day of January, 2014, hereby:

ORDERED that the Respondent, Kevin Turner, L.Ac., License No. U01658, is **REPRIMANDED**; and it is further

ORDERED that Mr. Turner shall refrain from applying moxibustion on any patients until he completes, at his own expense, within **60 DAYS** of the date of execution of this Consent Order, a period of observing and performing moxibustion treatments under the supervision of a Board-approved, Maryland-licensed acupuncturist with experience and expertise in utilizing moxibustion; and it is further

ORDERED that as part of the approval process, Mr. Turner shall promptly submit to the Board the name and professional credentials of a licensed acupuncturist who has agreed to supervise in accordance with the requirements of this Consent Order; and it is further

ORDERED that the proposed supervising acupuncturist shall not be associated with Mr. Turner through any business relationship that would impair the objectivity of the supervising acupuncturist or detract from the quality of the observation and monitoring process, as determined by the Board; and it is further

ORDERED that the Board reserves the right to reject the supervising acupuncturist proposed by Mr. Turner and to require Mr. Turner to submit the name of an alternative supervising acupuncturist; and it is further

ORDERED that Mr. Turner shall provide the Board-approved supervising acupuncturist with a copy of this Consent Order; and it is further

ORDERED that the supervising acupuncturist shall notify the Board in writing of his/her acceptance of the supervisory role of Mr. Turner; and it is further

ORDERED that the purpose of supervision shall be to demonstrate and then observe and monitor Mr. Turner's application of moxibustion in his practice, and to focus on the development and maintenance of competent moxibustion application practice; and it is further

ORDERED that Mr. Turner observe the licensed, Board-approved supervising acupuncturist furnishing moxibustion on **FIVE (5)** separate patients; and it is further

ORDERED that after this period of observation, the supervising acupuncturist shall be present during patient visits at which Mr. Turner himself applies moxibustion on **FIVE (5)** different patients; and it is further

ORDERED that the supervising acupuncturist shall communicate at any time with the Board, if, in the discretion of the supervising acupuncturist, such communication is needed; and it is further

ORDERED that upon Mr. Turner's compliance with these conditions as set forth above, Mr. Turner shall ensure that the supervising acupuncturist submit a report to the Board assessing Mr. Turner's practice in the application of moxibustion. The report shall include, but not be limited to, information about Mr. Turner's participation in the observation and application of moxibustion treatments; and it is further

ORDERED that Mr. Turner has sole responsibility for ensuring that the supervising acupuncturist submits the required reports in a timely manner; and it is further

ORDERED that if Mr. Turner fails to complete these conditions in a timely manner, Mr. Turner will be deemed in violation of probation and this Consent Order; and it is further


ORDERED that, as determined by the Board, an unsatisfactory report from Mr. Turner's supervising acupuncturist shall constitute a violation of this Consent Order; and it is further

ORDERED that Mr. Turner shall comply with the Maryland Acupuncture Act and all applicable laws, statutes and regulations; and it is further

ORDERED that Mr. Turner shall be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order; and it is further

ORDERED that this Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (2009 Repl. Vol.).

11/14/14
Date



Deneb Falabella, L.Ac., Dipl.Ac. (NCCAOM)
Board Chair

CONSENT

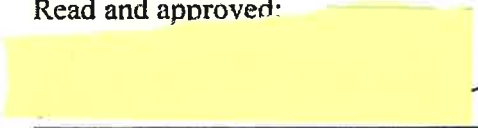
1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf and to all other substantive and procedural protections provided by law. I understand and agree that this Consent Order results from formal disciplinary action and is, therefore, a public document.

2. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

12/19/13
Date


Kevin Turner, L.Ac.
License No. U-01658

Read and approved:



Ian I. Friedman, Esq.
Attorney for Kevin Turner, L.Ac.

NOTARY

STATE OF MARYLAND

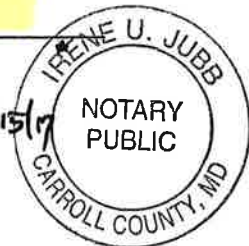
CITY/COUNTY of Carroll

I HEREBY CERTIFY that on this 19th day of December, 2013, before me, a Notary Public of the State and County aforesaid, personally appeared Kevin Turner 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.



Notary Public
My Commission Expires 6/15/17



MY COMMISSION EXPIRES: 6/5/17