

**IN THE MATTER OF** \* **BEFORE THE MARYLAND**  
**BARNETT MENNEN, M.D.** \* **STATE BOARD OF**  
**Respondent** \* **PHYSICIANS**  
**License Number: D72173** \* **Case Number: 2223-0071**

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The Maryland Board of Physicians (the “Maryland Board”) received information that Barnett Mennen, M.D., (the “Respondent”) License Number D72173, was disciplined by the Virginia Board of Medicine (the “Virginia Board”). In an Order dated January 4, 2023, the Virginia Board disciplined the Respondent by reprimand and assessment of 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 B (“Panel B”) 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:

- (3) Is guilty of :
  - (ii) Unprofessional conduct in the practice of medicine;
- (18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine[.]

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

#### **FINDINGS OF FACT**

Panel B 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 April 25, 2011.
2. In its January 4, 2023 Order, the Virginia Board found that while serving as the medical director for an “aesthetic nurse” (the “facility”), the Respondent aided and abetted the unlicensed practice of medicine by failing to ensure minimal competencies of staff providing medical procedures or assistance with such procedures, failing to examine or evaluate any patient prior to treatment at the facility and all treatments were provided by an unlicensed individual or registered nurses employed by the facility.
3. The Virginia Board further found that the Respondent caused or allowed the facility to obtain controlled substances, to include Botox, dermal fillers and topical anesthetics, to administer the same to patients with whom he did not have a bona fine practitioner-patient relationship.

4. 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 B 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)(3)(ii) and (18).

#### ORDER

It is, thus, by Panel B, hereby:

**ORDERED** that the Respondent be and 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).

03/03/2023  
Date

***Signature On File***

Christine A. Farrelly  
Executive Director  
Maryland Board of Physicians

**CONSENT**

I, Barnett Mennen, MD, 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.

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 this matter. 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.

3/01/2023  
Date

***Signature On File***

Barnett Mennen, MD  
Respondent


NOTARY

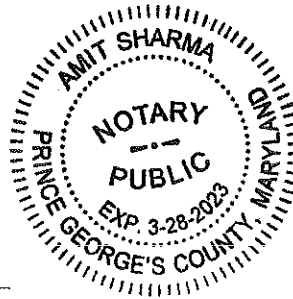
STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 1<sup>st</sup> day of March, 2023,  
before me, a Notary Public of the State and City/County aforesaid, personally Barnett  
Mennen, 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: 03-28-2023

# Attachment 1

**BEFORE THE VIRGINIA BOARD OF MEDICINE**

**IN RE:       BARNETT GEORGE MENNEN, M.D.**  
**License Number:   0101-248289**  
**Case Number:       217911**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Medicine ("Board") and Barnett George Mennen, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Mennen's license to practice medicine in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1.       Barnett George Mennen, M.D., was issued License Number 0101-248289 to practice medicine on August 19, 2010, which is scheduled to expire on July 31, 2024.

2.       Dr. Mennen violated Virginia Code § 54.1-2915(A)(3), (11), (12), (13), (16), and (18) and 18 VAC 85-20-29(A)(1) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic in that he aided and abetted the unlicensed practice of medicine that was likely to be a danger to or harm his patients or the public. Specifically:

    a.       Despite describing himself as a board-certified pediatrician, between September 2010 and late 2013/early 2014, Dr. Mennen served as the medical director for an "aesthetic nurse" and claims to have "learned aesthetics" from this nurse. Dr. Mennen reported that he completed continuing education and training with the nurse before he began to inject neuromodulators and dermal fillers himself. In the summer of 2018, Dr. Mennen was approached about becoming the medical director at Loudoun Medical Aesthetics, Sterling, Virginia ("LMA")

    b.       While serving as the medical director at LMA, Dr. Mennen failed to ensure the minimal competencies of staff providing medical procedures, or assistance with such procedures. The

owner of LMA, Laura Michelle Fisher, holds no healthcare licenses in the Commonwealth of Virginia, and held an esthetician license issued by the Virginia Board for Barbers and Cosmetology, which was suspended by Order entered November 18, 2019. The suspension of Ms. Fisher's esthetician license resulted from her failure to pay a \$1,000 monetary penalty that was imposed after findings that Ms. Fisher falsely claimed that the supervising physician for a physician assistant Ms. Fisher hired to work at LMA was also LMA's medical director, as detailed in the November 18, 2019 Order. The supervising physician subsequently stated she was never asked to, nor did she agree to, serve as an "emergency contact" for Ms. Fisher or LMA. The supervising physician was also unaware that Ms. Fisher claimed that she was the medical director for LMA.

c. By his own admission, and based on statements of the registered nurses employed at LMA, Dr. Mennen failed to examine or evaluate any patient prior to treatment at LMA, and all treatments were provided by Ms. Fisher or registered nurses employed by LMA. Procedures performed at LMA included injection of neuromodulators and dermal fillers into the face, and the injection of platelet-rich plasma ("PRP") into male and female genitalia, purportedly to treat various sexual and urinary complaints.

d. Registered nurses, or Ms. Fisher, independently evaluated each patient, determined the medical necessity of treatment for a given patient, selected the site(s) for the injection of substances, and the amount to be injected at each site, duties which require the use of professional judgment and discretion and cannot be delegated.

e. On September 20, 2021, Ms. Fisher administered 31 units of Botox to Patient A. On October 4, 2021, and November 8, 2021, Ms. Fisher administered PRP to Patient A. On January 10, 2022, Patient A sought treatment from a plastic surgeon with complaints of persistent swelling under the



lower eye lids. On examination, the plastic surgeon found edema on both lids and visible/palpable hyaluronic acid on both lower lids, requiring bilateral upper lid blepharoplasty.

3. Dr. Mennen violated Virginia Code §§ 54.1-2915(A)(3), (8), (13), (16), and (17), and 54.1-3303(B) in that, while serving as medical director at LMA, between summer 2018 and March 22, 2022, Dr. Mennen caused or allowed LMA to obtain controlled substances, to include Botox, dermal fillers, and topical anesthetics, to administer the same to patients with whom he did not have a bona fide practitioner-patient relationship. Specifically:

a. Dr. Mennen failed to obtain a medical or drug history of the patients, failed to provide patients with the risks and benefits of drug(s) being provided, failed to perform appropriate physical examinations, and failed to initiate additional interventions and necessary follow-up care.

b. In an interview with a Senior Investigator for the Virginia Department of Health Professions (“Investigator”) on July 26, 2022, Dr. Mennen admitted that products were ordered using his registration with the Drug Enforcement Administration under his license, then “designated injectors” use the products as they deem appropriate.

4. In the July 26, 2022 interview with the Investigator, Dr. Mennen stated that he was “confident that as the medical director of an aesthetic spa with [“]nurse injectors[”], that he [did] not need to evaluate the clients and [did] not need to review clients’ records.”

5. Effective March 22, 2022, Dr. Mennen resigned as medical director at LMA.

### CONSENT

Barnett George Mennen, 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 Nora Ciancio, Esquire;

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. Barnett George Mennen, M.D., is REPRIMANDED.
2. Barnett George Mennen, M.D., 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.

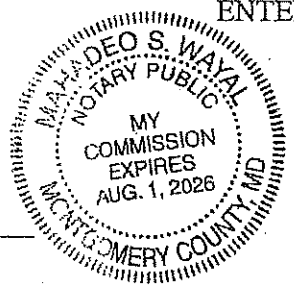
FOR THE BOARD

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

ENTERED: 1/4/2023

SEEN AND AGREED TO:

[Signature]  
Barnett George Mennen, M.D.



COMMONWEALTH OF **Maryland**  
COUNTY/CITY OF Montgomery County, TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of **Maryland** on  
this 28<sup>th</sup> day of Dec, 2022.



[Signature]  
Notary Public

My commission expires:

MAHADEO S. WAYAL  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires August 1, 2026

Registration No.: