

IN THE MATTER OF

*** BEFORE THE**

ROXANA FU, M.D.

*** MARYLAND STATE**

Respondent

*** BOARD OF PHYSICIANS**

License Number: D83564

*** Case Number: 2220-0254B**

*** * * * ***

CONSENT ORDER

On May 27, 2020, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") voted to charge **ROXANA FU, M.D.** (the "Respondent"), License Number D83564, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

Specifically, Panel B vote to charge the Respondent with violating the following provisions of the Act under Health Occ. § 14-404:

- (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 suspended or revoke a license if the licensee:
 - (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine;
 - (28) Fails to comply with the provisions of § 12-102 of this article; [and]
 - (43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine[.]

Health Occ. § 12-102 provides:

(c) *Preparing of prescriptions by licensed dentist, veterinarian, physician, etc.; exception:*

...

(2) This title does not prohibit:

...

(ii) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

1. The dentist, physician, or podiatrist:

A. Has applied to the board of licensure in this State which licensed the dentist, physician, or podiatrist;

...

C. Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter dosages or samples without charge[.]

Prior to the issuance of disciplinary charges, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

Panel B finds the following facts:

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice

medicine in Maryland on May 24, 2017, under License Number D83564. The Respondent's license is active and current through September 30, 2020.

2. The Respondent is board-certified in ophthalmology and at all times relevant hereto, practiced at a health care facility¹ in Bel Air, Maryland.

3. At all times relevant thereto, the Respondent did not possess a Board-issued dispensing permit. The Board has never issued a dispensing permit to the Respondent.

4. The Board initiated an investigation of the Respondent after receiving a report, dated December 6, 2019, from the Maryland Office of Controlled Substances Administration, following a survey it conducted of area health care practitioners who were ordering/selling prescription aesthetic products (Obagi skin care products). The survey determined that in 2019, the Respondent ordered and dispensed the following prescription medications: tretinoin 0.05% cream; tretinoin 0.05% gel; and tretinoin 0.1% cream.

5. By letter dated January 27, 2020, the Board notified the Respondent that it had information that she was dispensing "prescription grade medications" without a dispensing permit. The Board requested that the Respondent provide a response to these allegations and submit a medication log for all medications she dispensed after January 1, 2019.

6. By letter to the Board dated April 14, 2020, the Respondent acknowledged that she dispensed the drug tretinoin, a prescription-only medication, to patients in 2019

¹ For confidentiality reasons, the name of the health care facility will not be identified in this document. The Respondent is aware of the identity of the health care facility.

for aesthetic/dermatologic purposes. The Respondent also submitted prescription logs which verified that she dispensed tretinoin in various formulations to patients in 2019. The Respondent acknowledged that she did not have a dispensing permit but stated that she did not willfully disregard the dispensing regulations.

7. The Board's investigation determined that the Respondent dispensed prescription-only medications to patients, including formulations of tretinoin, from her office in 2019, without a Board-issued dispensing permit.

CONCLUSIONS OF LAW

Based on the forgoing Findings of Fact, Panel B concludes as a matter of law that the Respondent violated Health Occ. § 14-404(a)(28), Fails to comply with the provisions of § 12-102 of this article. Panel B dismisses charges under Health Occ. § 14-404(a): (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine; and (43) Except for the licensure process described under Subtitle 3A of this tile, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine.

ORDER

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

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

ORDERED that within **THIRTY (30) DAYS** of the effective date of this Consent Order, the Respondent shall pay to the Board a civil penalty of **ONE THOUSAND AND**

FIFTY DOLLARS (\$1050.00). 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; 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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine

in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; 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),

08/10/2020
Date

Signature on File

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

CONSENT

I, Roxana Fu, 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.

7/28/2020
Date

Signature on File

Roxana Fu, M.D.
Respondent

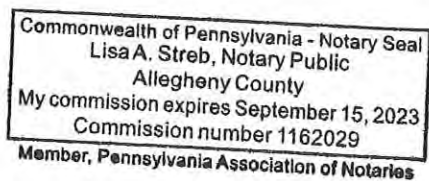
NOTARY

STATE OF Pennsylvania

CITY / COUNTY OF Allegheny

I HEREBY CERTIFY that on this 28th day of July 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Roxana Fu, M.D., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Lisa A Streb
Notary Public