

MAR 12 2001

**CONSENT AGREEMENT
BETWEEN
GUANG LIANG, ACUPUNCTURIST
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between GUANG LIANG, ACUPUNCTURIST, and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code, and Chapter 4762., Ohio Revised Code.

GUANG LIANG, ACUPUNCTURIST, enters into this CONSENT AGREEMENT being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

BASIS FOR ACTION

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4762.13, Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4762.13(B)(2), Ohio Revised Code, "failure to comply with the requirements of this Chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board," to wit: Section 4731.41, Ohio Revised Code, and, for conduct occurring on or after August 10, 2000, Section 4762.02, Ohio Revised Code.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4762.13(B)(2), Ohio Revised Code, as set forth in Paragraph D below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4762. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. GUANG LIANG, ACUPUNCTURIST, has submitted an application for registration as an acupuncturist in the State of Ohio.
- D. GUANG LIANG, ACUPUNCTURIST, ADMITS that he practiced acupuncture, as defined by Section 4762.01, Ohio Revised Code, in Ohio

from 1994 until in or about November 2000, without either a license to practice medicine and surgery or a certificate of registration to practice acupuncture. MR. LIANG further ADMITS that during that time he used the title "doctor" in conjunction with his name.

Further, MR. LIANG STATES, and the STATE MEDICAL BOARD ACKNOWLEDGES, that he reported his practice as an acupuncturist during this period on his application for registration as an acupuncturist in the State of Ohio, and that his use of the title "doctor" was reflected in documents submitted in conjunction with his application. MR. LIANG further STATES that he ceased practicing acupuncture and using the title "doctor" upon being provided a copy of Chapter 4762., Ohio Revised Code, by an Investigator for the State Medical Board of Ohio.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, GUANG LIANG, ACUPUNCTURIST, shall be granted a certificate of registration as an acupuncturist in the State of Ohio, and knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

REPRIMAND

1. MR. LIANG shall be and hereby is REPRIMANDED.

PROBATION

2. Further, MR. LIANG's certificate of registration as an acupuncturist in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of at least three (3) years:
 - a. MR. LIANG shall obey all federal, state and local laws, and all laws and rules governing the practice of acupuncture in Ohio;
 - b. MR. LIANG shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. The first quarterly declaration must be received in the BOARD's offices on the first day of the third month following the month in which the CONSENT AGREEMENT becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD's offices on the first day of the fourth month following. Subsequent quarterly

declarations must be received in the BOARD's offices on or before the first day of every third month;

- c. MR. LIANG shall appear in person for interviews before the BOARD or its designated representative every six months, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first appearance is scheduled for February, but based upon the acupuncturist's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for August, six months after the appearance as originally scheduled.) Although the BOARD will normally give MR. LIANG written notification of scheduled appearances, it is MR. LIANG's responsibility to know when personal appearances will occur. If he does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, MR. LIANG shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

- d. In the event that MR. LIANG should leave Ohio for three (3) continuous months, or reside or practice outside the State, MR. LIANG must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT;
- e. In the event MR. LIANG is found by the Secretary of the BOARD to have failed to comply with any provision of this CONSENT AGREEMENT, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under the CONSENT AGREEMENT;

Monitoring Physician

- f. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MR. LIANG shall submit for the BOARD's prior approval the name of a monitoring physician, who shall review MR. LIANG's patient charts and shall submit a written report of such review to the BOARD on a quarterly basis. This review must include an evaluation of MR. LIANG'S compliance with the BOARD's laws and rules relating to the practice of acupuncture, as well as a review for appropriate care. In

approving an individual to serve in this capacity, the BOARD will give preference to a physician who practices in the same locale as MR. LIANG. Such chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the BOARD. It shall be MR. LIANG's responsibility to ensure that the monitoring physician's quarterly reports are submitted to the BOARD on a timely basis;

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, MR. LIANG must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician within thirty (30) days of such notification. MR. LIANG shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefore;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for MR. LIANG's quarterly declaration. It is MR. LIANG's responsibility to ensure that reports are timely submitted;

Required Reporting by Licensee

- g. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MR. LIANG shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, MR. LIANG shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments;
- h. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, MR. LIANG shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. MR. LIANG further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, MR. LIANG shall provide this

BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt;

VIOLATION OF PROBATIONARY TERMS

- i. MR. LIANG AGREES that if any declaration or report required by this CONSENT AGREEMENT is not received in the BOARD's offices on or before its due date, MR. LIANG shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41, Ohio Revised Code, and/or Section 4762.02, Ohio Revised Code;

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the BOARD, MR. LIANG appears to have violated or breached any term or condition of this CONSENT AGREEMENT, the BOARD reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this CONSENT AGREEMENT.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that MR. LIANG has violated any term, condition or limitation of this CONSENT AGREEMENT, MR. LIANG agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4762.13(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

MR. LIANG shall not request termination of the probationary terms, conditions and limitations contained in this CONSENT AGREEMENT for a minimum of three (3) years. MR. LIANG shall not request modification to the probationary terms, conditions and limitations until he has completed at least one (1) year of probation. Otherwise, the above described probationary terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

MR. LIANG acknowledges that he has had an opportunity to ask questions concerning the terms of this CONSENT AGREEMENT and that all questions asked have been

answered in a satisfactory manner.

Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

MR. LIANG hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

EFFECTIVE DATE

It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and that it shall become effective upon the last date of signature below.



GUANG LIANG, ACUPUNCTURIST



ANAND G. GARG, M.D.
Secretary

3/9/01

DATE

3/14/01

DATE



SHANNON L. MCEANENEY, ESQ.
Attorney for Mr. LIANG



RAYMOND J. ALBERT
Supervising Member

3/9/01

DATE

3/14/01

DATE



ANNE B. STRAIT, ESQ.
Assistant Attorney General



DATE