

IN THE MATTER OF \* BEFORE THE MARYLAND  
 JANUARY GARRETT \* STATE BOARD OF  
 Respondent \* PHYSICIANS  
 Unlicensed \* Case Number: 2015-0638B

\* \* \* \* \*  
CONSENT ORDER

On or about June 9, 2015, the Maryland State Board of Physicians (the "Board") notified **JANUARY GARRETT** (Unlicensed) (the "Respondent") that it opened a full investigation under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 14-101 *et seq.* (2014 Repl. Vol.)

Based on its investigation, the Board has grounds to charge the Respondent under the following provisions of the Act:

H.O. § 14-601. Practicing without license.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice medicine in this State unless licensed by the Board.

H.O. § 14-606. Penalties.

(a) *Imposition of penalties.* --

...

(4) Except as provided in paragraph (5) of this subsection,<sup>1</sup> a person who violates § 14-601 or § 14-602 of this subtitle is:

...

(ii) Subject to a civil fine of not more than \$50,000 to be levied by the Board.

Section 14-101 of the Health Occupations Article defines the practice of medicine, in pertinent part, as follows:

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<sup>1</sup> Paragraph (5) does not apply to the Respondent.

(o) *Practice medicine.* -- (1) "Practice medicine" means to engage, with or without compensation, in medical:

- (i) Diagnosis;
- (ii) Healing;
- (iii) Treatment; or
- (iv) Surgery.

(2) "Practice medicine" includes doing, undertaking, professing to do, and attempting any of the following:

- (i) Diagnosing, healing, treating, preventing, prescribing for, or removing any physical, mental, or emotional ailment or supposed ailment of an individual:

1. By physical, mental, emotional, or other process that is exercised or invoked by the practitioner, the patient, or both; or

2. By appliance, test, drug, operation or treatment[.]

Md. Code Regs. ("COMAR") 10.32.09 provides in pertinent part:

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

...

(4) Cosmetic Medical Device.

(a) "Cosmetic medical device" means a device that alters or damages living tissue.

(b) "Cosmetic medical device" includes any of the following items, when the item is used for cosmetic purposes:

- (i) Laser;
- (ii) Device emitting light or intense pulsed light;
- (iii) Device emitting radio frequency, electric pulses, or sound waves;

- (iv) Microdermabrasion device; and
- (v) Devices used for the injection or insertion of foreign or natural substances into the skin, fat, facial tissue, muscle or bone.

(5) Cosmetic Medical Procedure.

(a) "Cosmetic medical procedure" means a procedure using a cosmetic medical device or medical product to improve an individual's appearance.

(b) "Cosmetic medical procedure" includes the following:

- (i) Skin treatments using lasers;
- (ii) Skin treatments using intense pulsed light;
- (iii) Skin treatments using radio frequencies, microwave, or electric pulses;

...

(ix) Any treatment using a cosmetic medical device for the purpose of improving an individual's appearance.

**.04 Qualifications of Individual to Whom Acts May Be Delegated and Assigned.**

A. A cosmetic medical procedure may be delegated to a physician assistant or assigned to any other health care provider licensed under Health Occupations Article, Annotated Code of Maryland, whose licensing board has determined that the procedure falls within the provider's scope of practice.

...

**.09 Grounds for Discipline.**

C. Other Individual. An individual using a cosmetic medical device or performing a cosmetic medical procedure who is not a licensed physician and is not authorized to perform the cosmetic medical procedure under this chapter, or under regulations promulgated by another licensing board established by Health Occupations Article, Annotated Code of Maryland, is guilty of the practice of medicine without a license and may be subject to a fine of not more than \$50,000 under Health Occupations Article, §14-606, Annotated Code of Maryland.

...

Prior to the Board issuing charges, the Respondent agreed to enter into this public Consent Order with the Board's approval, consisting of Findings of Fact, Conclusions of Law and Order.

## FINDINGS OF FACT

### **I. BACKGROUND**

1. At all times relevant, the Respondent has not been licensed or certified by the Maryland Board of Physicians or the Maryland Board of Nursing in any capacity.
2. At all times relevant, the Respondent was employed at Studio A, a professional tattoo studio in Knoxville, Maryland, as a receptionist, piercer and laser tattoo technician.<sup>2</sup> The Respondent began working at Studio A in early 2013.
3. On or about March 26, 2015, the Board received a complaint from a physician alleging that unlicensed individuals were performing laser tattoo removal at Studio A.
4. Thereafter the Board initiated an investigation.
5. On or about June 9, 2015, the Board notified the Respondent of the complaint against her and its investigation. The Board requested a written response from the Respondent.
6. On or about June 19, 2015, the Board received a written response from Ms. TK, the owner of Studio A, on behalf of herself, the Respondent and Mr. JM, another unlicensed individual.<sup>3</sup>

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<sup>2</sup> In order to maintain confidentiality, names will not be used in these Charges.

<sup>3</sup> The Board opened investigations against the Respondent, Ms. TK and Mr. JM.

7. According to Ms. TK's written response, in or around 2008, the previous owner of Studio A purchased a Sybaritic SkinClear TA-2, which is a laser used only for tattoo removal.

8. On or about July 23, 2015, Board staff interviewed the Respondent. The Respondent stated that her duties at Studio A included cleaning the studio, answering the telephone, scheduling appointments, taking deposits, piercing, answering general questions and laser tattoo removal.

9. During the interview, which was under oath, the Respondent stated that between 2013 and 2015, the Respondent performed laser tattoo removal at Studio A. The Respondent stated that approximately four to six months after she began working at Studio A, she did a three-month apprenticeship with Mr. JM, during which she learned how to operate the laser.

10. The Respondent further stated that she did a consultation with each client to assess their skin type, the tattoo and how it was done. She stated that she then went over the consent form with the client and answered any questions. The Respondent then treated the area with the laser, applied a second-skin cooling pad to the area and discussed aftercare with the client.

11. The Respondent stated that she stopped performing laser tattoo removal at Studio A when she received notice of the complaint.

12. In response to a Board subpoena, Ms. TK provided copies of completed "Laser Tattoo Removal Informed Consent" forms. The form provides informed consent for the laser tattoo removal procedure and requires the client to initial after myriad statements

pertaining to the client's medical history, the laser treatment, possible side effects and aftercare instructions. The client also signs the informed consent form.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated H.O. §14-601, and the Board's regulations under Code Regs. Md. 10.32.09.04A.

**ORDER**

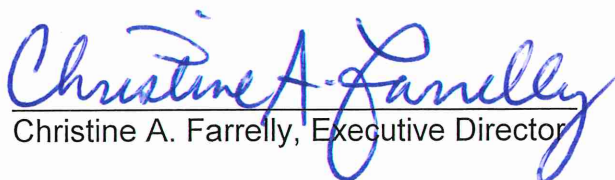
Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the Board hereby:

**ORDERED** that the Respondent shall immediately **CEASE AND DESIST** from the unlicensed practice of medicine, including the performance of cosmetic medical procedures as defined in COMAR 10.32.09.02B(5); and it is further

**ORDERED** that no later than **THIRTY (30) DAYS** from the date of this Consent Order, the Respondent shall pay a monetary fine in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**. This payment shall be made by certified or bank guaranteed check(s) made payable to the Maryland Board of Physicians. The check(s) should be mailed to Maryland State Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; and it is further

**ORDERED** that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.*

08/01/2016  
Date

  
Christine A. Farrelly, Executive Director

**CONSENT**

I, January Garrett, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of a disciplinary panel of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

7-20-14

Date

January Garrett  
January Garrett

Read and approved by:

Janice Rockwell Mc  
Janice Rockwell, Esq.

Attorney for Ms. Garrett

**NOTARY**

**STATE OF MARYLAND**

**CITY/COUNTY OF** Frederick :

I HEREBY CERTIFY that on this 20 day of July, 2016 before me, a Notary Public of the foregoing State personally appeared January Garrett, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Karen E Dunn  
Notary Public

My Commission Expires: 1/27/2020

**KAREN E DUNN**  
Notary Public  
Frederick County  
Maryland  
My Commission Expires Jan. 27, 2020