

IN THE MATTER OF

*

BEFORE THE

CHENG TAN

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

Unlicensed

*

Case Number: 2219-0143A

* * * * *

CONSENT ORDER

On September 16, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged Cheng Tan (the “Respondent”) with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.)

Specifically, the Respondent was charged with violating the following:

Health Occ. § 14-602. Misrepresentation as 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.
- (b) *Certain representations prohibited.* – Except as otherwise provided in this article, a person may not use the words or terms “Dr.,” “doctor,” “physician,” “D.O.,” or “M.D.” with the intent to represent that the person practices medicine, unless the person is:
 - (1) Licensed to practice medicine under this title;
 - (2) A physician licensed by and residing in another jurisdiction, while engaging in consultation with a physician licensed in this State;
 - (3) A physician employed by the federal government while performing duties incident to that employment;

- (4) A physician who resides in and is licensed to practice medicine by any state adjoining this State and whose practice extends into this State; or
- (5) An individual in a postgraduate medical program that is approved by the Board.

Health Occ. § 14-606. Penalties.

(a) *Imposition of penalties.* --

- (4) Except as provided in paragraph (5) of this subsection, a person who violates . . . § 14-602 of this subtitle is:
 - (ii) Subject to a civil fine of not more than \$50,000 to be levied by a disciplinary panel.

On December 2, 2020, 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:

I. BACKGROUND

- 1. At all times relevant, the Respondent is not and has never been licensed to practice medicine in the State of Maryland.
- 2. At all times relevant the Respondent owned and operated a facility named the “CT Pain Medical Center” located in Montgomery County, Maryland.
- 3. On or about February 18, 2019, the Board received a complaint from an attorney (the “Complainant”) who alleged that in the course of referring a client to the

Respondent for acupuncture and massage therapy, he received an invoice from the Respondent in which the Respondent represented himself as “Dr. Cheng Tan.” The Complainant further alleged that, in reviewing the Respondent’s website for the CT Pain Medical Center, the Respondent appeared to suggest that he practiced anesthesiology and acupuncture.

4. After receiving the complaint, the Board initiated an investigation of the Respondent under Case Number 2219-0078A.

II. BOARD INVESTIGATION

5. In furtherance of its investigation, Board investigators conducted an unannounced site-visit of the CT Pain Medical Center on or about July 11, 2019, reviewed and printed relevant portions of the Respondent’s website for the CT Medical Center, subpoenaed a patient’s record and obtained documents from the Complainant.

6. While conducting the site-visit of the CT Pain Medical Center on or about July 11, 2019, Board investigators observed numerous photographs of the Respondent on the wall, including a photograph of the Respondent in an operating room dressed in scrubs.

7. Board investigators reviewed the Respondent’s website for the CT Pain Medical Center.¹ The website displayed a picture of the Respondent in a white laboratory coat with a stethoscope around his neck holding a book. The main caption of the website was entitled “Outstanding anesthesiologist Attending acupressure specialist specializing in pain.” The website stated that the Respondent “graduated from a famous medical

¹ The Respondent’s website for CT Pain Medical Center contains a version in Chinese and a version in English.

university in China,” “has engaged in the research and treatment of clinical anesthesia and pain for more than 20 years,” and “can skillfully apply western anesthesia techniques, and also successfully use Chinese acupuncture (thorn) anesthesia (without anesthetic drugs) to perform surgery on patients.”

8. The Board subpoenaed the treatment record for the Complainant’s client from the Respondent. A review of the treatment record revealed notes that recorded main complaints, a physical examination, diagnoses and treatment. Although not signed, the end of the treatment record listed the provider as “Dr. Cheng Tan Pain Medical Center.”

9. Board investigators also obtained an invoice the Respondent issued to the Complainant. The invoice was issued under the CT Pain Medical Center letterhead and listed “Dr. Cheng Tan” as the issuer. The invoice contained the name of the patient, the diagnoses, the Current Procedural Terminology Codes, the date of services, the “Fee or Rate” and the amounts billed.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel A of the Board concludes as a matter of law that the Respondent misrepresented to the public, by description of services, methods, or procedures, or otherwise, that he was authorized to practice medicine in Maryland, in violation of Health Occ. § 14-602(a), and that the Respondent used the words or terms “Dr.,” “doctor,” “physician,” “D.O.,” or “M.D.” with the intent to represent that he practices medicine, in violation of Health Occ. § 14-602(b).

ORDER

It is, thus, on the affirmative vote of a majority of the quorum of Board Disciplinary

Panel A, hereby

ORDERED that the Respondent shall **CEASE AND DESIST** from misrepresenting himself to the public, by description of services, methods, or procedures, or otherwise, that he is authorized to practice medicine in this State and from using the words or terms “Dr.”, “doctor”, “physician”, or “M.D.” with the intent to represent that he practices medicine; and it is further

ORDERED that, within **ONE YEAR**, the Respondent shall pay a civil fine of **\$2,500.00**. 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 this Consent Order is a public document. *See Md. Code Ann., Gen. Prov. § 4-333(b)(6).*

Signature on File

01/15/2021
Date

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

CONSENT

I, Cheng Tan, 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 concerning the 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 and Consent 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

12-14-2020
Date

Cheng Tan

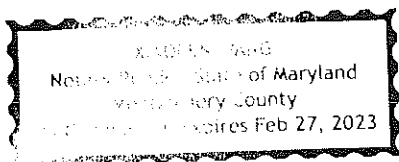
NOTARY


STATE OF: Maryland

CITY/COUNTY OF: Montgomery

I HEREBY CERTIFY that on this 14th day of Dec., 2020,
before me, a Notary Public of the State and City/County aforesaid, personally appeared
Cheng Tan and made 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:

