

IN THE MATTER OF	*	BEFORE THE MARYLAND
SHANNON ROY GINNAN, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D58048	*	Case Number: 2223-0102A

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Shannon Roy Ginnan, M.D., (the “Respondent”) License Number D58048, was disciplined by the Virginia Board of Medicine (the “Virginia Board”). In an Order dated March 6, 2023, the Virginia Board disciplined the Respondent by reprimand and assessment of a monetary penalty.

Based on the above referenced Virginia Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

Disciplinary Panel A (“Panel A”) has determined that the acts for which the Respondent was disciplined in Virginia would be grounds for disciplinary action under

H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section,

Based on the action taken by the Virginia Board, the Respondent agrees to enter into this Consent Order with Panel A, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

Panel A makes the following findings of fact:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about October 9, 2001.
2. The Virginia Board found in its March 6, 2023 order that the Respondent from approximately 2017 through September 23, 2021, while serving as medical director of Charlottesville Skin and Laser Center, aided and abetted the unlicensed practice of medicine, delegated non-delegable discretionary functions requiring the exercise of professional judgment, and failed to provide direct supervision of staff who performed invasive procedures.
3. By Order dated March 6, 2023, the Virginia Board disciplined the Respondent by reprimand and assessment of a \$10,000.00 monetary penalty. A copy of the Virginia Order is attached hereto.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent is subject to discipline under Health Occ. § 14-404(a)(21) for the disciplinary action taken by the Virginia Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(21).

ORDER

It is, thus, by Panel A, hereby:

ORDERED that the Respondent is hereby **REPRIMANDED**; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document. *See* Health Occ. §§1-607, 14-411.1(b)(2) and Gen. Prov. §4-333(b)(6).

05/08/2023
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland Board of Physicians

CONSENT

I, Shannon Roy Ginnan, M.D., acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

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I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered 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 behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

Signature On File

5/3/2023
Date

Shannon Roy Ginnan, MD
Respondent

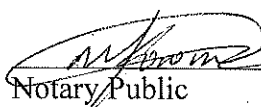
NOTARY

STATE OF Virginia

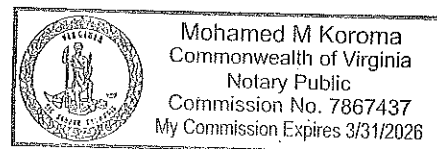
CITY/COUNTY OF fairfax

I HEREBY CERTIFY that on this 3 day of may, 2023, before me, a Notary Public of the State and City/County aforesaid, personally Shannon Roy Ginnan, MD, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.


Notary Public

My Commission expires: 3/31/2026



Attachment 1

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: SHANNON ROY GINNAN, M.D.
License Number: 0101-231928
Case Number: 215106

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Medicine (“Board”) and Shannon Roy Ginnan, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Ginnan’s license to practice medicine in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Shannon Roy Ginnan, M.D., was issued License Number 0101-231928 to practice medicine on October 5, 2001, which is scheduled to expire on December 31, 2024.

2. Dr. Ginnan violated Virginia Code §§ 54.1-2915(A)(3), (11), (12), (13), (16), (17), and (18), 54.1-2901(A)(6), and 54.1-2973.1 and 18 VAC 85-20-29(A)(1) and 18 VAC 85-20-91 (C) and (D) (*for conduct on or after August 7, 2019*) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic (“Board’s Regulations”). Specifically, from approximately 2017 through September 23, 2021, while serving as the medical director of Charlottesville Skin and Laser Center (“CSLC”), he aided and abetted the unlicensed practice of medicine, delegated non-delegable discretionary functions requiring the exercise of professional judgment, and failed to provide direct supervision and oversight of CSLC staff who performed invasive procedures, actions which were likely to be a danger to or harm his patients or the public. Specifically:

a. Although dentists are not legally authorized to inject medications or injectable materials for cosmetic purposes or conditions in accordance with Virginia Code §54.1-2709.1 and 18 VAC 60-21-350 of the Regulations Governing the Practice of Dentistry, Dr. Ginnan allowed Darlene

Nicoletti, D.D.S., to independently assess, advise as to appropriate treatments, obtain informed consent, and perform medical injections with medications and injectable materials such as Botox (C-VI), Juvaderm (C-VI), and Kybella (C-VI) to CSLC patients. By his own admission, Dr. Ginnan believed that dentists were authorized to independently perform such invasive medical procedures.

b. Despite the suspension of Dr. Nicoletti's dental license by Order of the Virginia Board of Dentistry entered March 23, 2020, she continued performing medical injections at CSLC through approximately July 2021 when she resigned her position. By his own admission, Dr. Ginnan was unaware that Dr. Nicoletti's dental license was suspended because he relied on CSLC's owner and/or Dr. Nicoletti to provide him information regarding licensure status.

c. Despite the legal requirement that laser hair removal ("LHR") shall be performed by certain licensed and properly trained providers of the healing arts (i.e., physician, physician assistant, or nurse practitioner), or by a properly trained person "under the direction and supervision" of an authorized licensee, by his own admission Dr. Ginnan delegated the training, supervision, and practice of LHR, in its entirety, to CSLC's owner, and further allowed the owner and her designated employee to perform the treatments. Specifically:

i. Although CSLC's owner is not licensed in the healing arts, Dr. Ginnan relinquished his non-delegable functions requiring the exercise of professional judgment to the owner. By his own admission, Dr. Ginnan did not provide any direct training or supervision to the owner or her designated employee practicing LHR, but rather allowed the owner to:

- choose the training for herself and the designated employee absent his review or approval;
- "provide [to Dr. Ginnan] documentation of the provider's completion of an accredited training program;"
- practice without his proctoring or direct observation to ensure the owner's competency; and
- supervise her designated employee without his proctoring or direct observation of the employee's performance to ensure competency.

ii. From August 7, 2019, through September 23, 2021, Dr. Ginnan delegated the practice of LHR in its entirety to CSLC's owner while failing to satisfy provisions of the Board's Regulations, as set forth below.

- Dr. Ginnan failed to ensure that the owner and designated employee he allowed to practice LHR had completed required training, including:
 - Skin physiology and histology;
 - Skin type and appropriate patient selection;
 - Laser safety;
 - Operation of laser device to be used;
 - Recognition of potential complications and response to any actual complication resulting from a laser hair removal treatment; and
 - A minimum number of 10 proctored patient cases with demonstrated competency in treating various skin types, as required by 18 VAC 85-20-91(C).
- Dr. Ginnan failed to "receive ongoing training as necessary to maintain competency in new techniques and laser devices," and further failed to ensure that CSLC's owner and designated employee practicing LHR received ongoing training to maintain competency, as required by 18 VAC 85-20-91(D).

d. Although microneedling is outside the scope of practice for estheticians and master-estheticians because the procedure punctures the skin with multiple needles, Dr. Ginnan relinquished training, supervision, and performance of such activities in their entirety to CSLC's owner and designated employees.

3. Dr. Ginnan violated Virginia Code §§ 54.1-2915(A)(3), (8), (11), (13), (16), (17), and (18), 54.1-3303(B) and (C), and 54.1-3408(A) and (B) and 18 VAC 85-20-29(A)(1) and 18 VAC 85-20-91(F) (*for conduct on or after August 7, 2019*) of the Board's Regulations while serving as medical director at CSLC between 2017 and September 23, 2021. Specifically, by his own admission, Dr. Ginnan caused or allowed CSLC's owner to use his Drug Enforcement Administration registration and/or National Provider Identifier credential to obtain controlled substances including Botox, Juvaderm, dermal fillers, and prescription-strength topical anesthetics such as lidocaine (C-VI), benzocaine (C-VI), and tetracaine (C-

VI), for use in the unlicensed practice of medicine, and further allowed said drugs to be administered to patients with whom he did not have a bona fide practitioner-patient relationship. By his own admission, Dr. Ginnan:

- a. Allowed Dr. Nicoletti to perform unlicensed medical injections using said drugs purchased with his credentials, as stated in Finding of Fact 2.a. and b., *supra*.
- b. Failed to provide professional oversight and judgment necessary to evaluate patients for the safe and appropriate administration of said drugs.
- c. Failed to obtain a medical or drug history of the patients, provide information to the patients about the benefits and risks of the drugs being injected and otherwise administered, perform appropriate physical examinations of the patients, or initiate additional intervention and necessary follow-up care.

CONSENT

Shannon Roy Ginnan, M.D., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Ann F. Gillooly, Esq.;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;

5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

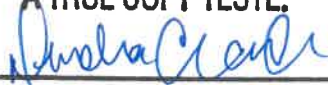
ORDER


Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Shannon Roy Ginnan, M.D., is REPRIMANDED.
2. Dr. Ginnan is assessed a MONETARY PENALTY of \$10,000.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within thirty (30) days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

A TRUE COPY TESTE:

VIRGINIA BOARD OF MEDICINE


Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

ENTERED: 3/6/2023

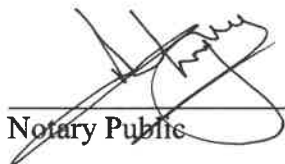
SEEN AND AGREED TO:



Shannon Roy Ginnan, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Fairfax, TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large, on
this 02 day of March, 2023.



Notary Public

My commission expires: _____



Registration No.: _____