

IN THE MATTER OF	*	BEFORE THE MARYLAND
LAURI LEIGHT	*	STATE BOARD OF
Respondent	*	PHYSICIANS
Unlicensed	*	Case Number: 2015-0611(B)
*   *   *   *   *	*	*   *   *   *   *

**CONSENT ORDER**

On or about April 10, 2015, the Maryland State Board of Physicians (the “Board”) notified **LAURI LEIGHT** (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:

...

(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;
  - (iv) Deep skin peels;
  - (v) Skin treatments with phototherapy;
  - (vi) Microdermabrasion;
  - (vii) Subcutaneous, intradermal, or intramuscular injections of medical products;
  - (viii) Treatments intended to remove or cause destruction of fat;
  - (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.

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**.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.

**FINDINGS OF FACT**

The Board finds:

**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. The Respondent is an esthetician licensed by the Maryland Board of Cosmetology. Her license is active and scheduled to expire in March 2016.
3. At all times relevant, the Respondent was employed as an esthetician at Practice A, a plastic surgery practice in Severna Park, Maryland. The Respondent began her employment with Practice A in October 2014.
4. At all times relevant, Dr. C was the owner of Practice A.<sup>2</sup>
5. On or about January 21, 2015, the Board received an anonymous complaint that unlicensed individuals were performing cosmetic medical procedures at a practice owned by Dr. C.<sup>3</sup>
6. Thereafter, the Board initiated an investigation.

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<sup>2</sup> The names of facilities and patients are confidential.

<sup>3</sup> The complaint was made against a separate entity, Practice B, which is located in Dr. C's office and offers laser procedures. Practice B is owned by a registered nurse. Dr. C oversees the laser procedures performed at Practice B, but does not have an ownership interest in Practice B. A case was also opened against Dr. C (Case No.: 2015-0571B) and the other esthetician (2015-0612B).



7. On June 9, 2015, the Board's staff interviewed the Respondent. The Respondent stated that she performs light chemical peels, microdermabrasion and permanent make-up application. The Respondent further stated that she learned how to perform CoolSculpting but never performed the treatment on any patients.

8. The Respondent stated that Dr. C is on-site (in the office or performing surgery on site) or available by telephone, when she is performing various cosmetic medical procedures.

9. On June 9, 2015, the Board staff interviewed Dr. C, who stated that the Respondent and the other medical esthetician employed at his practice do light chemical peels and microdermabrasion.

10. Dr. C stated that the Respondent has a separate appointment log and that patients schedule procedures with her.

11. In furtherance of the Board's investigation, the Board subpoenaed patient records from patient's selected from the Respondent's appointment logs between November 3, 2014 and April 10, 2015.

12. The medical records revealed the following:

- a. The Respondent performed microdermabrasion on Patient PD.
- b. The Respondent performed microdermabrasion on Patient TC.
- c. The Respondent performed microdermabrasion on Patient AH.
- d. The Respondent performed microdermabrasion on Patient LD.
- e. The Respondent performed microdermabrasion on Patient VB.
- f. The Respondent performed microdermabrasion on Patient JW.
- g. The Respondent performed microdermabrasion on Patient EB.

- h. The Respondent performed microdermabrasion on Patient LH.
  - i. The Respondent performed microdermabrasion on Patient SC.
13. The Respondent was unaware that she was not permitted to perform microdermabrasion as a licensed esthetician with the Board of Cosmetology. Upon learning this information, the Respondent ceased performing microdermabrasion at Dr. C's office practice.
14. During the investigation, the Board did not find that any patients were harmed by the microdermabrasion.

#### **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 COMAR 10.32.09.09C in performing microdermabrasion.

#### **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 10.32.09.02C(5); and it is further

**ORDERED** that no later than **SIXTY (60) 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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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.* (2014).

01/04/2016  
Date

  
Christine A. Farrelly, Executive Director

**CONSENT**

I, Lauri Leight, 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 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 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.

12/3/15  
Date

Lauri Leight  
Lauri Leight

Read and approved by:

Jennifer E. Phillips  
Jennifer E. Phillips, Esq.

**NOTARY**

**STATE OF MARYLAND**  
**CITY/COUNTY OF Anne Arundel :**

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2015 before me, a Notary Public of the foregoing State personally appeared Lauri Leight, 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.

Melanie L. Rodenhizer  
Notary Public

My Commission Expires: 04/23/19

