

IN THE MATTER OF
STACEY HACHENBERG, L.Ac.

Respondent,

License Number: U01067

* * * * *

* BEFORE THE
* MARYLAND STATE
* ACUPUNCTURE BOARD
* Case No.: 2011-05

CONSENT ORDER

On or about August 30, 2011, the Maryland State Acupuncture Board (the "Board") issued charges against the acupuncture license held by **STACEY HACHENBERG, L.Ac., License No. U01067, (the "Respondent")**, pursuant to the Maryland Acupuncture Act (the "Act"), Md. Code Ann., Health Occ. §§ 1A-101, *et seq.* (2009 Repl. Vol.) for engaging in a sexual relationship with a former patient.

A Case Resolution Conference ("CRC") was held with the Respondent and members of the Board on September 22, 2011. Thereafter the Board and the Respondent agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant to this Consent Order, the Respondent was licensed to practice acupuncture in the State of Maryland. The Respondent was initially licensed on July 10, 2001, having been issued License Number U01067. The Respondent's license is currently active and is scheduled to expire on November 30, 2012.

2. At all times relevant to the charges herein, the Respondent owned a private acupuncture practice located at 8 Greenspring Valley Road, Suite 100, Owings Mills, Maryland 21117.

3. On or about January 28, 2010, the Board received a complaint from Patient A¹, a former patient of the Respondent. In her complaint, Patient A alleged that she and the Respondent engaged in a sexual relationship from September 2006 until June 2009.

4. Thereafter, the Board initiated an investigation.

5. Patient A, a female born in 1969, began seeing the Respondent in December 2005 for the treatment of tongue pain.

6. The Respondent began treating Patient A on a weekly basis, and they developed a friendship. Patient A also assisted a friend of the Respondent with an adoption.

7. In September 2006, Patient A confessed to the Respondent that she had romantic feelings for her. At the time, Patient A was married and was conflicted about her sexuality.

8. During the Respondent's interview with the Board's investigator, the Respondent stated that her treatment of Patient A ceased after she learned of Patient A's romantic feelings toward her. The Respondent stated that she then also provided Patient A with names of other providers for further treatment.

9. Thereafter, Patient A stated that she and the Respondent became involved in a romantic relationship that continued until June 2009.

10. During the Respondent's interview with the Board's investigator, she admitted to having a sexual relationship with Patient A.

¹ The name of the patient and other individuals identified herein are confidential. The Respondent may obtain the names of these individuals by contacting the Administrative Prosecutor.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 1A-309 (3) ("Is guilty of immoral or unprofessional conduct in the practice of acupuncture"), 1A-309(6) ("Knowingly violates any provision of this title or any rule or regulation of the Board adopted under this title), 1A-309(16) ("Commits any act of gross negligence, incompetence, or misconduct in the practice of acupuncture"), 1A-309(17) (Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of acupuncture"), and COMAR 10.26.03.05B ("The licensee may not...[e]ngage in a sexually intimate act with a patient").

ORDER

Based on an affirmative vote of the Board, it is this 27th day of October, 2011, hereby:

ORDERED that the Respondent's license to practice acupuncture shall be suspended for six (6) months, with all but six (6) weeks stayed, which shall commence on November 1, 2011²; and be it further

ORDERED that during the period of active suspension, the Respondent may not have any client contact that involves:

- (1) the practice of acupuncture, whether it is for the purpose of obtaining diagnostic information to make a referral or any other aspect of the practice of acupuncture;
- (2) the insertion of needles;
- (3) the performance of zero balancing;
- (4) the performance of acupressure or massage;
- (5) providing client counseling; or
- (6) patient counseling related to any of the above modalities; and be it further

² Should the Respondent fail to sign the Consent Order by November 1, 2011, the effective date will be date on which the Board executes the signed and notarized original received from the Respondent.

ORDERED that during the period of active suspension, the Respondent may provide consultation to other acupuncturists, provided such consultation:

- (1) is limited to herbal treatments;
- (2) is provided only to the acupuncturists in the Respondent's existing practice;
- (3) is provided only on an "as needed" basis;
- (4) is limited to current clients in the Respondent's existing practice; and
- (5) does not include treatment or direct patient contact;

and be it further

ORDERED that during the period of active suspension³, the Respondent shall successfully complete a Board-approved ethics course, which shall:

- (1) include a focus on sexual misconduct;
- (2) be completed in addition to the continuing education courses that are required for licensure renewal; and
- (3) be paid for by the Respondent;

and be it further

ORDERED that upon successful completion of the Respondent's active suspension, the Respondent may petition the Board for reinstatement of the Respondent's license in accordance with Md. Code Ann., Health Occ. § 1A-312 and its corresponding regulations; and be it further

ORDERED that upon reinstatement of the Respondent's license, said license shall be placed on **PROBATION** for a period of **TWELVE (12) MONTHS**, during which time the Respondent shall:

- (1) write a 1,000-word report, for possible anonymous publication in the Board's newsletter, regarding boundary violations and sexual misconduct in the practice of acupuncture;

³ The Respondent has already completed this requirement to the Board's satisfaction.

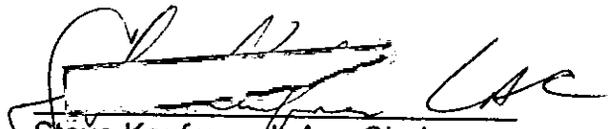
- (2) meet quarterly with a Board-approved acupuncturist mentor in order to address ethical and boundary issues the Respondent has encountered in her practice during the previous quarter and how she has sought to resolve them, which mentor shall provide the Board with a report at the conclusion of the probationary period describing the Respondent's progress in this endeavor; and
- (3) incur the costs associated with these probationary terms;

and be it further

ORDERED that should the Respondent fail to comply with the any of the terms and/or conditions of this Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing, may impose additional sanctions against the Respondent's license, including revocation or suspension; and be it further,

ORDERED that this Consent Order is a formal order of the Maryland Board of Acupuncture and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-617(h) (2009 Repl. Vol. and 2010 Supp.).

Oct 27, 2011
Date of Acceptance


Steve Kaufman, L.Ac., Chair
Maryland Board of Acupuncture

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter.
3. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel.
6. I fully understand the language, meaning, and effect of this Consent Order.

October 21, 2011
Date

[Signature]
Stacey Hachenberg, L.A.S.

STATE OF MARYLAND
COUNTY/CITY OF Baltimore :

I hereby certify that on this 21st day of October, 2011, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared STACEY HACHENBERG, and made an oath in due form that the foregoing Consent was her voluntary act and deed.

[Signature]
Notary Public
My commission expires: 8/29/2013