

IN THE MATTER OF

*

BEFORE THE

JENNIFER L. YOCUM, L.Ac.

*

MARYLAND STATE

Respondent

*

ACUPUNCTURE BOARD

License No.: U-01846

*

Case No.: 19-03

* * * * *

CONSENT ORDER

On November 6, 2019, the Maryland State Acupuncture Board (the “Board”) charged Jennifer L. Yocum, L.Ac., License No.: U01846, (the “Respondent”), under the Maryland Acupuncture Act, Md. Code Ann., Health Occ. (“H.O.”) §§ 1A-101 *et seq.* (the “Act”) (2014 Repl.Vol. & 2019 Supp.).

The pertinent provisions of the Act are as follows:

H.O § 1A-309. Reprimands, probations, suspensions, and revocation----Grounds.

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;
* * *
- (6) Knowingly violates any provision of this title or any rule or regulation of the Board adopted under this title; and
* * *
- (17) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of acupuncture.

The pertinent provisions of Code of Maryland Regulations (COMAR) are as follows:

COMAR 10.26.03.05

.05 Professional Boundaries.

A. The licensee shall:

- (1) Maintain professional boundaries, even when the patient initiates crossing the boundaries of the professional relationship;
- (2) Respect and maintain professional boundaries and respect the patient's reasonable expectation of professional conduct; and
- (3) If the licensee and the patient mutually desire a personal relationship, immediately terminate the professional relationship, make an appropriate referral to another health care practitioner, and wait before engaging in such a relationship for a time when it is reasonably certain that the professional relationship has no influence on the personal relationship.

B. The licensee may not:

- (1) Exploit a relationship with a patient for the licensee's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship[.]

On January 14, 2020, a Case Resolution Conference (“CRC”) was held in this matter. Based on negotiations occurring as a result of this CRC, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. At all times relevant to the charges, the Respondent was and is licensed to practice acupuncture under License No.: U01846. The Respondent was initially licensed

to practice acupuncture on November 9, 2010. The Respondent's license expires on November 30, 2020.

2. At all times relevant, the Respondent was a practitioner of acupuncture with a private group and/or solo practice.

3. At all times relevant, the Respondent was an instructor of acupuncture at an educational facility in Maryland, hereinafter Facility A.¹ The Respondent was also the Title IX Coordinator and Risk and Compliance Manager for Facility A.

4. The Board opened an investigation after receiving a Complaint from a patient, hereinafter "Patient A."

5. Patient A was an acupuncture student at Facility A, who reported a history of acupuncture treatment for emotional and substance abuse issues. Patient A reported that in 2014 she received acupuncture from the Respondent.

6. The Respondent was an instructor at Facility A, and, in the fall of 2018, she was a student in the Respondent's class. Patient A became an Acupuncture patient of the Respondent in the fall of 2018 as well. During treatment Respondent and Patient A discussed that demons or outside forces might be affecting Patient A in her fight against substance abuse and addiction.

7. Patient A claimed that the Respondent contacted her excessively day and night with text messages. She alleged that the Respondent claimed that she was Jesus Christ

¹ For confidentially purposes, the names of patients and medical facilities will not be identified in this Consent Order.

and God was talking to her and that Patient A was Judas. Patient A also alleged that the Respondent kissed her on the forehead during an acupuncture session.

8. Patient A alleged that on multiple occasions the Respondent invited Patient A to her home or treatment center to talk. Patient A also alleged that the Respondent asked her to bring friends and family members to her for acupuncture treatment.

9. In furtherance of its investigation the Board requested Patient and personnel records pertinent to the case and interviewed Patient A and the Respondent.

10. On May 31, 2019, Board staff interviewed Patient A under oath about the allegations in her Complaint.

11. Patient A stated that she met the Respondent in 2014 at a private acupuncture practice, where she received treatment from the Respondent for a short period of time.

12. Patient A alleged that the Respondent repeatedly stated that Patient A had a demon attached to her, and the Respondent was the only one who could help her. Patient A stated that she was uncomfortable and discontinued treatment.

13. Patient A stated that in the fall of 2018 the Respondent insisted she was receiving messages from God for Patient A and that she needed to work with her “spiritually.” Patient A saw the Respondent for several acupuncture treatments, where the Respondent claimed that she saw a demon attached to Patient A and referred to Patient A as “Judas.”

14. Patient A reported that she met with the Respondent at her home, where the Respondent explained that she was “Jesus Christ” and Patient A was “Judas.”

15. The Respondent said that she believed in reincarnation and the Respondent and Patient A discussed past lives during treatment and in text messages outside of treatment sessions. Patient A said that the Respondent implied that she had been Jesus Christ in a prior life and that she believed Patient A was Judas, the disciple who betrayed Jesus, a reference to the Bible's New Testament.

16. Patient A claimed that the Respondent often referred to herself as an "energy healer," and told Patient A not to discuss Respondent's practices with any other practitioners of acupuncture "because they won't understand."

17. Patient A claimed that the Respondent sent her numerous text messages at all times of the day and night. Patient A provided the Board with copies of hundreds of the text messages.

18. Board staff reviewed the messages and noted that from September 6, 2018 to December 7, 2018, the Respondent and Patient A corresponded 339 times via text messages. Respondent authored 197 of those text messages. On October 5, 2018, between 8:05 pm and 11:36 pm the Respondent sent Patient A 58 text messages. On Saturday, October 6th, the Respondent sent 43 text messages, and on Sunday, October 7th, the Respondent sent 18 messages to Patient A.

19. Patient A reported that on September 6, 2018, she received a number of text messages from the Respondent encouraging her to take acupuncture treatments, including the following message:

You are stronger than that the entity. And it's time for it to go, so you can do what you are here to do. Don't let it get scared of me. (because it should be.) And yes we can talk. It's better you come in regularly at a discounted rate if

that's what you need to do. So we get you strong enough to stop getting repossessed. Last time you kept getting repossessed. Well we can chat more tomorrow. We will take however much time we need. If you have it to spare. I've been waiting a long time to get rid of this thing so I'm committed lol...

20. Patient A stated that she was uncomfortable with the Respondent's intense attention because the Respondent was her instructor and the Title IX Coordinator and Risk and Compliance Manager for Facility A. Patient A stated that she was afraid that if she rejected the Respondent's contacts she might be penalized or unfairly graded.

21. On October 8, 2018, Patient A texted the Respondent and explained to the Respondent that their therapeutic relationship was not working out and she was concerned that continued participation would jeopardize her sobriety. She informed the Respondent that she wanted to stop the treatment and cease communicating with her.

22. The Respondent and Patient A continued to text for almost two months. The Respondent writing that she had received a message from God that she should speak to Patient A.

23. Subsequently, Patient A filed a complaint with Facility A and the Department of Education complaining about the Respondent's behavior.

24. Board staff conducted an interview with the Respondent under oath. According to the Respondent, she started acupuncture treatment with Patient A, a former client in September 2018. At that time Patient A was a student in an acupuncture class she taught at Facility A.

25. The Respondent stated that Patient A approached her and requested acupuncture treatments. She stated that she recalled having 4-5 sessions with Patient A,

which took place at an office she shared with others. She stated that she did meet with Patient A at her home office one time because Patient A was anxious and wanted to talk.

26. The Respondent acknowledged that she may have told Patient A that Patient A had a demon attached. The Respondent stated that acupuncture practitioners commonly treat patients for “internal dragons/demons or external dragons/demons,” and that it would not have been unusual to tell Patient A that she was being treated for “demon” possession.

27. The Respondent further explained that Patient A “claimed that she had a succubus, which is a demon that sexually assaults you...” The Respondent indicated that she believed that she treated Patient A appropriately based on her complaints.

28. The Respondent did not deny that she sent Patient A 197 text messages in the Fall of 2018, and did not offer an explanation, except that she frequently sends text messages to clients.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Respondent is guilty of unprofessional conduct in the practice of acupuncture, in violation of Health Occ. § 1A-309(3); knowingly violated a provision of this title or any rule or regulation of the Board adopted under this title, in violation of Health Occ. § 1A-309(6); and engaged in a course of conduct that is inconsistent with generally accepted professional standards in the practice of acupuncture, in violation of Health Occ. § 1A-309(17). The Board additionally finds that Respondent violated the Board’s regulations pertaining to professional boundaries, under COMAR 10.26.03.05.

ORDER

It is thus by the Maryland State Board of Acupuncture, hereby:

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

ORDERED that that the Respondent is placed on **PROBATION** for a minimum of **ONE YEAR**. During probation, the Respondent shall comply with the following terms and conditions of probation:

(1) Within **SIX MONTHS**, the Respondent is required to take and successfully complete a Board-approved course in professional boundaries. The following terms apply:

- (a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;
- (b) the disciplinary panel will not accept a course taken over the internet;
- (c) the Respondent must provide documentation to the Board that the Respondent has successfully completed the course;
- (d) the course may not be used to fulfill the continuing education credits required for license renewal;
- (e) the Respondent is responsible for the cost of the course.

(2) Within **ONE YEAR** the Respondent is subject to a chart review conducted by the Board as follows:

- (a) the Respondent shall cooperate with the chart review process;
- (b) if the Board, upon consideration of the chart review and the Respondent's response, if any, determines that the Respondent is meeting the standards of professional boundaries and recordkeeping in her practice, the Board shall consider the chart review condition of the Consent Order met;
- (c) a chart review indicating that the Respondent has not met professional boundaries or has failed to keep adequate records may be deemed, by the Board, a violation of probation and/or a violation of Health Occ. § 1A-309(a)(6) and/or (17).

ORDERED that the Respondent shall not apply for early termination of probation; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of

probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Respondent may be required to appear before the Board to discuss her petition for termination. The Board may grant the petition to terminate the probation, through an order of the Board, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

ORDERED that a violation of probation constitutes a violation of the Consent Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the Board determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before the Board; and if the Board determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the

terms and conditions of this Consent Order; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Board's Chair or the Executive Director of the Board, and it is further

ORDERED that this Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607 and Gen. Prov. § 4-333(b)(6).

March 3, 2020
Date

Thomas Ingegno, L.Ac.
Thomas Ingegno, L.Ac., Chair
Maryland State Acupuncture Board

CONSENT

I, Jennifer Yocum, L.Ac. acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the Board will not entertain any request for amendments or modifications to any condition.

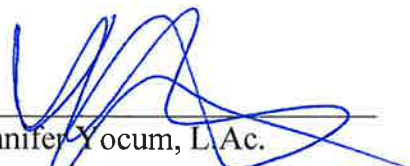
I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 1A-310 and Md. Code Ann., State Gov't §§ 10-201 et seq. concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability 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 behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

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

2/24/20
Date



Jennifer Yocum, L.Ac.
Respondent

NOTARY

STATE OF MD
CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 24th day of FEBRUARY 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Jennifer Yocum, L.Ac., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Robert C. Arnold
Notary Public

My Commission expires: 3/21/2024

