

IN THE MATTER OF * BEFORE THE MARYLAND
ANGELA PUNTE * STATE BOARD OF
Respondent * PHYSICIANS
Unlicensed * Case Number: 2015-0542

* * * * *

CONSENT ORDER

On July 28, 2015, Disciplinary Panel A of the Maryland State Board of Physicians (the "Board"), charged **ANGELA PUNTE** (the "Respondent"), under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 14-101 *et seq.* The pertinent provisions of the Act provide the following:

H.O. § 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.

H.O. § 14-606. Penalties.

(a) *Imposition of penalties.* --

...

(4) Except as provided in paragraph (5) of this subsection,¹ a person who violates § 14-601 or § 14-602 of this subtitle is:

...

(ii) Subject to a civil fine of not more than \$50,000 to be levied by the Board.

Section 14-101 of the Health Occupations Article defines the practice of medicine, in pertinent part, as follows:

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

...

¹ Paragraph (5) does not apply to the Respondent.

(iii) Treatment; or

(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[.]

Md. Code Regs. ("COMAR") 10.32.09 provides in pertinent part:

.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[;]

(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 treatments using lasers;

(ii) Skin treatments using intense pulsed light;

(ii) Skin treatments using radio frequencies, microwave, or electric pulses;

...

(v) Skin treatments with phototherapy;

(vi) Microdermabrasion;

...

(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.

...

.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.

...

On November 4, 2015, a conference with regard to this matter was held before Panel A of the Board's Disciplinary Committee for Case Resolution ("DCCR"). As a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I. BACKGROUND

1. At all times relevant, the Respondent has not been licensed or certified by the Maryland Board of Physicians or the Maryland Board of Nursing in any capacity.

2. At all times relevant, the Respondent was employed at Practice A, a private dermatology practice, in Pikesville, Maryland as a medical assistant.²

3. At all times relevant, Dr. E was the owner of Practice A.³ The Respondent began her employment as a medical assistant at Practice A in December 2010.

4. On or about November 5, 2014, the Board received a complaint and opened an investigation into Dr. E's practice. During the course of that investigation, the Board received information that the Respondent had been performing cosmetic medical procedures at Practice A. Thereafter the Board initiated an investigation into the Respondent's conduct at Practice A.

5. On February 5, 2015, a member of the Board's staff interviewed the Respondent. She stated that her job description includes assisting Dr. E by scribing for her, setting up surgical trays, bringing patients to the examination rooms, taking patient information, logging biopsy reports, answering telephone calls regarding prescription refill requests. She further stated that she "doesn't do any of the services except for assisting [Dr. E] in the rooms."

6. On March 19, 2015, a member of the Board's staff interviewed Dr. E. Dr. E stated that prior to the Board's investigation, two medical assistants, including the Respondent, were performing XTRAC⁴ and phototherapy.⁵

II. PATIENT-SPECIFIC ALLEGATIONS

The following patients represent a small sampling of patients who received cosmetic medical treatments conducted by the Respondent:

² In order to maintain confidentiality, facility, witness, and patient names will not be used in these Charges.

³ The Board opened an investigation involving Dr. E under Case #2015-0332A.

⁴ XTRAC is an excimer laser which utilizes Ultraviolet B light to treat skin conditions.

⁵ Phototherapy uses targeted ultraviolet light to treat skin conditions.

PATIENT A

7. Patient A, a female in her 40's, became a patient of Practice A in June 2012.

Patient A has a diagnosis of psoriasis.

8. On July 8, 2013, February 12, 2013, March 4, 2014, March 6, 2014, and August 11, 2014, the Respondent treated Patient A's scalp with XTRAC.

PATIENT B

9. Patient B, a female in her 60's, became a patient of Practice A in October 2014.

Patient B has a diagnosis of psoriasis.

10. On November 24, 2014, the Respondent treated Patient B's right hand and heels with XTRAC.

PATIENT C

11. Patient C, a female in her 50's, became a patient of Practice A in September 2014. Patient C has a diagnosis of psoriasis.

12. On December 16, 2014, the Respondent treated Patient C's elbows, arms and legs with XTRAC.

PATIENT D

13. Patient D, a female in her 40's, became a patient of Practice A in January 2014.

Patient D has a diagnosis of psoriasis.

14. On July 8, 2014, August 6, 2014, September 16, 2014, and November 3, 2014, the Respondent treated Patient D's legs and ears with XTRAC.

PATIENT E

15. Patient E, a female in her 70's, became a patient of Practice A in September

2014. Patient E presented with complaints of dermatitis unspecified.

16. On September 16, 2014, September 30, 2014 and October 14, 2014, the Respondent treated Patient E's scalp with XTRAC.

PATIENT F

17. Patient F, a female in her 60's became a patient of Practice A in August 2013. Patient F has a diagnosis of psoriasis.

18. On April 24, 2014, May 6, 2014, and August 1, 2014, the Respondent treated Patient F's right thumb with XTRAC.

PATIENT G

19. Patient G, a female in her 70's, became a patient of Practice A in December 2013. Patient G has a diagnosis of lichen planopilaris.⁶

20. On February 7, 2014, the Respondent treated Patient G's scalp with XTRAC.

PATIENT H

21. Patient H, a female in her 60's, became a patient of Practice A in April 2014. Patient H has a diagnosis of psoriasis.

22. On June 2, 2014, June 25, 2014, July 21, 2014, August 4, 2014, August 14, 2014, and September 17, 2014, the Respondent treated Patient H's various body parts, including her thighs, abdomen, legs, axilla, hips, knees and ears with XTRAC.

PATIENT I

23. Patient I, a male in his 60's, became a patient of Practice A in 2010. Patient I has a diagnosis of psoriasis.

⁶ A relatively common inflammatory disease that affects the skin and/or inside the mouth, resulting in distinctive skin and/or oral lesions.

24. On May 2, 2013, May 7, 2013, June 11, 2013, June 24, 2013, July 25, 2013, August 7, 2013, September 25, 2013, April 1, 2014, May 28, 2014, June 10, 2014, and June 26, 2014, the Respondent treated Patient I's hands and elbows with XTRAC.

PATIENT J

25. Patient J, a male in his 30's, became a patient of Practice A in October 2011. Patient J has a diagnosis of psoriasis.

26. On May 31, 2013, October 2, 2013, November 27, 2013 and January 5, 2015, the Respondent treated Patient J's scalp, arms, legs and back with XTRAC.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated. H.O. §14-601.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the Board hereby:

ORDERED that the Respondent shall immediately **CEASE AND DESIST** from the unlicensed practice of medicine, including the performance of cosmetic medical procedures as defined in COMAR 10.32.09.02B(5); and it is further

ORDERED that no later than **THIRTY (30) DAYS** from the date of this Consent Order, the Respondent shall pay a monetary fine in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**. This payment shall be made by certified or bank guaranteed check(s) made payable to the Maryland Board of Physicians. The check(s) should be mailed to Maryland State Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; 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 shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014).

12/14/2015
Date


Christine A. Farrelly, Executive Director

CONSENT

I, Angela Punte, 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 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 law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of a disciplinary panel 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 a disciplinary panel of the Board that I might have filed after any such hearing.

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

12-7-15
Date

[Signature]
Angela Punte

Read and approved by:

M. Natalie McSherry
M. Natalie McSherry, Esq.
Attorney for Ms. Punte

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE :

I HEREBY CERTIFY that on this 7 day of DECEMBER, 2015 before me, a Notary Public of the foregoing State personally appeared Angela Punte, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

[Signature]
Notary Public

My Commission Expires: July 9, 2019

