

IN THE MATTER OF	*	BEFORE THE
AKUA N. ZENZELE	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
Unlicensed	*	Case Number: 2219-0146B

* * * * *

CONSENT ORDER

On April 22, 2020, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **Akua N. Zenzele** (the “Respondent”), **Unlicensed**, under the Naturopathic Medicine Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-5F-01 - 14-5F-32 (2014 Repl. Vol. & 2015 Supp.). Panel B charged the Respondent with violating the following provisions of the Act:

Health Occ. § 14-5F-10. License required to practice naturopathic medicine.

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

...

Health Occ. § 14-5F-30. Representations to the public, practice of naturopathic medicine.

(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.

On August 26, 2020, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds:

I. BACKGROUND

1. Beginning March 1, 2016, an individual must be licensed by the Board prior to practicing naturopathic medicine in the State of Maryland.
2. In 1994, the Respondent obtained a Master of Science degree from the University of Baltimore.
3. In 1999, the Respondent completed online training at the Herbal Healer Academy, Inc., which is physically located in Arkansas.
4. In the same year, the Respondent received a certificate from the American Naturopathic Medical Certification & Accreditation Board, Inc.¹ (“ANMCB”).
5. On January 28, 2000, the Respondent obtained a license in naturopathy from the District of Columbia, which subsequently expired in 2010.
6. The Respondent has never held, does not currently hold, and is not eligible to hold, a license to practice naturopathic medicine in Maryland.

¹ Pursuant to Health Occ. § 14-5F-11(d)(2), to qualify for a naturopathic medical license in Maryland, one must pass the competency-based examination administered by the North American Board of Naturopathic Examiners (“NABNE”). To be eligible to sit for the examination, one must have completed an approved naturopathic medical program. To date, Herbal Healer Academy, Inc. is not an NABNE-approved program.

7. At all times relevant to these charges, the Respondent owned and operated a facility² (the “Facility”) in Baltimore, Maryland at which colonic irrigation took place.

II. CURRENT ALLEGATIONS

8. On or about February 9, 2019, the Board received an anonymous complaint with an accompanying brochure, obtained from “www.drakua.com,” that advertised healthcare treatments offered at the Respondent’s Facility.

9. Consequently, the Board subpoenaed patient records from the Respondent and visited both the Facility and each of the Respondent’s websites: “www.herbalcreationsbyakua.com” and “www.drakua.com.” The independent investigation revealed the Respondent’s unauthorized use of the title of naturopathic doctor, or variations thereof, including, but not limited to:

- a) The Respondent referred to herself as “Dr. Akua Zenzele, ND” in a payment agreement signed by patients on March 4, 2017 and October 28, 2017 respectively, which was attached to patient records.
- b) The Respondent listed herself as “Dr. Akua N. Zenzele, ND,...Board Certified Naturopath” in a brochure for the Respondent’s Facility that she published on “www.drakua.com.”
- c) The Respondent affixed a business card to the door of her Facility, and on said business card, referred to herself as “Dr. Akua N. Zenzele, ND...Traditional

2 To ensure confidentiality, the names of individuals, hospitals, and healthcare facilities involved in the case are not disclosed in this document. The Respondent may obtain the identity of the referenced names in this document by contacting the administrative prosecutor.

Naturopath.” Board staff obtained pictures of the business card on the Facility door on May 23, 2019.

- d) The Respondent recorded a voicemail greeting on the Facility’s voicemail in which she referred to herself as “Dr. Akua Zenzele,” which was accessed by Board staff on May 9, 2019.
- e) The Respondent maintained a Facebook page advertising the Facility and referring to herself as “Dr. Akua N. Zenzele, ND,” which was accessed by Board staff on May 20, 2019.
- f) On March 31, 2020, Board staff accessed the Respondent’s website, “herbalcreationsbyakua.com” and discovered that the Respondent describes herself, in a section of the website entitled ‘Meet the Naturopath,’ as “certified and accredited” by ANMCB before stating that she is a “Certified Traditional Naturopath.”

12. On March 23, 2020, Board staff interviewed the Respondent under oath in the presence of her counsel. During the interview, the Respondent admitted that she “had no idea that...[use of the title] naturopathic doctor was, in fact, a violation[,]” before stating, “Had I known that, I definitely would have discontinued that.”

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent engaged in misrepresentation to the public by use of title and initials that she was licensed to practice naturopathic medicine when she, in fact, was not so licensed in violation of Health Occ. § 14-5F-30(a)(1)-(3).

ORDER

It is thus by Disciplinary Panel B of the Board, hereby:

ORDERED that within **TWO (2) YEARS** of the effective date of this Consent Order, the Respondent shall pay a civil fine of **\$5,000.00**. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297; and it is further

ORDERED that the Respondent shall forthwith discontinue the use of any title referencing naturopathic doctor, naturopathy, ND, N.D., or other terms involving naturopathic medicine in all materials published online or in any physical location; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order, and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

09/16/2020
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Akua N. Zenzele, assert that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered 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 behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

9/4/20

Date

Signature on File

Akua N. Zenzele
Respondent

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NOTARY

STATE OF Maryland

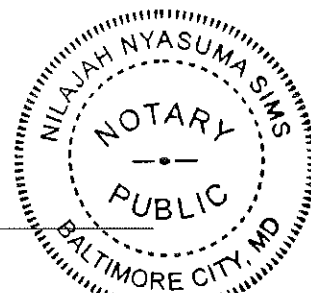
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 4th day of September 2020,

2020, before me, a Notary Public of the foregoing State and City/County, did personally appear Akua N. Zenzele, 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 seal.

Nilajah Nyasuma Sims
Notary Public



My commission expires: February 22, 2024