

IN THE MATTER OF * BEFORE THE
ROBERT GREVERIS * MARYLAND STATE
 Respondent * BOARD OF PHYSICIANS
Unlicensed * Case Number: 2218-0129A

CONSENT ORDER

On August 24, 2018, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged Robert Greveris (the “Respondent”) under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) § 14-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.). Panel A charged the Respondent under the following provision of Health Occ.:

Health Occ. § 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.

Additionally, the following relevant statutes apply under Health Occ.:

Health Occ. § 14-101- Definitions.

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

Health Occ. § 14-606. Penalties.

(a) Imposition of penalties.

...

(4) Except as provided in paragraph (5) of this subsection,¹ 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.

On November 14, 2018, 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 and Order.

I. FINDINGS OF FACT

Panel A finds:

BACKGROUND

1. The Respondent has not been trained as a physician.
2. At all times relevant, the Respondent has not been licensed as a physician, or by any health occupations licensing board in Maryland.

¹ Paragraph (5) does not apply.

3. The Respondent offered allergy screening tests through Allergy Company A at a Fitness Club (“Facility A”), located in Bel Air, Maryland, in addition to other fitness centers and county fairs in the state.

4. On or about December 6, 2017, the Board received an anonymous complaint from a female “patient” of the Respondent (the “complainant”) alleging that the Respondent was offering allergy tests at her fitness center. The complainant stated that on her way into the fitness center she observed the Respondent sitting behind a table offering allergy tests and when she (the complainant) “asked him who the doctor [was] he said he didn’t know.” When the complainant exited the fitness center the Respondent told the complainant the doctor was Physician A.² The complainant stated that the Respondent acknowledged he was not a doctor and had identified Physician A as “the doctor.”

5. The complaint included copies of supporting documentation including two advertising flyers for the allergy testing services being conducted by Allergy Company A.³

6. On or about January 11, 2018, Board Staff confirmed on Allergy Company A’s “Facebook” page that Allergy Company A was offering allergy screenings. Panel A initiated an investigation.

7. During the course of its investigation, Board staff conducted a site inspection of Facility A, subpoenaed records and conducted interviews of the Respondent and Physician

² Panel A charged Physician A under MBP Case #2218-0169A.

³ One flyer stated that “our office performs Allergy Testing for 80 of the most common allergens native to our region”. The second advertisement said that the testing is available on-site with instant results and specifies that most insurances are accepted.

A. Also, in furtherance of its investigation, Board staff transmitted relevant records to a board-certified Allergy/Immunology physician for expert review.

8. On August 8, 2018, Panel A issued an Order to the Respondent to immediately **CEASE AND DESIST** from the practice of medicine, based on evidence that he had engaged in the unauthorized practice of medicine.

9. The findings are set forth in pertinent part below.

UNANNOUNCED SITE VISIT AND INVESTIGATION

10. On or about January 11, 2018, Board staff conducted an unannounced site visit of Facility A, a fitness center located in Bel Air, Maryland, where Allergy Company A was performing allergy screening tests.

11. Board staff observed the Respondent seated at a table with a laptop, patient forms and flyers advertising Allergy Company A. The supplies on the table included, but were not limited to, allergy testing trays, plastic allergy skin test applicators, disposable measuring devices, a timer, rubbing alcohol, hydrocortisone cream,⁴ and Benadryl Allergy Liquigels.⁵

12. During the site visit, Board staff observed the Respondent using his cellphone flashlight to examine a female patient's ("Patient A") arm for an allergic reaction. The Respondent provided the "Patient Intake Sheet" and "Screening Sheet" for Patient A.⁶

⁴ Hydrocortisone cream is a steroid cream used to treat inflammation.

⁵ Benadryl is an antihistamine used to relieve allergy symptoms.

⁶ The "Patient Intake Sheet" asked for personal health information such as height and weight. The form also asked for insurance information and a short medical and allergy history. The "Screening Sheet" listed the different allergens that were tested for and results indicating whether the patient reacted to up to 80 allergens.

13. Board staff subpoenaed an employee list and patient intake sheets from the Respondent on January 16, 2018. On January 29, 2018, Board staff also subpoenaed billing claims from Insurance Company A for 6 patients selected from the patient intake sheets.

RECORD INSPECTION

14. The employee list revealed that the Respondent has seven employees, none of whom are licensed by any health occupation board in Maryland.⁷

15. In response to a subpoena, Board staff received from the Respondent patient records and patient intake sheets for approximately 165 patients of Allergy Company A who had received allergy scratch tests at fairs and fitness clubs between August 2017 and January 2018. Out of the 165 patient intake forms the Board received, the Respondent had conducted approximately 100 of the allergy scratch tests.

16. The patient records included “Allergy Screening Reports” (the “Report”) that the Respondent completed and provided to the patients after completing allergy screening testing. The Report contained sections for history, method, results, and impression.

17. The Respondent had completed the Reports, routinely documenting in the “history section” that the patients presented with complaints of possible allergies. The Respondent completed the “results section” by specifically identifying to which allergens the patient had a potential reaction. The Respondent further completed the “impression” section of the Report, routinely documenting, “The screening indicates that further testing and follow up with possible immunology may be indicated.”

⁷ The Respondent claimed that one of his employees was a certified medical assistant; however, the records he provided revealed that the employee only had an expired medical assistant certification from the State of Illinois.

18. On or about January 29, 2018, Board staff subpoenaed billing claims from Insurance Company A for 6 patients selected from the Respondent's intake sheets that he had provided to Board staff. The billing claims identified Physician A as the physician who conducted the allergy testing through his practice, Practice A.⁸

19. Board staff also subpoenaed and received the Independent Contractor Agreement between Physician A and Allergy Company A (the "Agreement"). The Agreement states that patients referred for allergy screenings will be billed using Physician A's National Provider Identifier number ("NPI number") and Physician A will be compensated with a physician management fee.

INTERVIEW OF RESPONDENT

20. On March 5, 2018, Board staff conducted an interview under oath of the Respondent.

21. The Respondent stated that he started conducting allergy screenings for Allergy Company A around April 2017. The Respondent is one of the owners of Allergy Company A along with two business partners, Individual A and Physician A. Each owner owns one third of the company, and Physician A is a full business partner under a "unanimous stockholders agreement."

⁸ CPT Code 95004, which is the code for allergy testing, was used on the Health Insurance Claim Form. The records indicated that Physician A was billing \$560 for 80 units and insurance was paying between \$315 and \$342. Records received from Insurance Company B revealed that Physician A billed \$560 for allergy skin tests and Insurance Company B paid \$472.

22. The Respondent holds an associate's degree. He acknowledged that he has no medical experience besides CPR certification and one day of training conducted by Allergen Applicator Company A that addressed the application of allergy screenings.⁹

23. The Respondent provided Board staff a description of the allergy screening, referring to it as an "allergy scratch test." He stated that he routinely cleans both patient's arms with alcohol, lays down the allergen applicators, waits about 18 minutes, and then feels the arms for bumps and measures any bumps he discovers. The Respondent said that prior to applying the scratch test he explains to the patient what he is going to do and informs the patient of risks involved. He also said that he informs patients "it'll probably itch for, like, about an hour or so, but we have hydrocortisone we can give you and also Benadryl to relieve itching."

24. The Respondent stated that he did not tell patients they were "allergic" but would tell the patients whether a reaction had occurred.

25. The Respondent stated that he is aware individuals could have an anaphylactic reaction to the allergy screening. He stated that if an emergency were to occur, he or his staff would call 9-1-1 first, use an EpiPen,¹⁰ and initiate CPR if necessary. The Respondent stated that the two EpiPens used on site during an allergy screening were his personal EpiPens that had been prescribed to him for an allergy to bee stings.

26. The Respondent acknowledged that there was never a doctor, nurse, or physician assistant on site when he performed allergy screenings.

⁹ Allergen Laboratory A provides the allergens and Allergen Applicator Company A provides the applicators and training.

¹⁰ An EpiPen is a medical device that is only available by prescription and is used to treat an anaphylactic reaction.

27. The Respondent stated that he is responsible for hiring and managing employees and all billings and services for Allergy Company A. He stated that either he or Allergy Company A provided allergy screening training to the other Allergy Company A employees. The Board's investigation revealed that none of the employees who performed allergy screenings for Allergy Company A had medical or nursing licenses.¹¹

28. Allergy Company A shares office space with another physician who specializes in weight loss, "Physician B." The Respondent stated that he had only screened one patient in the office location. The Respondent conducted the remainder of the allergy screenings at mobile locations including fitness centers ("gyms"), athletic clubs and county fairs.

29. When Board staff asked the Respondent about billing procedures for the allergy screening, he stated that Allergy Company A does not collect anything that insurance does not cover.¹² The Respondent stated that Allergy Company A directly bills the patient's insurance carrier under Physician A's NPI number and when Physician A receives the money from the insurance carrier, he routinely reimburses Allergy Company A by sending a check.

INTERVIEW OF PHYSICIAN A

30. On March 20, 2018, Board staff interviewed Physician A under oath.

31. Physician A is a physician who is licensed to practice medicine in the State of Maryland.

¹¹ The Respondent said that Allergy Company A is trying to hire more "EMT qualified employees" and admitted that "we should definitely get a nurse out there."

¹² Physician A said that he accepts insurance and Medicaid for allergy screenings, but that he has not received any payment from Medicaid or Medicare.

32. Physician A stated that the Respondent approached him in the spring or summer of 2017 to join Allergy Company A.¹³ Physician A stated that the Respondent “is his contact” with Allergy Company A.

33. Physician A stated that the Respondent and other individuals who work for Allergy Company A do not work under his direction; he has also never attended an event with Allergy Company A and has never supervised any of their personnel.

34. Physician A stated that the Respondent, or whoever is administering the tests for Allergy Company A, is responsible for “reading/interpreting the results of the allergy testing.” He stated that the patient intake form is similar to forms he is familiar with from other allergist’s offices and agreed that reading and interpreting the results of the allergy testing is within a physician’s scope of practice.

35. When asked if he had any concern about doing allergy tests at places like a state fair or “gym”, Physician A replied, “Yeah. So, I guess the concern would be the same concern you would have anywhere is if someone has a reaction or anaphylaxis.”

36. Physician A stated that Allergy Company A bills the insurance companies directly using Physician A’s name as the provider for the allergy testing. He further stated he does not review the allergy testing.

¹³ Physician A stated that his agreement with Allergy Company A is that they do the allergy screening tests and use his name as the provider and then he receives some of the profits.

EXPERT REVIEW

37. On or about June 13, 2018, based on a review of relevant records from the Board's investigative file, the expert issued a report in which her opinions are set forth in pertinent part as follows:

- The photographs from the unannounced site visit of Facility A, "reveal products that are typically used in physicians' offices from skin testing";
- the Respondent was administering 80 allergens to patients, which is greater than what is done in clinical practice;
- the expert stated that testing in public locations was "inappropriate and unsafe" and said there was no one to "properly interpret these tests, answer questions, or treat reactions.";
- "[the Respondent] did not have appropriate training or licensure to perform these tests or to treat a patient if needed.";
- the expert opined that the Respondent is practicing or attempting to practice medicine and that there is a substantial likelihood of risk of serious harm to the public health, safety or welfare of patients in Maryland.

II. CONCLUSION OF LAW

Based on the Findings of Fact as outlined in whole or in part above relating to diagnosis or treatment, Panel A concludes as a matter of law that the Respondent engaged in the practice of medicine without a license in violation of Health Occ. § 14-601.

III. ORDER

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

ORDERED that, pursuant to the authority vested by the Maryland Medical Practice Act, Health Occ. § 14-206(e)(1), the Respondent shall continue to **CEASE AND DESIST** from engaging in the practice of medicine; and it is hereby

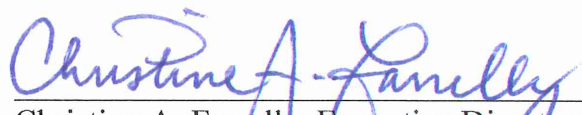
ORDERED that within **FIVE (5) YEARS** of the date of this Consent Order, the Respondent shall pay a monetary fine in the total amount of **TEN THOUSAND DOLLARS (\$10,000.00)**. The payment or payments shall be by certified or bank guaranteed check(s) made payable to the Maryland State Board of Physicians. 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's failure to pay the \$10,000.00 in full within **FIVE (5) YEARS** of the date of this Consent Order shall be considered a violation 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 this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 through 4-601 (2014 & 2016 Supp.).

01/02/2019
Date


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

CONSENT

I, Robert Greveris, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. 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., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive these rights 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 their 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 understands the language and meaning of its terms.

12/13/18
Date


Signature on File
Robert Greveris

STATE/ DISTRICT OF Maryland

CITY/COUNTY OF: Harford

I HEREBY CERTIFY that on this 13 day of December, 2018, before me, a Notary Public of the State/District and County aforesaid, personally appeared Robert Greveris, 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.


Notary Public



My commission expires: 08/24/2020