

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
ACUPUNCTURISTS**

IN RE:)
GAIL REICHSTEIN REX) **Docket No.: ACU02-1206**
License No. 091-0000157)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Gail Reichstein Rex:

Authority

1. The administrative law officer has jurisdiction to investigate and adjudicate allegations of unlicensed practice to 3 V.S.A. §§129 and 129a; Title 26, Chapter 75 of the Vermont Statutes Annotated; the Administrative Rules for Licensed Acupuncturists ("ARLA"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Gail Reichstein Rex, is licensed as an Acupuncturist by the State of Vermont under license number 091-0000157. The Respondent's license was originally issued on or about July 15, 2004 and is currently set to expire on January 31, 2008.
3. On or about January 31, 2006, the Respondent's license expired.
4. The Respondent did not renew her license until January 2, 2007.
5. The Respondent continued to practice acupuncture during the time period in which her license was expired.

Noncompliance with Administrative Duties

6. By committing the act(s) and/or omission(s) alleged above, the Respondent has violated:
 - i) ARLA, Rule 4.14(a)(1) (No person shall: Practice acupuncture in Vermont without a license or practice auricular detoxification therapy without a certificate issued under Chapter 75 of Title 26);
 - ii) 26 V.S.A. § 3402(a) (Except as provided in section 3412 of this title, no person shall practice acupuncture unless he or she is licensed in accordance with the provisions of this chapter); and
 - iii) 3 V.S.A. §129a(a)(3) (Failing to comply with the provisions of federal or state statutes or rules governing the practice of the profession).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Understandings

7. The Respondent understands that the A.L.O. must review and accept the terms of the Order set forth below and that if the A.L.O. rejects all or any portion of the Order, then this entire document shall be null and void.
8. Respondent waives any notification period and requests that this be heard at the next available meeting of the A.L.O. Respondent specifically waives any claims that any disclosures made to the A.L.O. during the A.L.O.'s review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the A.L.O.
9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
11. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and has not been coerced by anyone into signing this Stipulation and Consent Order.
12. Respondent voluntarily waives her right to a contested hearing before the A.L.O. and waives any right to appeal from this Stipulation and Consent Order.
13. Respondent agrees that the A.L.O. may enter the Order set forth below.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. Since these violations occurred only in respect to the Respondent's noncompliance with administrative duties, the A.L.O. does NOT make a finding of unprofessional conduct, but rather imposes an **ADMINISTRATIVE PENALTY IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500)** on the Respondent. This fine is to be paid within ~~ninety~~ ¹⁵⁰ ~~(90)~~ days of the date of entry of this Order.
- B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- C. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Dated: 4/19/07

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

GAIL A. REX
RESPONDENT

Dated: 4/17/07

By: [Signature]
Gail A. Rex

APPROVED AND SO ORDERED:

ADMINISTRATIVE LAW OFFICER

Dated: 4/26/07

By: [Signature]

Date of Entry: 4/26/07

acu.rex.stip

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