

IN THE MATTER OF	*	BEFORE THE
ALAN H. ROHRER, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D37197	*	Case Number: 2016-0751B
* * * * *		* * * * *

**CONSENT ORDER**

On March 28, 2017, Disciplinary Panel B of the Maryland State Board of Physicians (the "Board") charged **ALAN H. ROHRER, M.D.**, (the "Respondent"), License Number D37197, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol.).

Specifically, Disciplinary Panel B charged the Respondent with violating the following provisions of the Act under Health Occ. II § 14-404:

- (a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspended or revoke a license if the licensee:
  - (3) Is guilty of:
    - (ii) Unprofessional conduct in the practice of medicine; [and]
  - (18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine[.]

The pertinent provisions of the Board's regulations under Md. Code Regs. ("COMAR") 10.32.09 provide:

**.02 Definitions**

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

B. Terms Defined.

(4) Cosmetic Medical Device.

- (a) "Cosmetic Medical Device" means a device that alters or damages living tissue.
- (b) "Cosmetic Medical Device" includes any of the following items, when the item is used for cosmetic purposes:
  - (i) Laser;
  - (ii) Device emitting light or intense pulse light;
  - (iii) Device emitting radio frequency, electric pulses, or sound waves; and
  - (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.

- (a) "Cosmetic medical procedure" means a procedure using a cosmetic medical device or medical product to improve an individual's appearance.
- (b) "Cosmetic medical procedure" includes the following:
  - (i) Skin treatment using lasers;
  - (ii) Skin treatment using intense pulsed light;
  - (iii) Skin treatment using radio frequencies, microwave, or electric pulses;
  - ...
  - (vi) Dermabrasion;
  - (vii) Subcutaneous, intradermal, or intramuscular injections of medical products;
  - (viii) Treatments intended to remove or cause destruction of fat; and

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

**.09 Grounds for Discipline**

- A. Physicians. A physician may be disciplined for any of the following:
  - (1) Delegating, assigning, or supervising a cosmetic medical procedure performed by an individual who is not a physician assistant or another licensed health care provider whose licensing board has determined that the procedure is within the scope of practice of the individual.

On June 28, 2017, a settlement conference was held before Disciplinary Panel B serving as the Disciplinary Committee on Case Resolution ("DCCR"). As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

Disciplinary Panel B makes the following Findings of Fact:

**I. BACKGROUND**

1. At all times relevant, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on or about August 12, 1988.

2. At all times relevant, the Respondent maintained a primary care office and a cosmetic medical office (the "Medical Spa")<sup>1</sup> in Frederick, Maryland.

**II. PRIOR BOARD ORDER**

3. On August 25, 2015, Panel B voted to administratively charge the Respondent under Board Case Number 2015-0673B with unprofessional conduct in the

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<sup>1</sup> To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

practice of medicine, in violation of Health Occ. II § 14-404(a)(3)(ii), and practicing medicine with an unauthorized person or aiding an unauthorized person in the practice of medicine, in violation of Health Occ. II § 14-404(a)(18). Panel B voted to charge the Respondent after it investigated a complaint alleging that an employee (the "Employee") at the Medical Spa improperly administered Radiesse<sup>2</sup> injections to a patient, causing physical injuries to the patient.

4. Prior to the issuance of administrative charges, the Respondent resolved the Board's case by entering into a consent order with Panel B, dated January 11, 2016. Under the consent order, Panel B found that the Respondent engaged in unprofessional conduct in the practice of medicine, in violation of Health Occ. II § 14-404(a)(3)(ii), and practiced medicine with an unauthorized person or aided an unauthorized person in the practice of medicine, in violation of Health Occ. II § 14-404(a)(18), when he permitted the Employee to use cosmetic medical devices and perform cosmetic medical procedures, including Botox, Juvederm,<sup>3</sup> Radiesse, ultrasound cavitation,<sup>4</sup> VI Peel,<sup>5</sup> microdermabrasion<sup>6</sup> and Pelleve,<sup>7</sup> without a license or authorization on ten patients,

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<sup>2</sup> Radiesse is a dermal filler that is indicated for hand augmentation to correct volume loss in the back of the hands, and for smoothing moderate to severe facial wrinkles and folds, such as nasolabial folds (the creases that extend from the corner of the nose to the corner of the mouth).

<sup>3</sup> Juvederm is a gel injected into areas of facial tissue to add volume to the skin.

<sup>4</sup> Ultrasound cavitation uses low frequency ultrasound energy to dissect or fragment tissues with low [fiber](#) content.

<sup>5</sup> VI Peel (Vitality Institute Peel) is a trade name for a chemical peel, a [body treatment](#) technique, used to improve and smooth the texture of the [skin](#), often facial skin, using a chemical solution that causes the dead skin to [slough](#) off and eventually peel off.

<sup>6</sup> Microdermabrasion is a procedure that exfoliates and removes the superficial layer of dry, dead skin cells.

<sup>7</sup> Pelleve is a procedure that uses radiofrequency technology to induce collagen contraction without damaging the epidermis. The result is skin tightening via soft tissue coagulation.

whose records Panel B reviewed. Panel B reprimanded the Respondent and imposed a monetary fine in the amount of \$5000.00.

### **III. CURRENT COMPLAINT**

5. On or about March 14, 2016, the Board received a complaint from an administrator (the "Complainant") of a health care facility in Maryland alleging that the Employee was continuing to administer Botox and Juvederm injections, and perform laser hair removal on patients without having a license or authorization. The Complainant attached to the complaint patient testimonials from online reviews praising the Employee's performance of cosmetic medical procedures.

6. After receiving the complaint, the Board initiated an investigation of the Respondent under Case Number 2016-0751B.

### **IV. BOARD INVESTIGATION**

7. By letter dated May 16, 2016, the Respondent responded to the complaint, denying that the Employee performed cosmetic medical procedures. The Respondent stated that he was the person who performed the cosmetic medical procedures in the patient testimonials.

8. On or about July 6, 2016, a Board investigator interviewed a patient (the "Patient"), who stated that in or around April 2016, she visited the Medical Spa and received Juvederm and Restylane<sup>8</sup> injections from the Employee. The Patient stated that the Respondent was not present during her visit.

9. On or about August 18, 2016, Board investigators interviewed the Respondent at the Board's offices regarding the Patient. During the interview, the Respondent denied that the Employee performed cosmetic medical procedures on the

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<sup>8</sup> Restylane is a hyaluronic acid filler injected to the skin to add lift and volume to the skin.

Patient in April 2016. The Respondent stated if the Patient received cosmetic medical injections in April 2016, he would have administered them.

10. On the same day, Board investigators interviewed the Employee at the Board's offices. During the interview, the Employee denied administering Juvederm and Restylane injections to the Patient in April 2016.

11. On or about August 22, 2016, the Respondent submitted a letter to the Board in which he stated that after discussing the Board's investigation with the Employee, the Employee admitted to him that she did perform cosmetic medical procedures on the Patient in April 2016.

12. On the same day, the Employee telephoned a Board investigator and admitted that she was not truthful during her Board interview on August 18, 2016.

13. On or about September 8, 2016, the Respondent appeared at the Board's offices for a second Board interview. During the interview, the Respondent stated that the Employee admitted to him that she administered Botox injections to the Patient on April 13, 2016. The Respondent stated that he would try to find out if the Employee performed cosmetic medical procedures on other patients after January 11, 2016, when she entered into a consent order with Panel B (the "2016 Consent Order").

14. On the same day, the Employee appeared for a second interview at the Board's offices. During the interview, when a Board investigator asked the Employee on how many patients she performed cosmetic medical procedures after the 2016 Consent Order, she stated "more than one person," but "less than five."

15. On or about September 26, 2016, the Respondent, in response to a Board subpoena, submitted to the Board the Employee's billing records for the period from

January 11, 2016, through August 25, 2016. The billing records revealed that during this time period, the Employee performed approximately 140 cosmetic medical procedures, including but not limited to, the administration of Botox, Juvederm, Radiesse and Restylane, and performance of laser hair removal, on approximately 93 patients, who were charged fees totaling approximately \$47,000.

16. On or about November 15, 2016, the Employee appeared at the Board's offices for a third interview. During the interview, the Employee admitted to being untruthful during her two prior Board interviews and confirmed that the billing records the Respondent provided accurately reflected the services she provided at the Medical Spa.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Disciplinary Panel B concludes as a matter of law that the Respondent engaged in unprofessional conduct in the practice of medicine, in violation of Md. Code Ann., Health Occ. II § 14-404(a)(3)(ii), and practiced medicine with an unauthorized person, in violation of § 14-404(a)(18).

### **ORDER**

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby:

**ORDERED** that the Respondent is **REPRIMANDED**; and it is further

**ORDERED** that the Respondent is placed on **PROBATION**<sup>9</sup> for a minimum period of **SIX (6) MONTHS**, to begin upon the effective date of this Consent Order, subject to the following probationary terms and conditions:

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<sup>9</sup> If the Respondent's license expires while the Respondent is on probation, the probationary period and any probationary conditions will be tolled.

- (i) Within **30 DAYS** from the date of this Consent Order, the Respondent shall submit a comprehensive corrective action plan to Panel B for the panel's review and approval. The plan shall set forth precautionary measures he has taken or intends to take to ensure that the unlicensed practice of medicine does not recur in his practice.
- (ii) Within **SIX (6) MONTHS** from the date of this Consent Order, the Respondent shall pay a civil fine in the amount of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)** by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297-3217 for deposit into the General Fund of Maryland.

**AND IT IS FURTHER ORDERED** that the Respondent agrees that the Board shall perform, on an ongoing basis in the future, random billing audits of the Respondent's practice of cosmetic medical procedures, including, but not limited to, staff interviews, a review of patient records, billing and purchasing orders, medical logs and purchase logs. The audit shall also include verification that the Respondent's corrective action plan has been, and continues to be, implemented; and it is further

**ORDERED** that if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel B; and it is further

**ORDERED** that, after the appropriate hearing, if the Board or Panel B determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Panel B may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke



the Respondent's license to practice medicine in Maryland. The Board or Panel B may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

**ORDERED** that there is no early termination of probation; and it is further

**ORDERED** that, after six months, and if the Respondent has complied with all probationary terms and conditions, the Respondent may submit a written petition to the Board or Panel B requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or Panel B. The Board or Panel B will grant the petition to terminate probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; 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 the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. II § 14-101 - § 14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

**ORDERED** that unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B; and it is further

**ORDERED** that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

09/12/2017

Date

Christine A. Farrelly

Christine A. Farrelly  
Executive Director

Maryland State Board of Physicians

**CONSENT**

I, Alan H. Rohrer, M.D., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole purpose of resolving the issues raised by the Panel, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Disciplinary Panel to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board or a Board Disciplinary that might have followed after any such hearing.

I sign this Consent Order voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

September 6, 2017

Date

Alan H. Rohrer, MD

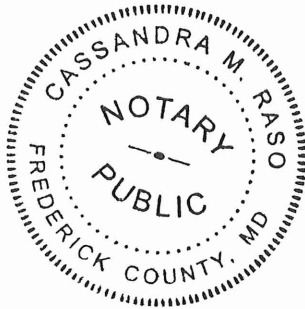
Alan H. Rohrer, M.D.  
Respondent

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 6<sup>th</sup> day of September,  
2017, before me, a Notary Public of the foregoing State and City/County personally  
appear Alan H. Rohrer, M.D., and made oath in due form of law that signing the  
foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



Cassandra M. Raso  
Notary Public

My commission expires: 8/26/2021