

IN THE MATTER OF
TENEICE A. JOHNSON
Respondent
Unlicensed

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2014-0400**

* * * * *

CONSENT ORDER

On March 10, 2014, the Maryland State Board of Physicians (the "Board") charged **TENEICE A. JOHNSON** (the "Respondent"), with violating the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("Health Occ.") §§ 14-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

§ 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.

The pertinent provision of the Board regulations under Md. Regs. Code 10.32.09.09 (2013) provides:

- C. **Other Individual.** An individual using a cosmetic medical device or performing a cosmetic medical procedure who is not a licensed physician and is not authorized to perform the cosmetic medical procedure under this chapter, or under regulations promulgated by another licensing board established by Health Occupations Article, Annotated Code of Maryland, is guilty of the practice of medicine without a license and may be subject to a fine of not more than \$50,000 under *Health Occupations Article, § 14-606*, Annotated Code of Maryland.

On April 23, 2014, a settlement conference was held before Disciplinary Panel B sitting as a Disciplinary Committee for Case Resolution. As a result of negotiations between the parties and the panel, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

BACKGROUND

1. At all times relevant hereto, the Respondent is not and has never been licensed or certified to practice medicine, or any other health occupations in the State of Maryland.

2. Beginning on or about April 11, 2008, the Respondent was hired as a medical assistant to assist a physician ("Physician A"),¹ who owned and operated a dermatological surgical center/medical spa ("Facility A") located in Bowie, Maryland.

3. The Board initiated an investigation of the Respondent after receiving an anonymous complaint on or about October 8, 2013, alleging that Physician A was employing unlicensed individuals to perform laser hair removal at Facility A. The complainant stated that beginning in February 2013, he/she received six sessions of laser hair removal treatments from unlicensed individuals at Facility A. The complainant further stated that he/she had expected Physician A to perform the procedures but they were instead performed by an unlicensed medical assistant and aesthetician.

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

BOARD INVESTIGATION

Unannounced Site-Visit

4. On or about October 31, 2013, Board staff made an unannounced visit to the Facility A for purposes of serving subpoenas, obtaining records and interviewing office staff.

5. During the site visit, Board staff obtained a copy of Facility A's recent appointment logs listing all patients who received laser hair removal at Facility A in the past thirty days.

6. Also during the site visit, Board staff conducted sworn interviews of Facility A's office receptionist, Physician A and the Respondent.

Patient Medical Records

7. From the patient appointment logs, the Board selected ten patients who recently received laser hair removal at Facility A and obtained their medical records from Physician A.

8. A review of the ten patient charts revealed that the Respondent performed laser hair removal procedures on all ten patients and signed all ten patients' charts.

9. The number of laser hair removal treatments the ten patients received ranged from one to ten treatments between the period from November 12, 2012, to October 30, 2013. The areas of laser hair removal treatments included patients' face, legs, chest, abdomen, buttocks, back and chin.

Board Interviews

10. Board staff interviewed Facility A's receptionist during its visit on or about October 31, 2013. During the interview, the receptionist stated that the Respondent and

Physician A were the only individuals who performed laser hair removal procedures at Facility A at that time.

11. Board staff also conducted an interview of Physician A during the same visit. Physician A stated that she and the Respondent were the only individuals performing laser hair removal procedures at Facility A at that time. She stated that the Respondent had been performing laser hair removal procedures since around July 2013.

12. The Respondent also gave sworn testimony in an interview on the day Board staff visited Facility A. The Respondent confirmed during the interview that she and Physician A were the only individuals performing laser hair removal procedures at Facility A at that time. She also stated that she worked Monday through Friday from 8:00 a.m. to 5:00 p.m., and saw approximately fifteen patients per day. The Respondent stated that she received training from the manufacturer to operate laser hair removal machines and had been performing the procedure for approximately five months prior to the interview.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent, an unlicensed individual, in performing laser hair removal procedures, a surgical act, practiced medicine in this State without being licensed by the Board, in violation of Health Occ. § 14-601.

ORDER

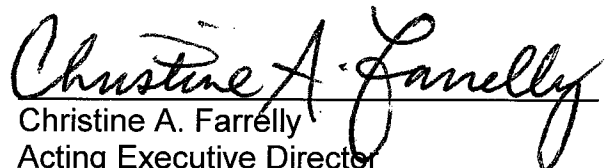
Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the quorum of the Board considering this case:

ORDERED that the Respondent is fined \$250, which shall be paid to the Board **within one (1) year**. The fine shall be made by bank certified check or money order made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; and it is further

ORDERED that the Respondent shall be 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** pursuant to Md. Code Ann., State Gov't §§ 10-611 *et seq.* (2009 Repl. Vol.).

7/17/14
Date


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

CONSENT

I, Teneice A. Johnson, acknowledge that I had an opportunity to consult with counsel but elected not to do so before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, 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 Board 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 that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6/20/14
Date

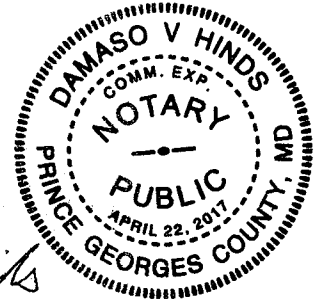
Teneice A. Johnson
Teneice A. Johnson

STATE OF MARYLAND
CITY/COUNTY OF Prince George's

I HEREBY CERTIFY that on this 20 day of June, 2014, before me, a Notary Public of the foregoing State and City/County personally appear Teneice A. Johnson 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.

Damaso V. Hinds
Notary Public



My commission expires: 4/22/2017