

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF ACUPUNCTURE  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

RONG YI LIU, R.Ac.  
License No. 54-01-000005

Complaint No. 54-14-131526

Respondent.

\_\_\_\_\_ / CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Acupuncture on August 13, 2014, charging Rong Yi Liu, R.Ac.

(Respondent) with having violated sections 16221(a), (b)(i) and (h) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.* and 2011 AACS, R 338.13050.

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(a) and (h) of the Public Health Code and Mich Admin Code, R 338.13050.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for a period of one year commencing on the effective date of this order. Reduction of the probationary period shall occur only while Respondent is employed as an acupuncturist. Respondent shall be automatically discharged from probation at the end of the probationary period provided the Department has received satisfactory written evidence that Respondent has successfully complied with the terms of this order. The terms and conditions of the probation, which Respondent must complete within the period of probation, are as follows:

- A. DELEGATING PHYSICIAN CONTRACT. Respondent shall submit to the Department a certified copy of the delegation contract between Respondent and his delegating physician within thirty days of this order becoming effective. This contract must include provisions specifying that the delegating physician (1) has continuous availability to communicate with Respondent by radio, telephone, facsimile, electronic mail, or other communication device; (2) reviews Respondent's practice on a regular basis; (3) provides consultation to Respondent; and (4) reviews Respondent's patient records on a regular basis.
- B. DELEGATION CONTRACT CHANGE. Should Respondent's delegation contract with his delegating physician change in anyway, Respondent shall submit a certified copy of the new contract to the Department within 15 days of the change. The new delegation contract must include the provisions specified above.
- C. DELEGATING PHYSICIAN CHANGE. Should Respondent's delegating physician change, he must submit a certified copy of the delegation contract between Respondent and the successor physician within 15 days of the change. The contract must include the provisions specified above.
- D. EMPLOYMENT CHANGE. Respondent shall report to the Department in writing any and all changes in his employment within 15 days of such change. Respondent shall provide copies of this order and the complaint dated August 13, 2014, to each

successor employer in any position in which he is working as an acupuncturist.

- E. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.
- F. CONTINUING EDUCATION CREDITS. Respondent shall successfully complete a continuing education course in the area of record keeping. The credit hours for this course shall not count toward the number of credit hours required for license renewal. Respondent must seek and obtain advance approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for approval of a course and proof of successful completion of a course to the Department at the address set forth below.
- G. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN. Periods of residency and practice outside Michigan shall not reduce the probationary period of this order. Respondent shall report any change of residency or practice outside Michigan to the Department within 15 days after the change occurs. Compliance with this provision does not satisfy the requirements of section 16192(1) and 16171(f) of the Public Health Code regarding Respondent's duty to report name or mailing address changes to the Department.
- H. REPORT OF NON-EMPLOYMENT. If, at any time during the period of probation, Respondent is not employed as an acupuncturist, he shall file a report of non-employment with the Department. Respondent shall file this report within 15 days after becoming unemployed. Respondent shall continue to file reports of non-employment on a quarterly basis until he returns to practice as an acupuncturist. If Respondent subsequently returns to practice as an acupuncturist, he shall notify the Department of this fact within 15 days after returning to practice.

The Department or its authorized representative may periodically contact Respondent's delegating physician to inquire as to Respondent's work performance. By accepting the terms of this consent order and stipulation,

Respondent has authorized the release of all necessary records and information.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED ONE THOUSAND AND 00/100 (\$1,000.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 54-14-131526 clearly indicated on the check or money order) within sixty (60) days from the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Sanction Monitoring, Bureau of Health Care Services, Enforcement Division, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

Count II of the complaint, alleging a violation of section 16221(b)(i) of the Public Health Code, is DISMISSED.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Sanction Monitoring, Bureau of Professional Licensing, Regulatory and Compliance Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 11-17-15

MICHIGAN BOARD OF ACUPUNCTURE

By 

Kim Gaedeke, Director

Bureau of Professional Licensing

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee David Krofcheck, O.M.D., R.Ac. Mr. Krofcheck or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.


4. Mr. Krofcheck and the parties considered the following factors in reaching this agreement:

- A. Since the filing of this Administrative Complaint, Respondent created a delegation contract to solidify a physician-acupuncturist delegation relationship.

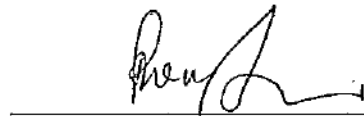
5. This consent order incorporates the conditions of a counteroffer made by the Disciplinary Subcommittee at its meeting held on July 17, 2015.

By signing this stipulation, the parties confirm that they have read,  
understand and agree with the terms of the consent order.

AGREED TO BY:

  
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Jessica A. Taub (P77540)  
Assistant Attorney General  
Attorney for Complainant  
Dated: 11/12/15

AGREED TO BY:

  
\_\_\_\_\_  
Rong Yi Liu, R.Ac.  
Respondent  
Dated: Nov/12/2015

LF: 2014-0094531-A/Liu, Rong Yi, R.Ac. 131526 -- Consent Order -- 2015-08-05 counteroffer