



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2023-I-433

IN THE MATTER OF:

CONSENT ORDER

QUANG KIM HUYNH, LAc
(Credential No. ACA.200008),
Respondent

This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an ongoing preliminary review regarding Quang Kim Huynh, LAc ("Mr. Huynh"), an acupuncturist who at all times pertinent has been licensed to practice acupuncture in this state pursuant to the Louisiana Acupuncture Practice Act (the "Act"), La. R.S. 37:1356-60, as evidenced by Credential No. ACA.200008.

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations (the "Investigating Officer") for the Board. On June 13, 2023, the Board received a complaint alleging, *inter alia*, that Mr. Huynh's acupuncture practice is unsafe and unsanitary, particularly regarding the presence of used acupuncture needles left on treatment tables and floors in areas where patients receive treatment. On August 23, 2023, two compliance officers for the Board conducted a site visit at Mr. Huynh's acupuncture clinic in connection with the above-referenced investigation. During this site visit, the compliance officers obtained photographic and videographic evidence indicating that (1) exposed needles were present on treatment tables and on the floor where patients receive treatment; (2) biohazard sharps containers were overflowing with used needles; (3) Mr. Huynh did not have sufficient sanitation facilities within his acupuncture clinic; (4) Mr. Huynh's medical records were incomplete; and (5) Mr. Huynh did not properly store his medical records to protect against unauthorized access. Throughout this site visit, the compliance officers discussed with Mr. Huynh the safety, hygiene, and privacy concerns posed by the state of his clinic and the need to remediate these issues for patient safety.

On October 24, 2023, two compliance officers for the Board conducted a second site visit at Mr. Huynh's acupuncture clinic in connection with the above-referenced investigation. During this second site visit, the compliance officers obtained photographic and videographic evidence indicating that while some progress had been made, Mr. Huynh had not adequately addressed the safety, hygiene, and privacy issues that were documented during the August 23, 2023 site visit, including by obtaining photographic and videographic evidence of, *inter alia*: (1) exposed needles

in the cracks of massage tables and on the sidewalk outside Mr. Huynh's clinic; (2) inadequate disinfection and sanitization of treatment tools exposed to blood-borne pathogens; (3) treatment tools that were inadequately sanitized and that were soiled with oil and blood; and (4) medical records with inadequate data. Additionally, the compliance officers' review of five medical records indicated that Mr. Huynh still does not document adequately his patients' diagnoses (oriental or otherwise), allergies, bloodborne risks/infection data, and health history. Throughout this second site visit, the compliance officers again discussed with Mr. Huynh the safety, hygiene, and privacy concerns posed by the state of his clinic and his failure to remediate adequately the issues identified during the August 23, 2023 site visit. Mr. Huynh ceased practicing acupuncture on November 7, 2023 to address these issues.

On November 21, 2023, Mr. Huynh met with the Investigating Officer and expressed his willingness to address the identified issues and desire to safely return to practice.

As evidenced by his subscription hereto, Mr. Huynh acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing could establish sufficient cause to take action with respect to his license to practice acupuncture pursuant to La. R.S. 37:1360(1) and (2).¹

Recognizing his right to have notice of any allegation or charge asserted against him, to administrative adjudication of such allegation or charge pursuant to La. R.S. 49:950 *et. seq.* and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Mr. Huynh, nonetheless, hereby waives his right to formal charges and formal adjudication and pursuant to La. R.S. 49:975(D), consents to entry of the Order set forth hereinafter. By his subscription hereto Mr. Huynh acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et. seq.* or otherwise may be afforded to him by law to contest his agreement to or the force and effect of the Board's preliminary review or this document in any court. Mr. Huynh, furthermore, hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the preliminary review and he waives any objection to such disclosures under La. R.S. 49:977.2. Mr. Huynh expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's

¹ La. R.S. 37:1360 (“[T]he Louisiana State Board of Medical Examiners may . . . (1) [a]dopt, revise, and enforce rules and regulations that it deems necessary to ensure the competency of applicants, the protection of the public, and the proper administration of this Part in accordance with the Administrative Procedure Act” and “(2) [a]pprove the license of duly qualified applicants and deny, suspend, revoke, or place on probation any licensee who acts beyond the scope of practice or engages in unprofessional conduct.”); *see also* La. Admin. Code tit. 46, pt. XLV, § 5111.A(4) (providing that the “LAc shall . . . insure that, with respect to each patient, all activities, functions, services, and treatment measures of the Lac are immediately and properly documented in written form”); La. Admin. Code tit. 46, pt. XLV, § 5113(A)(9) (“The board may suspend, revoke, or impose probationary conditions and restrictions on any certification or license issued under this Part, upon a finding, following hearing, that such individual is culpable of . . . (9) continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of acupuncture or acupuncture detoxification practice in this state.”).

authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, and upon the recommendation of the Investigating Officer, the Board hereby concludes that, consistent with its mandate under La. R.S. 37:1261, the interests of public health, safety, and welfare will be effectively served by entry of the Order set forth hereinafter by consent. The Board has considered the guidelines for minimum and maximum disciplinary dispositions and the aggravating and mitigating circumstances apparent from the particular facts of this matter.² Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. R.S. 37:1360 and La. R.S. 49:975(D);

IT IS ORDERED that the license of Quang Kim Huynh, LAc, to engage in the practice of acupuncture in the State of Louisiana, as evidenced by Credential No. ACA.200008, be and the same is hereby **SUSPENDED** for a period of no less than two (2) months (the "period of suspension") from the date that he ceased practicing acupuncture, November 7, 2023. The period of suspension shall continue until Mr. Huynh has demonstrated his ability to safely return to practice.

IT IS FURTHER ORDERED that, once he has remedied the identified issues as verified by site visit, Mr. Huynh may request that the Board issue a Superseding Order reinstating his license to practice acupuncture on probation. Thereafter, upon Mr. Huynh demonstrating to the satisfaction of the Board, in its sole discretion, that he (1) has successfully completed all recommendations by the Director of Investigations to demonstrate to the Board that he is competent to return to the practice of acupuncture with skill and safety, and that he (2) satisfies the eligibility and other requirements of the Board's rules governing license issuance, renewal and/or reinstatement as of the date of his petition or request, pursuant to La. Admin. Code tit. 46, pt. XLV, ch. 3, Mr. Huynh's license may be reinstated on **PROBATION**, *provided, however*, that any reinstatement of Mr. Huynh's license to practice acupuncture and continuing exercise of any rights and privileges thereunder shall further be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Continuing Education.** Within the first year of the probationary period, Mr. Huynh shall successfully take and complete thirty (30) hours of continuing education courses on the prevailing and usually accepted standards of acupuncture in this state, and Mr. Huynh shall cause to be submitted to the Board written certification of the continuing education programs and credits completed.
- (2) **NCCAOM Accreditation.** Within the first year of the probationary period, Mr. Huynh shall take whatever steps necessary to renew his certification with the National Certification Commission for Acupuncture and Oriental Medicine and cause to be submitted to the Board written certification of such renewal.

² See La. Admin. Code tit. 46, pt. XLV, §§ 9714; 9716.

- (3) **Consent to Quarterly Site Visits.** Mr. Huynh shall permit the Board or its designee to conduct periodic site visits of Mr. Huynh's acupuncture clinic one or more times per quarter during the first two years of the probationary period. If, upon the completion of any site visit, the Board or its designee provides notice in writing to Mr. Huynh indicating any practice that fails to satisfy the prevailing and usually accepted standards of acupuncture in this state, then Mr. Huynh shall have seven (7) days from the receipt of such notice to remediate any improper practice identified by the Board or its designee and cause to be submitted to the Board written certification that such improper practice has been remediated. Notwithstanding this procedure, the Board maintains the right to take emergency action, if necessary, pursuant to La. R.S. 49:977.3(C).³
- (4) **Fine.** Mr. Huynh shall, within one hundred and twenty (120) days of the effective date of this Order, pay to the Board a fine in the amount of Five Thousand Dollars and No/100 (\$5,000.00).
- (5) **Cooperation with Board's Probation and Compliance Officer.** Mr. Huynh shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and/or professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Consent Order.
- (6) **Absence from the State/Practice/Effect on Probation.** Should Mr. Huynh at any time be absent from the State of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board or its designee in writing. In such instance, the probation and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence again until Mr. Huynh notifies the Board in writing that he has resumed the practice of acupuncture in Louisiana.
- (7) **Probation Monitoring Fee.** For each year of the probation, Mr. Huynh shall pay the Board an annual probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the date the Board may reinstate Mr. Huynh's license on probation. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (8) **Effect of Violation/Sanction.** By his subscription hereto, Mr. Huynh acknowledges that his receipt of written notification that the Board has received reliable information indicating his failure to comply with the requirements set forth by this Consent Order

³ La. R.S. 49:977.3(C) ("If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.").

in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950, *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate or continued suspension of his license to practice acupuncture in this state pending a hearing before the Board and the conclusion of the administrative proceeding by issuance of a final decision following administrative adjudication of such charges.


IT IS FURTHER ORDERED that Mr. Huynh may petition the Board for relief from probationary status and/or any of the above terms, no sooner than two (2) years from the effective date of his reinstatement on probation, which petition the Board may, in its sole discretion, grant, grant in part, or deny. As an express condition to the consideration of such petition, Mr. Huynh shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order and any order of reinstatement on probation, and he shall make himself available upon request for a personal appearance before the Board to discuss his compliance and then-current practice and future plans for practice in this state.

IT IS FURTHER ORDERED that this Consent Order shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record, and shall likewise be available on the Board's website, <https://www.lsbme.la.gov/>, under "Disciplinary Actions," and shall be reported to the National Practitioner Data Bank ("NPDB").

New Orleans, Louisiana, this 22nd day of January, 2024.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: 

TERRIE R. THOMAS, M.D.

President

Acknowledgment and Consent on Following Page

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF Louisiana
PARISH/COUNTY OF St Charles

I, QUANG KIM HUYNH, LAC, hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept, and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 12th day of December, 2023

x Quang Huynh
QUANG KIM HUYNH, LAC

WITNESSES:

[Signature]
Signature

Tina Smoneaux
Typed Name

943 Paul Maillard
Street Address

Luling LA 70070
City/State/Zip Code

Vanessa Perreand
Signature

Vanessa Perreand
Typed Name

943 Paul Maillard
Street Address

Luling LA 70007
City/State/Zip Code

Sworn to and subscribed before me this
12th day of December, 2023 in the
presence of the two stated witnesses.

[Signature]
Notary Public (Signature)

Name: Salvatore Lovocchio
Notary/Bar No.: 22826
Commission expires: @ death