

IN THE MATTER OF

\*

BEFORE THE

ANNETTE ROYER

\*

MARYLAND STATE

Respondent

\*

BOARD OF PHYSICIANS

Unlicensed

\*

Case Number: 2221-0057 B

\* \* \* \* \*

**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) and (2)(i) (2014 Repl. Vol. & 2020 Supp.), Panel B hereby orders **ANNETTE ROYER** (the “Respondent”), an unlicensed individual, to immediately **CEASE AND DESIST** from all activities associated with the practice of medicine in the State of Maryland, as defined in Health Occ. § 14-101(o), and from representing to the public that she is authorized to practice medicine in the State of Maryland.

The pertinent provisions of the Maryland Medical Practice Act (the “Act”), Health Occ. §§ 14-101 *et seq.*, under which Panel B 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[.]

**§ 14-206. Judicial Powers.**

...

- (e) *Cease and desist orders; injunctions.* – A disciplinary panel may issue a cease and desist order or obtain injunctive relief against an individual for:
- (1) Practicing a profession regulated under this title or Title 15 of this article without a license;
  - (2) Representing to the public, by title, description of services, methods, procedures, or otherwise, that the individual is authorized to practice:
    - (i) Medicine in this State, in violation of § 14-602 of this title[.]

**§ 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 a practitioner of medicine.**

- (a) *In general.* -- 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 the investigatory information received by, made known to, and available to Panel B, there is reason to believe that the following facts are true:

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<sup>1</sup> The statements regarding the Board's investigatory findings are intended to provide the Respondent with reasonable notice of the basis of the Board's action. 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.

## **Background**

1. The Respondent never has been licensed to practice medicine in the State of Maryland. She never has been licensed or certified by any health occupations licensing board in Maryland. Since 2008, the Respondent has been a Certified Associate Alcohol and Drug Counselor through the Maryland Board of Professional Counselors and Therapists.

2. At all times relevant, the Respondent was the owner of an opioid treatment program (the "Program") on the Eastern Shore of Maryland. In part, the Program provides methadone and suboxone treatment to individuals addicted to and dependent on opioids.

3. At all times relevant, the Respondent hired a physician who is licensed to practice medicine in the State of Maryland to be the Medical Director (the "Medical Director") of the Program.

4. The Medical Director is board-certified in Addiction Medicine, Public Health and General Preventive Medicine, and Occupational Medicine.

## **The Complaint**

5. On or about October 28, 2020, the Board received a forwarded anonymous complaint from the Maryland Board of Professional Counselors and Therapists. The Complaint alleged the Respondent was practicing medicine in Maryland without a license in part by "medicating clients with methadone and suboxone...[she] does not have a nursing or medical license." After reviewing the Complaint, the Board on November 18, 2020, opened an investigation of the Respondent. Thereafter, on December 29, 2020, the Board opened an investigation of the Medical Director.

### The Board Investigation

6. In furtherance of its investigation, Board staff interviewed the Medical Director, the Respondent, and the Director (the “Director”) of the State Opioid Treatment Authority (“SOTA”). Board staff also subpoenaed and reviewed numerous documents including staff credentials, employee lists, and investigation results from the Maryland Department of Health.

7. On September 14, 2020, the Respondent informed the Medical Director that a Licensed Practical Nurse (“LPN”) at the Program resigned the night before, leaving the Program without a licensed nurse to dispense Methadone. The Medical Director thereafter told the Respondent to dispense Methadone in accordance with his previously-issued physician orders. Despite not being a licensed nurse, the Respondent on September 14, 2020 dispensed Methadone to patients at the Program.

8. The Medical Director stated that on September 14, 2020, he advised the Respondent to contact the Director of SOTA.<sup>2</sup> During a telephone conversation on September 14, 2020, the Director told the Respondent: “I received information that you are dosing patients. She said, well, yes, my nurses didn’t show up.” The Director informed the Respondent “what she was doing was illegal, that she could not dose patients. She was in the middle of it, you know... I told her I could not give her authorization [to dose patients]

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<sup>2</sup> In his role as Director of Quality Assurance at SOTA, the Director works with the Drug Enforcement Administration to enforce regulations that govern treatment for methadone patients in Maryland. This includes conducting compliance reviews and investigating complaints.

because I don't have that authority to authorize a non-licensed medical person to dispense medications to a patient. You know, that puts people's life and safety at risk."

9. The Director further recalled that on September 14, 2020, he told the Respondent to "make sure she has appropriate medical staff onsite, that she should contact her medical director and have him come in, that she couldn't do that, and she would need to guest dose her patients to other OTPs (Opioid Treatment Programs)." The Director did not grant the Respondent permission to dispense Methadone, stating: "I would never tell someone that, you know. What I will tell you is that what you're doing is illegal and you do not have the authority to do that."

10. The Respondent stated on September 15, 2020 she again dispensed Methadone to patients of the Program after a newly-hired dispensing nurse did not show up for work. The Respondent testified she called the Medical Director who gave her approval to dispense Methadone.

11. The Respondent also had another telephone conversation on September 15, 2020 with the Director of SOTA. The Director informed the Respondent "clearly that I told them what they're doing is illegal, that she can't do that, she needed to stop, that he [the Medical Director] needed to be there, and pretty much that's what I told them."

### **CONCLUSIONS OF LAW**

Based on the foregoing Investigative Findings, Panel B concludes as a matter of law that the Respondent: practiced, attempted to practice, or offered to practice medicine without a license in violation of Health Occ. § 14-601, and represented to the public that she was authorized to practice medicine in violation of Health Occ. § 14-602.

**ORDER**

Based on the foregoing Investigative Findings and Conclusions of Law, it is, by a majority of the quorum of Panel B, hereby:

**ORDERED** that pursuant to the authority under the Act, Health Occ. § 14-206(e)(1) and (e)(2)(i), the Respondent, Annette Royer, shall **IMMEDIATELY CEASE AND DESIST** from the practice of medicine and representing to the public that she is authorized to practice 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 *et seq.* and Md. Code Regs. 10.32.02.11E(1)(a).

***Signature on File***

07/26/2021

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 initial order by filing a written opposition, which may include a request for a hearing, within 30 days of its issuance. The written opposition shall be made to:

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians  
4201 Patterson Avenue, 4th Floor  
Baltimore, Maryland 21215

A copy shall also be mailed to:

Gregory L. Lockwood  
Assistant Attorney General  
Maryland Office of the Attorney General  
Health Occupations Prosecution and Litigation Division  
300 West Preston Street, Suite 201  
Baltimore, Maryland 21201

If the Respondent files a written opposition and a request for a hearing, the Board shall consider that opposition and provide a hearing if requested. If the Respondent does not file a timely written opposition, the Respondent will lose the right to challenge this Initial Order to Cease and Desist and this Order will remain in effect.