

IN THE MATTER OF  
CHERYL D. BANSAL, M.D.  
Respondent

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS

License Number: D72260

Case Number: 2220-0155A

\* \* \* \* \*

**CONSENT ORDER**

On January 26, 2021, Disciplinary Panel A of the Maryland State Board of Physicians (the “Board”) charged **CHERYL D. BANSAL, M.D.**, (the “Respondent”), License Number D72260, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act under Health Occ. § 14-404(a) provide as follows:

**§ 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.**

(a) *In general.* 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:

...

(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[.]

The pertinent provisions of the Maryland Medical Practice Act (the “Act”), Health Occ. §§ 14-101 *et seq.*, under which Panel A issues this Order provide the following:

**§ 14-101. Definitions.**

- (o) *Practice medicine.* – (1) “Practice medicine” means to engage, with or without compensation, in medical:
  - (i) Diagnosis;
  - (ii) Healing;
  - (iii) Treatment;
  - (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[.]

**§ 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.

**Md. Code Regs. 10.32.09 – Delegation and Assignment of Performance of Cosmetic Medical Procedures and Use of Cosmetic Medical Devices**

**.01 Scope**

A. This chapter governs the performance, delegation, assignment, and supervision of cosmetic medical procedures, and the use of cosmetic medical devices by a physician or under a physician’s directions.

...

D. This chapter does not authorize the delegation of any duties to a person who is not licensed under the Health Occupations Article, Annotated Code of Maryland.

**.02 Definitions.**

...

**B. Terms Defined.**

(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:

...

(viii) Treatments intended to remove or cause destruction of fat[.]

On April 14, 2021, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

**FINDINGS OF FACT**

Panel A finds the following:

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on May 9, 2011. Her license is scheduled to expire on September 30, 2022.
2. The Respondent is board-certified in dermatology.
3. The Respondent owns and maintains an office for the practice of dermatology (the “Office”) in Columbia, Maryland.<sup>1</sup> The practice provides medical, cosmetic, pediatric, and surgical dermatological services.

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<sup>1</sup> For confidentiality and privacy purposes, the names of patients, health care providers, health care facilities, and other institutions are not disclosed in this Order.

4. In or around October 2019, the Board received a complaint regarding the Office. The Board investigated the complaint and determined that the allegations in the complaint were not substantiated.

4. The Board's investigation revealed, however, that the Respondent employed an unlicensed individual ("Individual A") as a "medical assistant." Individual A independently performs consultations with patients who are interested in CoolSculpting® treatments. The Board's investigation further revealed that the Respondent permits Individual A to perform CoolSculpting® on patients whom Individual A determined were appropriate candidates.

5. Individual A has never been licensed to practice medicine in the State of Maryland and has never been licensed or certified by any health occupations licensing board in Maryland.

6. CoolSculpting® is approved by the U.S. Food and Drug Administration for the treatment and eradication of visible fat deposits. The CoolSculpting® method to remove fat is cryolipolysis, the destruction of fat cells by exposing fat deposits to freezing temperatures.

## **II. THE BOARD'S INVESTIGATION**

### **A. Individual A's Interview**

1. In furtherance of its investigation, Board staff interviewed Individual A under oath.

2. Individual A stated that she has been performing CoolSculpting® treatments on patients since mid-January 2019.

3. Individual A received training regarding how to perform CoolSculpting® treatments by watching videos on the Coolsculpting® website, observing a former Office employer perform treatments, and by shadowing the Respondent when CoolSculpting® was administered to patients.

4. Individual A stated that she independently consulted with patients who were interested in Coolsculpting®. During a patient consultation, Individual A explains the history of CoolSculpting®, the procedure, and possible adverse effects. Individual A determines how many “cycles” of CoolSculpting® a patient would need to obtain the desired result by measuring the visible fat deposits the patient wished to reduce by measure the fat deposit with a plastic template. Individual A also determines which CoolSculpting® applicator she will use during the treatment.

5. Individual A completes the patient consultation form, including the patient’s name, the parts of the body to be treated – notated with circles on a diagram – and the treatment plan, which totals the number of cycles that will be used.

6. During each CoolSculpting® treatment session, Individual A prepares the part of the patient’s body to be treated by wiping it with a cleansing wipe and then applying a gel pad to the skin. Individual A starts the CoolSculpting® machine, inserts a software card into the machine, and straps the suction applicator to the patient’s body part to be treated.<sup>2</sup> Individual A provides the patient with a pager in the event the patient feels any discomfort during the treatment session.

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<sup>2</sup> The length of the treatment session is determined by the number of cycles the patient will be administered, which is contained on the software card.

7. After the treatment, the Respondent meets with the patient to discuss possible side effects.

8. Individual A does not document the CoolSculpting® treatment session in the patient's medical record except for noting the reason for the visit. The Respondent documents the treatment session.

**B. The Respondent's Interview**

9. The Respondent confirmed that Individual A performed CoolSculpting® treatments in the Office.

10. The Respondent explained that CoolSculpting® uses a process called selective thermolysis that freezes fat cells without harming other cells, nerves, or blood vessels. The fat cells are destroyed in a controlled "cell vac" process called apoptosis and are subsequently excreted by the body.

11. The Respondent identified the CoolSculpting® device as a cosmetic medical device, as distinguished from other medical devices that are used to treat dermatological conditions.

**C. The Office's CoolSculpting® Records**

12. The Board subpoenaed from the Office CoolSculpting® appointment logs from January 1, 2019 to August 14, 2020. The records revealed that Individual A performed CoolSculpting® treatment on approximately eighty (80) patients.

13. The Board subpoenaed from the Office ten (10) records of patients who had received CoolSculpting® treatment. The records revealed that Individual A documented her consultations with patients but did not document that she performed the CoolSculpting® treatments.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii) and practicing medicine with an unauthorized person or aiding an unauthorized person in the practice of medicine, in violation of Health Occ. § 14-404(a)(18).

**ORDER**

It is thus by a majority of a quorum of Disciplinary Panel A of the Board hereby:

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

**ORDERED** that within **ONE (1) YEAR**, the Respondent shall pay a civil fine of **FIVE THOUSAND DOLLARS (\$5,000.00)**. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board;

**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).

06/08/2021  
Date

***Signature on file***

Christine A. Farréllly, Executive Director  
Maryland State Board of Physicians

## CONSENT

I, Cheryl D. Bansal, M.D., acknowledge that I have consulted with counsel before signing this document.

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 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***

5/24/21

Date

Cheryl D. Bansal, M.D.



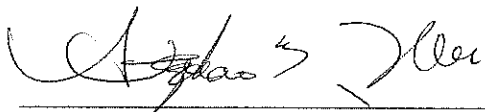
**NOTARY**

STATE OF MD

CITY/COUNTY OF Columbia / HOWARD

I **HEREBY CERTIFY** that on this 25<sup>th</sup> day of MAY, 2021, before me, a Notary Public of the State and County aforesaid, personally appeared Cheryl D. Bansal, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

**AS WITNESS, my hand and Notary Seal.**



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Notary Public

My Commission Expires: NOV. 16, 2023

