

IN THE MATTER OF	*	BEFORE THE
DONNA ACREE, N.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: J00023	*	Case Number: 2017-0160A
* * * * *	*	* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On December 15, 2016, the Maryland State Board of Physicians (the "Board") charged **DONNA ACREE, N.D.**, License Number J00023 (the "Respondent"), with violating the Maryland Naturopathic Medicine Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-5F-01 *et seq.* (2014 Repl. Vol. and 2015 Cum. Supp.) and Md. Code Regs. ("COMAR") 10.32.21.01 *et seq.*

Specifically, the Board charged the Respondent with violating the following provisions of the Act and COMAR:

Health Occ. II § 14-5F-10. Licensing.

(a) *In general.* -- Beginning March 1, 2016, except as otherwise provided in this subtitle, an individual shall be licensed by the Board before the individual may practice naturopathic medicine in this State.

Health Occ. II § 14-5F-29. Unlicensed practice prohibited.

(a) *In general.* -- Except as otherwise provided in this subtitle, a person may not practice, attempt to practice, or offer to practice naturopathic medicine in this State without a license.

Health Occ. II § 14-5F-30. Unauthorized practice -- Representations to public.

(a) *In general.* -- Unless an individual is licensed to practice naturopathic medicine, the individual may not:

- (1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is licensed by the Board to practice naturopathic medicine;
- (2) Use the title "doctor of naturopathic medicine", "doctor of naturopathy", "naturopathic doctor:", or "naturopath"; or
- (3) Use the initials "N.D.", "ND", "NMD", or "N.M.D." after the name of the individual.

COMAR 10.32.21 Licensure, regulation and discipline of naturopathic doctors.

16. Unauthorized Practice of Naturopathic Medicine and Title and Identification as Naturopathic Doctor.

- A. Except as otherwise provided in this chapter, an individual may not practice, attempt to practice, or offer to practice naturopathic medicine in this State without a license. An individual who violates this section:

...

- (2) Is subject to a civil fine of no more than \$50,000 to be levied by the Board.

- B. Unless an individual is licensed to practice naturopathic medicine, the individual may not:

- (1) Represent to the public by title, by description, of service, methods, or procedures, or otherwise, that the individual is licensed by the Board to practice naturopathic medicine;
- (2) Use the title "doctor of naturopathic medicine", "doctor of naturopathy", "naturopathic doctor", or "naturopath"; or
- (3) Use the initials "N.D.", "ND", "NMD", or "N.M.D." after the name of the individual.

On March 8, 2017, the Respondent appeared before Disciplinary Panel A ("Panel A"), sitting as a Disciplinary Committee for Case Resolution. As a result of negotiations occurring before Panel A, the Respondent agreed to enter into the following Consent

Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. The Respondent submitted an Application for Licensure (the "Application"), dated June 23, 2016, to the Board to practice as a naturopathic doctor. The Board received the Application on or about June 29, 2016.

2. The Board issued the Respondent a license to practice as a naturopathic doctor on or about September 2, 2016.

3. In her Application, the Respondent reported that from "09/08 to current," she was employed as a naturopathic doctor at a health care facility in Maryland. The Respondent provided a written statement along with her Application in which she stated, "I have worked during these months as a wellness coach and naturopath. Specifically, I am an educator, discussing structure and function of the body and how specific lifestyles move a person towards health or away from health."

4. As a result of the disclosures the Respondent made in her Application, the Board initiated an investigation of this matter.

5. In furtherance of its investigation, the Board obtained and reviewed six patient records from the Respondent where she provided naturopathic medical services to patients.

6. Based on this investigation, the Board determined for the period beginning on or about April 7, 2016, and continuing until on or about September 2, 2016, the Respondent: practiced naturopathic medicine without a license; represented to the

public by title, description of services, methods, or otherwise, that she was licensed to practice naturopathic medicine; used the title(s), doctor of naturopathic medicine, doctor of naturopathy, naturopathic doctor, and/or naturopath; and/or used the initials "ND" after her name.

7. The Respondent's practice of naturopathic medicine without a license, for the period beginning on or about April 7, 2016, and continuing until on or about September 2, 2016, as described above, constitutes practicing naturopathic medicine in this State without a license, in violation of Health Occ. II § 14-5F-29 and COMAR 10.32.21.16A.

8. The Respondent's representation to the public, and/or in billing and patient records, for the period beginning on or about April 7, 2016, and continuing until on or about September 2, 2016, by title, description of services, methods, or otherwise, that she was licensed to practice naturopathic medicine; her use of the title(s), doctor of naturopathic medicine, doctor of naturopathy, naturopathic doctor, or naturopath; and/or her use of the initials "ND" after her name, without a license to practice naturopathic medicine, as described above, constitutes a violation of Health Occ. II § 14-5F-30 and COMAR 10.32.21.16B.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent: practiced naturopathic medicine in this State without a license, in violation of Health Occ. II § 14-5F-29 and COMAR 10.32.21.16A; and represented to the public and in billing/patient records that she was licensed to practice naturopathic medicine, used the titles, doctor of naturopathic medicine, doctor of naturopathy,

naturopathic doctor, or naturopath, and used the initials "ND" after her name, without a license to practice naturopathic medicine, in violation of Health Occ. II § 14-5F-30 and COMAR 10.32.21.16B.

ORDER

It is, on the affirmative vote of a majority of the quorum of the Board, hereby:

ORDERED that within **ONE (1) YEAR**, the Respondent shall pay a civil fine in the amount of **THREE THOUSAND DOLLARS (\$3000.00)**, by money order or bank certified check, made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; and it is further

ORDERED that unless otherwise stated in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of the Board; and it is further

ORDERED that if the Board or Panel A determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact or a show cause hearing before the Board or Panel A if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or Panel A may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel A may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

04/04/2017
Date

Christine A. Farrelly
Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Donna Acree, N.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact, Conclusions of Law and Order.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

3/27/17
Date

Donna Acree
Donna Acree, N.D.
Respondent

Read and approved:

Herbert A. Dubin
Herbert A. Dubin, Esquire
Counsel for Dr. Acree

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF FREDERICK

I HEREBY CERTIFY that on this 27th day of MARCH,
2017, before me, a Notary Public of the foregoing State and City/County, did personally
appear Donna Acree, N.D., and made oath in due form of law that signing the foregoing
Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Harry L. Price
Notary Public

My commission expires: 12-7-2017



Harry L. Price
NOTARY PUBLIC
Frederick County
State of Maryland
My Commission Expires
December 7, 2017