

IN THE MATTER OF \* BEFORE THE MARYLAND  
 JENIFER ROBERTS \* STATE BOARD OF  
 Respondent \* PHYSICIANS  
 Unlicensed \* Case Number: 2015-0541

\* \* \* \* \*

**CONSENT ORDER**

On July 28, 2015, Disciplinary Panel A of the Maryland State Board of Physicians (the “Board”), charged **JENIFER ROBERTS** (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,<sup>1</sup> 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:

...

---

<sup>1</sup> 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.<sup>2</sup>

3. At all times relevant, Dr. E was the owner of Practice A.<sup>3</sup> The Respondent began her employment as a medical assistant at Practice A in July 2013.

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 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 "taking down notes and everything while [Dr. E's] in her visits, her exams, put patients in rooms, get their history, chief complaints, get them set up . . . give them gowns for their exams[,] . . . [and] prior authorizations on the phone with insurance companies for medications or procedures."

6. The Respondent denied assisting Dr. E with any cosmetic medical procedures. She further denied having held and/or operated a cosmetic medical device in any way. When questioned regarding whether she operated any of the laser devices at Practice A, the Respondent stated "No, I don't even know the difference between them to be honest with you."

7. 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 XTRAC<sup>4</sup> and phototherapy.<sup>5</sup>

---

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

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

8. Dr. E further stated that she personally trained the Respondent on the use of the XTRAC laser machine.

## **II. PATIENT-SPECIFIC ALLEGATIONS**

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

### **PATIENT A**

9. Patient A, a female in her 40s, became a patient of Practice A in June 2012. Patient A has a diagnosis of psoriasis.

10. On July 24, 2013, January 2, 2014, January 8, 2014, February 28, 2014, March 26, 2014, August 11, 2014, August 14, 2014, and September 3, 2014, the Respondent treated Patient A's scalp with XTRAC.

### **PATIENT B**

11. Patient B, a female in her 60s, became a patient of Practice A in October 2014. Patient B has a diagnosis of psoriasis.

12. On November 12, 2014, November 14, 2014, November 17, 2014, December 8, 2014, December 15, 2014, and January 7, 2015, the Respondent treated Patient B's right hand and heels with XTRAC.

### **PATIENT C**

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

14. On October 28, 2014, November 6, 2014, and December 9, 2014, the Respondent treated Patient C's elbows, arms and legs with XTRAC.

---

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

<sup>5</sup> Phototherapy uses targeted ultraviolet light to treat skin conditions.

#### **PATIENT D**

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

Patient D has a diagnosis of psoriasis.

16. On June 27, 2014, August 1, 2014, September 29, 2014, November 12, 2014, November 14, 2014, November 19, 2014 and December 5, 2014, the Respondent treated Patient D's legs and ears with XTRAC.

#### **PATIENT E**

17. Patient E, a female in her 70s, became a patient of Practice A in September 2014. Patient E presented with complaints of dermatitis unspecified.

18. On September 3, 2014, October 3, 2014, October 17, 2014, November 7, 2014, November 11, 2014 and November 14, 2014, the Respondent treated Patient E's scalp with XTRAC.

#### **PATIENT F**

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

20. On April 17, 2014, April 21, 2014, June 4, 2014, June 17, 2014, and August 5, 2014 and August 8, 2014, the Respondent treated Patient F's right thumb with XTRAC.

#### **PATIENT G**

21. Patient G, a female in her 70s, became a patient of Practice A in December 2013. Patient G has a diagnosis of lichen planopilaris.<sup>6</sup>

22. On January 17, 2014, the Respondent treated Patient G's scalp with XTRAC.

---

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

## **PATIENT H**

23. Patient H, a female in her 60s, became a patient of Practice A in April 2014.

Patient H has a diagnosis of psoriasis.

24. On July 15, 2014, July 17, 2014, July 28, 2014 and August 11, 2014, the Respondent treated Patient H's various body parts, including her thighs, abdomen, legs, axilla, hips, knees and ears with XTRAC.

## **PATIENT I**

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

26. On August 30, 2013, November 20, 2013, January 15, 2014, April 10, 2014, June 4, 2014, June 19, 2014 and July 14, 2014, the Respondent treated Patient I's hands and elbows with XTRAC.

## **PATIENT J**

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

28. On April 24, 2013, August 30, 2013, November 7, 2013, December 9, 2013, January 17, 2014, February 28, 2014, March 20, 2014, April 24, 2014, May 2, 2014, May 9, 2014, June 18, 2014, July 21, 2014, September 26, 2014, October 24, 2014 and December 10, 2014, 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).

12/16/2015  
Date

Christine A. Farrelly  
Christine A. Farrelly, Executive Director



**CONSENT**

I, Jenifer Roberts, 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.

12-9-15  
Date

Jenifer Roberts  
Jenifer Roberts

Read and approved by:

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

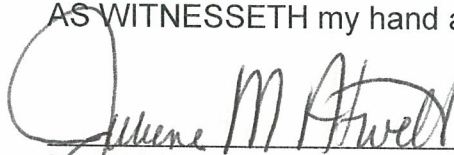
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Carroll :

I HEREBY CERTIFY that on this 9<sup>th</sup> day of December, 2015 before me, a Notary Public of the foregoing State personally appeared Jenifer Roberts, 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.

  
Notary Public

My Commission Expires: 11/27/17

