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Pursuant to the authority granted to Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) under Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-5F-25 of the Maryland Naturopathic Medicine Act, Panel B hereby **ORDERS** Ishmael Anthony Murray (“the Respondent”), an unlicensed individual, to immediately **CEASE AND DESIST** the practice of naturopathic medicine as defined in Health Occ. § 14-5F-01(g).

The pertinent provision of the Naturopathic Medicine Act under which Panel B issues this Order provides the following:

**Health Occ. § 14-5F-25. Cease and desist orders.**

The Board may issue a cease and desist order for:

- (1) Practicing naturopathic medicine without a license or with an unauthorized person[.]

Naturopathic medicine is defined in pertinent part in **Health Occ. § 14-5F-01(g)** as follows:

- (1) “Naturopathic medicine” means the prevention, diagnosis, and treatment of human health conditions, injury, and disease using only patient education and naturopathic therapies and therapeutic substances recognized by the Council of Naturopathic Medical Education.
- (2) “Naturopathic medicine” includes:
  - (i) counseling;

(ii) The practice of mechanical science of healing, including mechanotherapy, articular manipulation, corrective and orthopedic gymnastics, hydrotherapy, electrotherapy, and phototherapy; and

(iii) The practice of the material sciences of healing, including nutrition, phototherapy, treatment by natural substances, and external applications.

The Naturopathic Medicine Act further provides:

**Health Occ. § 14-5F-14. Licenses - Authorization conferred.**

(a) a license authorizes a licensee, consistent with naturopathic education and training and competence demonstrated by passing the naturopathic physician licensing examination, to:

(1) Order and perform physical ... examinations for diagnostic purposes....

(2) Dispense or order natural medicines of mineral, animal, or botanical origin, including food, extracts of food, nutraceuticals, vitamins, amino acids, mineral, enzymes, botanicals and their extracts, botanical medicines, homeopathic medicines, and all dietary supplements and nonprescription drugs as defined by the federal Food, Drug, and Cosmetic Act that use various routes of administration, including oral, nasal, auricular, ocular, rectal, vaginal, transdermal, and intramuscular;

(3) Administer natural medicines of mineral, animal, or botanical origin including food, extracts of food, nutraceutical, vitamins, amino acids, minerals, enzymes, botanicals and the extracts, botanical medicines homeopathic medicines, and all dietary supplements and nonprescription drugs listed in the formulary using various routes of administration, including oral, nasal, auricular, ocular, rectal, vaginal, and transdermal;

...

(8) Perform naturopathic musculoskeletal mobilization.

## **INVESTIGATIVE FINDINGS**<sup>1</sup>

Panel B has reason to believe the following facts are true:

### **I. Background**

1. The Respondent is not and never has been licensed to practice naturopathic medicine in Maryland<sup>2</sup> or in any other state.
2. The Respondent does not have a doctorate degree in naturopathic medicine from an approved naturopathic medical program.
3. The Respondent does not hold any health professional license in Maryland or in any other state.
4. In or about 2013, the Respondent established a business known as “Quantum Wellness Group” in his residence in Baltimore County, Maryland.

### **II. Complaint**

5. On or about May 4, 2017, the Board received an anonymous written complaint from an acupuncturist/Chinese herbalist. The complainant stated that a new patient reported that they were taking “Chinese herbs prescribed by Dr. Murray.” The complainant stated concern that the Respondent refers to himself as a “doctor” but his website does not list any valid credentials, and that the patient was “certainly under the impression he is a doctor.” The complainant provided the Respondent’s name and website address.

### **III. Investigation**

6. On May 26, 2017, Board staff researched the Respondent’s “LinkedIn”

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<sup>1</sup> The statements regarding the Respondent’s conduct are intended to provide the Respondent with notice of the basis of the Cease and Desist Order. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

<sup>2</sup> Effective March 1, 2016, the Board began licensing Naturopathic doctors in Maryland.

page which listed the Respondent as an herbalist and CEO of Quantum Wellness Group. The Respondent listed his education as “Kings Park University,<sup>3</sup> Doctor of Medicine (M.D.), Traditional Chinese Medicine and Chinese Herbology, 2013-2017.”

7. On or about June 9, 2017, an investigator for the Board sent an email to the Respondent through the Quantum Wellness Group website, posing as an individual seeking treatment and cure for his type II diabetes. The Respondent’s return email stated, “this is Dr. Ishmael Murray from Quantum Wellness.” The response was signed “Dr. Ishmael Murray OMD,<sup>4</sup> CHP.”<sup>5</sup> A second email response from the Respondent was signed “Dr. Murray.”

8. Board staff obtained a recording of a radio interview of the Respondent from October 19, 2016, called “How to Eat with the Season of the Year,” in which the Respondent stated, on two occasions, that “people affectionately call me ‘Dr. Ishmael Murray.’” The Respondent stated that he is an “herbalist” and practices classical Chinese medicine. He referred to his clients as “patients,” and used the phrase, “I diagnose based on patterns...”

9. On or about September 14, 2017, the Board applied to the District Court for Baltimore County for a Search and Seizure Warrant (“the Warrant”) since the Respondent is not a licensed health professional and his office is in a private residence.

10. On September 15, 2017, a Judge in the District Court for Baltimore

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<sup>3</sup> There is a Kings’ Park University in Alexandria, Virginia which offers a master’s degree in Acupuncture and Oriental Medicine.

<sup>4</sup> There is no legitimate title of “OMD.” The Respondent may have created this to be an acronym for “oriental medicine doctor.”

<sup>5</sup> There is no legitimate title of “CHP.” The Respondent may have created this to be an acronym for “certified health practitioner.”

County issued the Warrant, authorizing Board staff to enter the premises and seize designated items.

**A. Results of Search and Seizure**

11. On September 21, 2017, Board staff entered the Respondent's office in his residence, pursuant to the Warrant, and informed the Respondent that he was under investigation for practicing naturopathic medicine without a license.

12. On September 21, 2017, pursuant to the Warrant, Board staff obtained the following documents from the Respondent's office:

- a. Three boxes containing approximately 500 medical records;
- b. One box of 5 medical records of "patients" who are deceased; and
- c. The Respondent's 2017 professional appointment book.

13. While on the premises, Board staff took approximately 68 photographs in the Respondent's office. The photographs revealed:

- a. Two white laboratory coats with the name "Dr. Ishmael Murray Quantum Wellness" embroidered on the upper chest pocket;
- b. Numerous glass vials and bottles of what appeared to be naturopathic substances;
- c. An invoice for "magnesia phosphorica, sulphur, dulichos pruriens, and aconitum napellus" from a company in Berkley Springs, West Virginia, which sells naturopathic substances;
- d. An examination table;
- e. Small flat boxes labeled "Bacteria Kit," "Lymphoma/Blood/Spleen kit," and "Urinary Bladder/Endocrine system";
- f. A bag of botanical herbs labeled "Memory Elixir/Medicinal Liquor Packet";
- g. Notepads with the words "Quantum Wellness" and "Dr. Ishmael Anthony Murray, Master Herbalist" printed on the top of the page and the name and address of a nutrition center printed on the bottom of the page;

- h. A package of 100 “Sterile Acupuncture Needles with Guide Tube”;
- i. Framed wall certificates from:<sup>6</sup>
  - i. The “Washington Institute of Natural Medicine,” certifying Respondent as a “Holistic Nutrition Practitioner”;
  - ii. A program by a Maryland licensed acupuncturist certifying that the Respondent earned 69 professional activity points for participation in “Chinese Herbs and Formulas”;
  - iii. The “American Naturopathic and Holistic Association of Arlington, Virginia” certifying that the Respondent has completed “Holistic Nutrition Certification”;
  - iv. “Elite Health Care” certifying that the Respondent has completed two sessions in Iridology;
  - v. “American Herbalists Guild”;
  - vi. “Washington Institute of Natural Medicine” certifying that the Respondent is recognized as an Acupressure Practitioner; and
  - vii. “American Naturopathic and Holistic Association” recognizing the Respondent has completed Acupressure Certification;
- j. Boxes of disposable gloves; and
- k. A list of services including “allergy testing and holistic counseling.”

**B. Admissions by Respondent**

14. On November 16, 2017, pursuant to a Board subpoena, the Respondent was interviewed by Board staff. The Respondent testified to the following:

- a. He does not hold any medical, dietetic, or acupuncture licenses;
- b. He holds a certificate for Chinese Herbal Medicine and for Tui Na,<sup>7</sup> which is Asian body work, a certificate in nutritional counseling, and a certificate in acupressure;
- c. He spent one year in China studying Chinese herbs and medicine;

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<sup>6</sup> None of these certificates are from an “approved naturopathic medical program” as defined in Health Occ. § 14-5F-01.

<sup>7</sup> Tui na (Tuina), a form of Chinese manipulative therapy often used in conjunction with acupuncture, is a hands-on body treatment that uses Chinese Taoist principles in an effort to bring the eight principles of Traditional Chinese Medicine (TCM) into balance. The practitioner may brush, knead, roll, press, and rub the areas between each of the joints, known as the eight gates, to attempt to open the body's defensive chi (Wei Qi) and get the energy moving in the meridians and the muscles.

- d. He established Quantum Wellness Group approximately four years ago (2013), which he describes as “alternative holistic treatment”;
- e. He uses biofeedback (applied kinesiology<sup>8</sup> or muscle response testing) to perform an assessment, which the Respondent states is not a medical diagnosis;
- f. He provides “nutritional support and counseling” from a Chinese medicine perspective;
- g. He provides herbs and sends his patients to an herbal pharmacy to purchase herbs that he has recommended. He does not tell patients to discontinue allopathic medicines that have been prescribed by their doctor;
- h. He does not do acupuncture;<sup>9</sup>
- i. His patients present with diagnoses of diabetes, hypertension, arthritis, cancer, Lupus, multiple sclerosis, and the common cold;
- j. He does not perform a physical examination as would be done by a physician; he does a Chinese medicine examination looking at the tongue, feeling the pulse, smelling and observing. He “asks lots of questions”; and
- k. He performs applied kinesiology.

**C. Expert Review**

15. On January 11, 2018, the Board sent the investigative file, including copies of treatment records for 15 patients, to an expert in naturopathic medicine, licensed in Maryland, to opine on whether the Respondent is practicing, attempting to practice, or offering to practice naturopathic medicine without license.

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<sup>8</sup> Applied kinesiology, also known as muscle strength testing, is a method of diagnosis and treatment based on the belief that various muscles are linked to organs and glands, and that specific muscle weakness can signal distant internal problems such as nerve damage, reduced blood supply, chemical imbalances or other organ or gland problems. Practitioners contend that by correcting this muscle weakness, you can help heal a problem in the associated internal organ.

<sup>9</sup> The Respondent did not explain why he maintains of box of 100 acupuncture needles in his office.

16. On February 7, 2016, the Board received the expert's report. Upon review of the investigative file, the expert concluded that the Respondent's activities, including:

- a. Practicing as an herbalist and writing recommendations (or "scripts") for natural medicines;
- b. Checking of patients' blood pressure, looking at the tongue, feeling the pulse, smelling and observing the patient;
- c. Advising Patient EH<sup>10</sup> that he should proceed with surgery for chest pains, as recommended by his physician;
- d. Confirming that Patient SJ had breast cancer based on in-office testing;
- e. Practicing as an herbalist, offering nutritional support and counseling, and recommending herbs;
- f. Making an assessment and concluding that a patient had intestinal parasites based on in-office testing not on a medical provider's diagnosis or laboratory results;
- g. Recommending "regeneration" as a supportive herbal formula to help with cancer;
- h. Maintaining bags of natural medicines of botanical origin as demonstrated in the photographs;
- i. Advising patients in a Consent for Treatment and Payment Agreement form that "Herbs: may be given in the form of pills, powder, tinctures, pastes";
- j. Advising patients in a Consent for Treatment and Payment Agreement form that they "authorize the Respondent to perform specific procedures to facilitate diagnosis and treatment" including "acupressure, herbs, Tulin and dietary advice";
- k. Providing nutritional and holistic information during "patient" visits;
- l. Advising patients to purchase health and nutritional items by writing the health and nutritional items on a notepad;

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<sup>10</sup> To maintain confidentiality, patient names are not used in the Cease and Desist Order. The Respondent will be provided with a Confidential Patient Identification List upon request to the Administrative Prosecutor.



- m. Using and providing patients with recommendations on a notepad with the heading “Quantum Wellness” and which identifies the Respondent as “Dr. Ishmael Anthony Murray”;
- n. Making diagnoses using kinesiology testing;
- o. Failing to disclose in informed consent forms his level of education, training, limitations on his scope of practice, and lack of licensure;
- p. Recommending a change in diet;
- q. Recommending surgery;
- r. Ordering dispensing, and shipping natural medicines;
- s. Performing blood pressure readings;
- t. Performing light Tui Na (Tuina) massage;
- u. Using notepads with the name “Dr. Ishmael Anthony Murray” printed on them;
- v. Writing excuses from work for “medical reasons” for Patient SH, stating that Patient SH is currently under his care, and signing the work excuse, “Dr. Ishmael Murray”;
- w. Signing a receipt for Patient NR with the signature “Dr. Ishmael Murray”;
- x. Diagnosing Patient FR with “blood deficiency”; and
- y. Diagnosing Patient FR with “early signs of kidney disease, excessive protein spilling in urine, excess phosphorous in blood and low dietary calcium and inflammation of the glomerulus which are not filtering properly”;

constitute engaging in activities that are within the scope of practice of a licensed naturopathic doctor as stated in Health Occ. § 14-5F-14(a)(1), (3), (4) and (7) and is the practice of naturopathic medicine.

#### **CONCLUSION OF LAW**

Based on the Investigative Findings, Panel B concludes, as a matter of law, that

the Respondent practiced naturopathic medicine without a license.

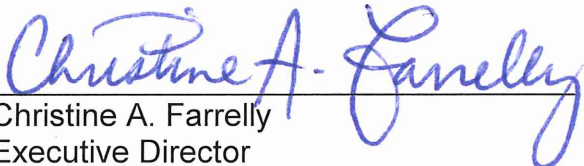
**ORDER**

Based on the Investigative findings and the Board's conclusion of law that the Respondent practiced naturopathic medicine without a license, and pursuant to the Board's authority under Health Occ. § 14-5F-25, it is, by the affirmative vote of a majority of a quorum of Panel B:

**ORDERED** that pursuant to the authority vested by the Maryland Naturopathic Medicine Act, Health Occ. § 14-5F-25, the Respondent shall **IMMEDIATELY CEASE AND DESIST** practicing naturopathic medicine; and it is further.

**ORDERED** that this is an Order of Panel B, and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & 2017 Supp.).

08/07/2018  
Date

  
Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

### **NOTICE OF OPPORTUNITY FOR A HEARING**

The Respondent may challenge the factual or legal basis of this initial Order by filing a written opposition within 30 days of its issuance. The Respondent has a right to a hearing but must request a hearing within 30 days of the issuance of this Order. The written opposition and/or request for a hearing should be made to: Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215, with a copy mailed to Janet Klein Brown, Assistant Attorney General, Health Occupations Prosecution Division, Office of the Attorney General, 300 West Preston Street, Suite 201, Baltimore, Maryland 21201. If the Respondent files a written opposition, the Board will consider that opposition and will provide a hearing, if requested. If the Respondent does not file a written opposition, the Respondent will lose his right to challenge this Initial Order to Cease and Desist and the Board will issue a final order affirming this Cease and Desist Order.