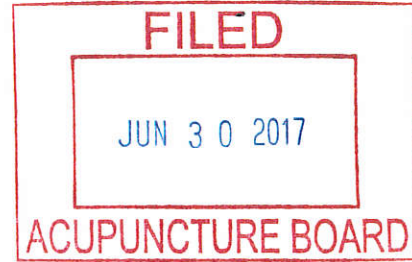


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10 **BEFORE THE**  
11 **ACUPUNCTURE BOARD**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 1A-2016-104

14 **BRENT EUGENE KEIME, L.AC**  
15 **5236 Lewison Avenue**  
**San Diego, CA 92120**

**A C C U S A T I O N**

16 **Acupuncture License No. AC 11462**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity  
22 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs (Board).

23 2. On or about October 26, 2006, the Acupuncture Board issued Acupuncture License  
24 No. AC 11462 to Brent Eugene Keime, L.Ac. (respondent). The Acupuncture License was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on February 28,  
26 2018, unless renewed.

27 ///

28 ///

1 license or another license as a healing arts practitioner from performing, or  
2 prescribing the use of any modality listed in this subdivision.

3 “...”

4 7. California Code of Regulations, title 16, section 1399.451, states, in pertinent part:

5 “In treating a patient, an acupuncturist shall adhere to the following procedures:

6 “...”

7 “(e) Any complication, including but not limited to, hematoma, peritonitis or  
8 pneumothorax arising out of acupuncture treatment shall be referred immediately to a  
9 physician or dentist or podiatrist, if appropriate, if immediate medical treatment is  
10 required.

11 “...”

### 12 COST RECOVERY

13 8. Section 4959 of the Code states, in pertinent part:

14 “(a) The board may request the administrative law judge, under his or her  
15 proposed decision in resolution of a disciplinary proceeding before the board, to  
16 direct any licensee found guilty of unprofessional conduct to pay to the board a sum  
17 not to exceed actual and reasonable costs of the investigation and prosecution of the  
18 case.

19 “...”

### 20 FIRST CAUSE FOR DISCIPLINE

#### 21 (Gross Negligence)

22 9. Respondent has subjected his Acupuncture License No. AC 11462 to disciplinary  
23 action under section 4955.2, subdivision (a), of the Code, in that respondent committed gross  
24 negligence in his care and treatment of patient M.K., as more particularly alleged hereinafter:

25 10. On or about September 23, 2015, patient M.K. presented to respondent for treatment  
26 with complaints of shoulder pain.

27 ///

28 ///

1           11. Patient M.K. was provided a form titled "Consent to Treatment Form" which  
2 included a provision which stated "I understand that substances from the Oriental Materia Medica  
3 may be recommended to me to treat bodily dysfunction or diseases."

4           12. The Consent to Treatment Form did not discuss vacuum cupping procedures or the  
5 risks associated with vacuum cupping.

6           13. From on or about September 23, 2015 through December 16, 2015, respondent  
7 treated patient M.K.'s shoulder with acupuncture with electrical stimulation, vacuum cupping,  
8 infrared lamp and topical oils.

9           14. On or about December 16, 2015, during patient M.K.'s cupping procedure, patient  
10 M.K. felt the heat lamps were emitting more heat than on previous occasions and that her time  
11 under the heat lamps was longer than usual. When respondent returned to remove the cups, he  
12 noted a large amount of fluid, sloughed skin and blisters. Respondent dried patient M.K.'s skin  
13 and covered it with gauze. Respondent informed patient M.K. that she was sunburned and  
14 instructed patient M.K. to use saline to rinse the areas daily and to keep the skin covered with  
15 gauze until the areas had sealed.

16           15. At home, patient M.K.'s pain worsened. Patient M.K. removed the gauze and  
17 discovered her skin had sloughed off in several areas and multiple fluid blisters had developed in  
18 other areas. Patient M.K. called respondent and informed him she had severe burns and fluid  
19 blisters. Patient M.K. reported her burns were likely second or third degree burns. Respondent  
20 insisted patient M.K. merely had sunburns and instructed patient M.K. to take acetaminophen.

21           16. Respondent committed gross negligence in his care and treatment of patient M.K.,  
22 which included, but was not limited to:

23           (a) Respondent failed to include language that would provide informed consent for  
24 vacuum cupping in the Consent to Treatment Form;

25           (b) Respondent failed to monitor the cupping procedure to limit the risk of harm to  
26 patient M.K.; and

27           (c) Respondent failed to refer patient M.K. to a physician when her injuries were  
28 apparent.

