

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine  
Committee on Acupuncture  
Adjudicatory No. 2014-004\_\_\_\_\_  
In the Matter of )  
)  
)STEPHEN P. DOWN, Lic. Ac. )  
\_\_\_\_\_)**CONSENT ORDER**

Pursuant to G.L. c. 30A, §10, Stephen P. Down, Lic. Ac. (Respondent) and the Committee on Acupuncture (COA) (hereinafter referred to jointly as the "Parties") agree that the COA may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the COA may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. AC 13-001.

**Findings of Fact**

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.
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.

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#### 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.

#### Conclusions of Law

A. The Respondent has violated G.L. c. 112 §158(b) and 243 CMR 4.03(5)(a)2 in that he 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, to wit: G.L. c. 112, §156, which requires that every renewal applicant file a renewal application and pay a fee.

B. The Respondent has violated 243 CMR 4.03(5)(a)8, by continuing to practice acupuncture while his license had lapsed.

Sanction and Order

The Respondent is hereby reprimanded. The Respondent is required to pay a \$2,000 fine within ten (10) days of the date on which the COA approves the Consent Order.

Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments, within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: Any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices acupuncture; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices acupuncture there; and the state licensing boards of all states in which he has any kind of license. The Respondent shall also provide this notification to any such designated entities with which he becomes associated in the year following the date of imposition of this Consent Order. The Respondent is further directed to certify to the COA within ten (10) days that he has complied with this directive.

The COA expressly reserves the authority to independently notify, at any time, any

of the entities designated above, or any other affected entity, of any action it has taken.

Stephen P. Down

Licensee

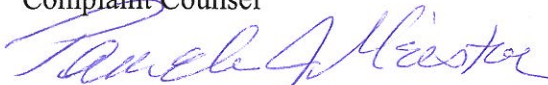


Date

12/18/2013

Pamela J. Meister

Complaint Counsel



Date

12/19/2013

So ORDERED by the Committee on Acupuncture, this 16<sup>th</sup> day of January, 2014.



Weidong Lu, Lic. Ac.  
Committee Chair

SENT CERTIFIED MAIL 11/17/14 mg