

IN THE MATTER OF	*	BEFORE THE
IAN NOEL	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
Unlicensed	*	Case Number: 2218-0032B

\* \* \* \* \*

### FINAL CEASE AND DESIST ORDER

On December 14, 2017, the Maryland State Board of Physicians (the “Board”) issued a Cease and Desist Order to Ian Noel with investigative findings and a conclusion of law. *See* Md. Code Ann., Health Occ. § 14-206(e). The Board found that Mr. Noel had engaged in the practice of medicine without a license and represented to the public that he was authorized to practice medicine in Maryland when he was not authorized to do so. *See* Md. Code Ann., Health Occ. §§ 14-601, 14-602.

Mr. Noel was entitled to challenge the factual or legal basis of the initial order by filing written opposition within 30 days of the issuance of the Cease and Desist Order. Code of Maryland Regulations (“COMAR”) 10.32.02.11E(3). Mr. Noel did not challenge the Cease and Desist order. Mr. Noel also had the opportunity to request a hearing but did not do so. *Id.*

The Board finds that Mr. Noel’s conduct constitutes the unauthorized practice of medicine. The Board, therefore, affirms the Cease and Desist Order dated December 14, 2017.

### FINDINGS OF FACT

The Board affirms and adopts in full the Investigative Findings from the December 14, 2017, Cease and Desist Order. The Cease and Desist Order’s Investigative Findings (pages 2-5 and ¶¶ 1-20) are incorporated by reference into the body of this document as if set forth in full. *See* attached Cease and Desist Order, Exhibit 1.

## CONCLUSION OF LAW

The Board concludes that Mr. Noel engaged in the unauthorized practice of medicine.

## ORDER

Based on the above Findings of Fact and Conclusion of Law, it is, by an affirmative vote of a majority of a quorum of the Maryland State Board of Physicians, hereby:

**ORDERED** that, pursuant to the authority vested by the Maryland Medical Practice Act, Md. Code Ann., Health Occ. § 14-206(e), Mr. Noel shall continue to **CEASE AND DESIST** from providing any and all services that constitute the practice of medicine; and is further

**ORDERED** that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014).

01/30/2018  
Date

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

## NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to COMAR 10.32.02.11E(3)(e), Mr. Noel has the right to seek judicial review of this Final Order. Any petition for judicial review shall be filed within 30 days from the date of mailing of this Final Order. The cover letter accompanying this final order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Mr. Noel files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians  
Christine A. Farrelly, Executive Director  
4201 Patterson Avenue  
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**David S. Finkler  
Assistant Attorney General  
Department of Health and Mental Hygiene  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201**

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\* \* \* \* \*

**CEASE AND DESIST ORDER**

Pursuant to the authority granted to Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") under Md. Code Ann., Health Occ. ("Health Occ.") § 14-206(e)(1) (2014 Repl. Vol. & 2017 Supp.), Panel B hereby orders Ian Noel (the "Respondent"), unlicensed, to immediately **CEASE AND DESIST** from the practice of medicine as defined in Md. Code Ann., Health Occ. II (Health Occ. II) § 14-101 (2014 Repl. Vol. & 2017 Supp.):

**Health Occ. II § 14-401**

- (o) (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;

...

- (iii) Performing acupuncture as provided under § 14-504 of this title.

Additionally, the following relevant statutes apply:

## **Health Occ. II**

### **§ 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.

### **§ 14-602. Misrepresentation as practitioner of medicine.**

(a) Unless authorized to practice medicine under this title, a person may not represent to the public, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice medicine in this State.

## **INVESTIGATIVE FINDINGS<sup>1</sup>**

Based on investigatory information received by, made known to, and available to Panel B, there is reason to believe that the following facts are true:

### **BACKGROUND**

1. At all times relevant, the Respondent has not been trained as a physician.
2. At all times relevant, the Respondent has not been licensed as a physician, naturopathic doctor, practitioner of acupuncture; or by any health occupations licensing board in Maryland.<sup>2</sup>
3. The Respondent's practice is located in Baltimore city ("Practice A").<sup>3</sup>
4. On or about August 28, 2017, the Board received a complaint from an individual (the "complainant") who inquired about the legality of the Respondent's scope of practice when allegedly the Respondent had diagnosed liver cancer in the

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<sup>1</sup> The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the Cease and Desist Order. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

<sup>2</sup> Effective March 1, 2016, the Board began licensing Naturopathic Doctors in Maryland. The allegations in this case, however, exceed the scope of practice of a Naturopathic Doctor.

<sup>3</sup> In order to maintain confidentiality, identifying names will not be used in this document.

complainant's friend by asking her to hold a metal rod while the Respondent tested her finger strength.

5. Panel B initiated an investigation. The investigative findings are set forth in pertinent part below.

#### **BOARD HISTORY**

6. On or about June 25, 2008, the Board issued to the Respondent an Advisory Letter notifying him he should not practice, attempt to practice or offer to practice medicine in the State of Maryland unless licensed by the Board. The Advisory Letter was initiated by a complaint that alleged that he had engaged in the unauthorized practice of medicine.

#### **PRESENT INVESTIGATIVE FINDINGS**

##### **SEARCH AND SEIZURE WARRANT**

7. On or about October 26, 2017, Board staff applied for and was granted a Search and Seizure warrant for Practice A, by the District Court of Maryland for Baltimore City, based on probable cause that the Respondent had engaged in the unauthorized practice of medicine. The District Court granted the warrant based on evidence including but not limited to telephone calls in which Board staff posed as a prospective patient who represented he had been diagnosed with diabetes and was inquiring about alternatives to insulin. The receptionist at Practice A identified the Respondent as a "doctor" and offered an appointment date to Board staff. Additionally, the Respondent had been identified or referred to on various websites on the internet as "Dr.", a naturopathic doctor, and as a physician.

8. On or about October 26, 2017, Board staff served the Respondent with a Search and Seizure warrant at the location of Practice A. Practice A had an examination room that contained but was not limited to two examination tables, stethoscopes, a thermometer, a scale, a reflex hammer, illustrations of anatomic and acupuncture sites, medical literature include editions of the Physicians' Desk Reference, a sharps container, a vita-650 laser, an x-ray view box, homeopathic test vials, examination gowns and drawers with labels including "food allergy, bacteria test kit, neonatal/breast disease and environmental allergens." The Respondent's office area contained medical supplies including alcohol, bandages, drug testing kits, Activa, a first aid kit, acupuncture needles, and specimen containers.

9. The Respondent had an "ITO" laser device at Practice A, and presented it to Board staff in response to an inquiry about what was used during a patient procedure recorded on a patient log that was viewed during the search.

10. A receptacle on Practice A's examination room door was labeled, "Dr. Noel."

11. Practice A contained a plaque on the wall that identified the Respondent as "Dr. Ian Noel."

12. Practice A had a posted sign referring to the clients as "patients."

13. Practice A had copies of patient radiology studies including an MRI.

14. The Respondent's appointment log for patients to be seen on October 26, 2017 included 22 patients for visits scheduled between 9:00 am. and 5:00 p.m. for visits including acupuncture, "new visits," or "5 min" visits.

15. Practice A had a fee schedule posted that ranged from \$95 to \$150 per visit depending on the patient's age and/or length of visit.

16. Board staff observed multiple bottled supplements and herbal remedies including but not limited to the following labels: crampbark, Clear Heat, Clear Phlegm, Cold Away, IBP, Osteoherbal, Schisandra, Fertile Garden, mobility 2 and 3, L-Theanine and SAM-e.

17. Several of the supplement containers referred to in ¶ 16 were labelled with handwritten patient names such as a container containing bil lutein (bilberry extract combined with Marigold flower extract used in the treatment of night vision) for Patient A.

18. During the search, Board staff seized in excess of 500 patient records.

#### **EXPERT REVIEW**

19. The Board requested that a physician consultant review 10 randomly selected patient records and other relevant documents obtained during Board staff's search of Practice A.

20. The physician consultant's review of relevant documents seized, provided:

It is my opinion that [the Respondent] is practicing medicine without a license.

... [The Respondent] represents that he is a physician. He makes no attempt to correct those that address him as Dr. Noel. He signs documents as the physician of record in the area that states physicians' signature or doctor's signature. ...

His office resembles a doctor's office. Rooms are labeled examination. There are standard examination tables that you would find in a doctor's office. There are stethoscopes hanging on the wall. An otoscope and reflex hammer are evident. An x-ray viewing box was seen on the wall and x-rays were found in the office...

Patients are seeing him for serious medical conditions such as cancer, renal insufficiency, hypertension, thrombocytopenia, seizures, etc. They are asking him to review their blood work and comment on it. Patients may see him for thyroid conditions and he will adjust the dose of thyroxin. There are notations that reference what medication some patients are on as well as patients calling in to ask about the medications they are on...



### CONCLUSION OF LAW

Based on the foregoing Investigative Findings, the Board concludes as a matter of law that there is a preponderance of evidence that the Respondent's actions in holding himself out as a physician and engaging in the unauthorized practice of medicine, pose a serious risk to the health, safety and welfare of the public.

### ORDER

Based on the investigative findings and the Board's conclusion of law that the Respondent's actions pose a serious risk to health, safety and welfare, and pursuant to the Board's authority under Health Occ. § 14-206(e)(1), it is hereby:

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

**ORDERED** that this order is **EFFECTIVE IMMEDIATELY** pursuant to Md. Code Regs. 10.32.02.11E (1)(b); and it is further

**ORDERED** that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014 Repl. Vol.) and Md. Code Regs. 10.32.02.11E (1)(a).

12/14/2017

Date



Christine A. Farrelly

Executive Director

Maryland State Board of Physicians

### NOTICE OF OPPORTUNITY FOR A HEARING

The Respondent may challenge the factual or legal basis of this Order by filing a written opposition within 30 days of its issuance. The Respondent has a right to a

hearing, but must request a hearing within 30 days of the issuance of this Order. The written opposition and/or request for a hearing should be made to: Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215, with a copy mailed to Dawn L. Rubin, Assistant Attorney General, Health Occupations Prosecution and Litigation Division, Office of the Attorney General, 300 West Preston Street, Suite 201, Baltimore, Maryland 21201. If the Respondent files a written opposition, the Board will consider that opposition and will provide a hearing, if requested. If the Respondent does not file a written opposition, the Respondent will lose the right to challenge this Initial Order to Cease and Desist.