1	Xavier Becerra		
2	Attorney General of California MATTHEW M. DAVIS	FILED	
3	Supervising Deputy Attorney General LEANNA E. SHIELDS	JUN 3 0 2017	
4	Deputy Attorney General State Bar No. 239872	JUN 3 0 2017	
5	600 West Broadway, Suite 1800 San Diego, CA 92101	ACUPUNCTURE BOARD	
6	P.O. Box 85266 San Diego, CA 92186-5266		
7	Telephone: (619) 738-9401 Facsimile: (619) 645-2061		
8	Attorneys for Complainant		
9			
10	BEFORE THE		
11	ACUPUNCTUR DEPARTMENT OF CON	NSUMER AFFAIRS	
12	STATE OF CAI	LIFORNIA	
13	In the Matter of the Accusation Against:	Case No. 1A-2016-104	
14	BRENT EUGENE KEIME, L.AC	a	
15	5236 Lewison Avenue San Diego, CA 92120	ACCUSATION	
16	Acupuncture License No. AC 11462		
17	Respondent.		
18		а 	
19	Complainant alleges:		
20	PARTI	ES	
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.		
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		ACCUSATION (1A-2016-104)	

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.	
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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
discovered her skin had sloughed off in several areas and multiple fluid blisters had developed in
other areas. Patient M.K. called respondent and informed him she had severe burns and fluid
blisters. Patient M.K. réported her burns were likely second or third degree burns. Respondent
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:

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- (a) Respondent failed to include language that would provide informed consent for vacuum cupping in the Consent to Treatment Form;
 - (b) Respondent failed to monitor the cupping procedure to limit the risk of harm to patient M.K.; and
 - (c) Respondent failed to refer patient M.K. to a physician when her injuries were apparent.

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1	SECOND CAUSE FOR DISCIPLINE
2	(Repeated Negligent Acts)
3	17. Respondent has further subjected his Acupuncture License No. AC 11462 to
4	disciplinary action under section 4955.2, subdivision (b), of the Code, in that respondent
5	committed repeated negligent acts in his care and treatment of patient M.K., as more particularly
6	alleged hereinafter:
7	(a) Paragraphs 9 through 16, above, are hereby incorporated by reference and
8	realleged as if fully set forth herein; and
9	(b) Respondent failed to appropriately indicate on his Consent to Treatment Form
10	that Chinese Materia Medica is to be used as dietary supplements to promote,
11	maintain, and restore health.
12	PRAYER
13	WHEREFORE, complainant requests that a hearing be held on the matters herein alleged,
14	and that following the hearing, the Acupuncture Board issue a decision:
15.	1. Revoking or suspending Acupuncture License No. 11462, issued to respondent Brent
16	Eugene Keime, L.Ac.;
17	2. Ordering respondent Brent Eugene Keime, L.Ac., to pay the Acupuncture Board the
18	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19	Professions Code section 4959; and,
20	3. Taking such other and further action as deemed necessary and proper.
21	DATED: JUN 30 2017 Deugsmin Doden BENJAMIN BODEA
22	Executive Officer Acupuncture Board
23	Department of Consumer Affairs State of California
24	Complainant
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	5 ACCUSATION (1A-2016-104)
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