

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine  
Committee on Acupuncture  
Adjudicatory No. 2014-004

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In the Matter of )  
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**STEPHEN P. DOWN, Lic. Ac.** )  
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**STATEMENT OF ALLEGATIONS**

The Board of Registration in Medicine's Committee on Acupuncture (COA) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the COA. The COA therefore alleges that Stephen P. Down (Respondent) has practiced acupuncture in violation of law, regulations, or good and accepted practice as set forth herein. The investigative docket number associated with this order to show cause is Docket No. AC13-001.

Biographical Information

1. The Respondent was born on September 26, 1942. He graduated from the New England School of Acupuncture in 1994. He has been licensed to practice acupuncture in Massachusetts since 1994, under certificate number 457. He maintained a private acupuncture practice in Danvers, Massachusetts until November, 2012.

Factual Allegations

2. The Respondent's license to practice acupuncture expired on September 26, 2008.

3. The Respondent submitted a renewal application for licensure to practice acupuncture on October 2, 2008.

4. On October 3, 2008, licensing staff at the Board of Registration in Medicine (Board), emailed the Respondent and told him that he needed to submit his continuing acupuncture education information and that he could not practice acupuncture until his license was renewed.

5. The Respondent did not provide this information, and his license was not renewed.

6. In 2008, the Respondent knew that his license to practice acupuncture had expired.

7. From September 26, 2008 until November 2012, the Respondent continued to practice acupuncture without a license, as a full-time acupuncturist at North Shore Acupuncture.

8. The Board received the Respondent's completed lapsed license application on February 26, 2013.

#### Facts in Mitigation

9. In 2008, the Respondent had serious health issues. During this time, the Respondent did not focus on his license status.

10. In 2010, the Respondent was responsible for taking care of his parents during the final months of their lives, and was responsible for settling their estate when they died. During this time, the Respondent did not focus on his license status.

11. From 2010 through 2012, the Respondent took continuing education courses.

#### Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, §158(b) and 243 CMR 4.03(5)(a)2, the COA may discipline an acupuncturist upon proof satisfactory to a majority of the COA, that said acupuncturist committed an offense against a provision of the laws of the Commonwealth

relating to the practice of acupuncture, or a rule or regulation adopted thereunder. More specifically: G.L. c. 112, §156, which requires that every renewal applicant file a renewal application and pay a fee.

B. Pursuant to 243 CMR 4.03(5)(a)8, the COA may discipline an acupuncturist upon proof satisfactory to a majority of the COA, that said acupuncturist continued to practice while his registration had lapsed.

The COA has jurisdiction over this matter pursuant to G.L. c. 112, § 158. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01 et seq.

#### Nature of Relief Sought

The COA is authorized and empowered to order appropriate disciplinary action, which may include revocation, suspension or cancelation of the Respondent's license to practice acupuncture. The COA may also order, in addition to or instead of revocation, suspension or cancelation, one or more of the following: censure, reprimand, fine, the performance of uncompensated public service, a course of education or training, other discipline, or place restrictions on the Respondent's practice of acupuncture.

#### Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the COA

should not discipline the Respondent for the conduct described herein.

By the Committee on Acupuncture,



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Weidong Lu, Lic. Ac.  
Committee Chair

Date: *January 16, 2014*

SENT CERTIFIED MAIL 1/17/14 *mg*