

IN THE MATTER OF

*

BEFORE THE

MARIA ZARZAR

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

Unlicensed

*

Case Number: 2219-0013B

* * * * *

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. § 14-206(e)(1) (2014 Repl. Vol. & 2019 Supp.), Panel B hereby orders Maria Cinithia Zarzar (the “Respondent”), unlicensed, to immediately **CEASE AND DESIST** from the practice of medicine, as practicing medicine is defined in Health Occ. § 14-101(o).

The pertinent provisions of the Maryland Medical Practice Act under which Panel B issues this Order provide the following:

Health Occ. § 14-206. Subpoena and contempt power of Board.

...

(e) A disciplinary panel may issue a cease and desist order . . . against an individual for:

(1) Practicing medicine without a license[.]

Health Occ. § 14-601. License required to practice medicine

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.

Health Occ. § 14-101. Definitions.

(o)(1) "Practice medicine" means to engage, with or without compensation, in medical:

- (i) Diagnosis;
- (ii) Healing;
- (iii) Treatment; or
- (iv) Surgery[.]

(o)(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[.]

The pertinent provisions of the Board's regulations in Md. Code Regs. provide:

COMAR 10.32.09

.01 Scope

A. This chapter governs the performance, delegation, assignment, and supervision of cosmetic medical procedure, and the use of cosmetic medical devices by a physician or under a physician's direction.

* * *

D. This chapter does not authorize the delegation of any duties to any person who is not licensed under Health Occupations article, Annotated Code of Maryland.

.02 Definitions

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

* * *

(4) Cosmetic Medical Devices.

(a) "Cosmetic Medical Device" means a device that alters or damages living tissue.

(b) "Cosmetic Medical Device" includes an of the following items when the item is used for cosmetic purposes:

* * *

(iv) Devices used for the injection or insertion of foreign or natural substances into the skin, fat, facial tissue, muscle, or bone.

(5) Cosmetic Medical Procedure.

using

(a) "Cosmetic medical procedure" means a procedure a cosmetic medica device or medical product to improve an individual's appearance.

(b) "Cosmetic medical procedure" includes the following:

* * *

(ix) Any treatment using a cosmetic medical device for the purpose of improving an individual's appearance.

.04 Qualifications of Individual to Whom Acts May Be Delegated and Assigned.

A. A cosmetic medical procedure may be delegated to a physician assistant or assigned to any other health care provider licensed under Health Occupations Article, Annotated Code of Maryland, whose licensing board has determined that the procedure falls within the provider's scope of practice[.]

INVESTIGATIVE FINDINGS¹

Based upon the investigatory information received by, made known to, and available to Panel B, there is reasonable cause to believe the following findings are true:

¹ 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.

1. At all times relevant, the Respondent has not been licensed by the Board as a physician or any other health professional, or by any health occupations licensing board in Maryland.
2. The Respondent is licensed as a cosmetologist in Virginia.
3. On August 9, 2018, the Board received an anonymous complaint from an individual (“Individual 1”), which stated that the Respondent was performing procedures, including the administration of Botox², hyaluronic acid³, and lifting threads.⁴ Individual 1 stated that these procedures were being performed at the Respondent’s home.
4. Based upon the complaint, the Board initiated an investigation which included interviewing Individual 1 and Respondent, as well as an additional witness. Board staff also issued subpoenas for records deemed relevant to the investigation.
5. The Respondent was performing various procedures including injections treatments that were represented as Botox, and these procedures were being performed at the Respondent’s home in Potomac, Maryland.
6. The Respondent advertises her services via word-of-mouth, and the Respondent and Individual 1 first made contact via telephone on April 20,

² Botox (onabotulinumtoxin A) is an acetylcholine release inhibitor and a neuromuscular blocking agent with numerous usages including: treatment of urinary incontinence, prophylaxis of chronic migraine in adults, and cervical dystonia, as well as various cosmetic applications according to the United States Food and Drug Administration.

³ Hyaluronic Acid (HA) is a linear polysaccharide present throughout the body and in joints as a structural element. It has been used to treat pain of the knee. It is currently under consideration for appropriate classification by the FDA, according to the Federal Register.

⁴ A thread lift is a procedure where temporary sutures are used to produce a visible lift in the skin, according to the American Society of Plastic Surgeons.

2018. The Respondent offered various services to Individual 1 including treatment for “the lines next to your mouth.” Individual 1 went to receive treatment from the Respondent and paid \$400 in cash on April 29, 2018. On that date Individual 1 received a facial and a Botox injection, which was drawn from a bottle in the Respondent’s refrigerator. The injections were placed near Individual 1’s mouth, nose and ears. Individual 1’s eyes were covered during much of the procedure. The Complainant was not asked to sign any type of consent form or any other form of paperwork.

7. On May 18, 2018, Individual 1 received a second Botox injection treatment from the Respondent to which she had an adverse reaction. Following the second injection, Individual 1 developed soreness and bruising on her face, pictures of which she provided to Board staff. She also developed a fever. She informed the Respondent of the reaction, and the Respondent told her to let it subside over time and, if that did not work, to use hydrocortisone. Individual 1 was asked by Board investigators if she was aware of any other individuals who received treatment from the Respondent and experienced an adverse reaction, and she provided Board staff with contact information for Individual 2.

8. On July 10, 2019, Board staff conducted an interview with Individual 2. Individual 2 was introduced to the Respondent by a mutual friend, and she went to the Respondent’s house to receive treatment. The Respondent offered Individual 2 Botox and recommended a filler that was described as

being “like Play-Doh,” which the Respondent placed between Individual 2’s eyebrows. When the Respondent gave her the injection, Individual 2 fainted.

9. Individual 2 went to receive treatment at the Respondent’s house beginning in 2015, approximately every six months for a total of five times. Individual 2 paid \$150 cash for each of the filler injections, which she received in various spots around her facial area.
10. After the last injection Individual 2 received from the Respondent, Individual 2 took herself to the Emergency Room after her eyes became red and swollen. Photographs of her eyes were provided to Board staff. Individual 2 told the ER physician that she had received a Botox injection. The ER physician prescribed antibiotics to Individual 2 for an infection that resulted from the Botox injection.
11. The cosmetic medical procedures, described above, were performed in Maryland by the Respondent, who had neither a Maryland health occupations license nor delegation from a Maryland licensed physician.

CONCLUSION OF LAW

Panel B concludes, based on the Respondent’s performance of cosmetic medical procedures in Maryland with neither a Maryland health occupations license nor delegation from a Maryland licensed physician, that the Respondent practiced medicine without a license, in violation of § 14-601 of the Health Occupations Article.

ORDER

Based on the investigatory findings and conclusion of law, it is, by Board Disciplinary 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 **IMMEDIATELY CEASE AND DESIST** from the practice of medicine; and it is further

ORDERED that this order is **EFFECTIVE IMMEDIATELY**; and it is further

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

12/23/19
Date

Signature On File

Ellen Douglas Smith
Deputy Director
Maryland State Board of Physicians

NOTICE OF OPPORTUNITY TO CHALLENGE ORDER

The Respondent may challenge this Order by filing a written opposition within **30 DAYS** of its issuance, which shall set forth the legal or factual basis for the challenge. The Respondent also has a right to a hearing to challenge this order, but, to obtain a hearing the Respondent must request a hearing and file a written opposition within **30 DAYS** of the issuance of this order. *See* COMAR 10.32.02.11E(3). The written

opposition and/or request for a hearing shall be made to: Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215, with a copy mailed to Michael Brown, 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 a hearing is also requested. If the Respondent does not file a timely written opposition or a timely request for hearing, the Respondent waives the right to challenge this initial Cease and Desist Order, and this initial Cease and Desist Order becomes the final Cease and Desist Order.