

<p><b>IN THE MATTER OF</b></p> <p><b>UNCHOL ANN ROHRER</b></p> <p style="padding-left: 40px;"><b>Respondent</b></p> <p><b>Unlicensed</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE</b></p> <p><b>MARYLAND STATE</b></p> <p><b>BOARD OF PHYSICIANS</b></p> <p><b>Case Number: 2016-0753</b></p>
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**CONSENT ORDER**

On March 24, 2017, the Maryland State Board of Physicians (the "Board") charged **UNCHOL ANN ROHRER** (the "Respondent"), 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, the Board charges the Respondent with violating the following provisions of the Act:

**Health Occ. II § 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.

**Health Occ. II § 14-606. Penalties.**

- (a) *Imposition of penalties.* --
  - (4) Except as provided in paragraph (5) of this subsection, 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.

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**

- 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 June 28, 2017, a case resolution conference was held before Disciplinary Panel B of the Board sitting as the Disciplinary Committee for Case Resolution. At the conclusion of the conference, 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:

#### **I. BACKGROUND**

1. At all times relevant, the Respondent has never been licensed to practice medicine in the State of Maryland or in any other state or jurisdiction, and has never been licensed or authorized to use cosmetic medical devices or perform cosmetic medical procedures in Maryland.

2. At all times relevant, the Respondent was employed by a physician (the "Physician")<sup>1</sup> at a cosmetic medical office (the "Medical Spa") in Frederick, Maryland.

## II. PRIOR BOARD ORDER

3. On August 25, 2015, Disciplinary Panel B of the Board ("Panel B") voted to administratively charge the Respondent under Board Case Number 2015-0674B with using cosmetic medical devices and performing cosmetic medical procedures without a license or authorization, after it investigated a complaint alleging that the Respondent 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 ("2016 Consent Order") with Panel B, dated January 11, 2016. In the 2016 Consent Order, Panel B found that the Respondent practiced medicine without a license or authorization when she used cosmetic medical devices and performed 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

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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. The Respondent may obtain the names of referenced individuals and entities by contacting the Administrative Prosecutor.

<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.

Pelleve,<sup>7</sup> without a license or authorization on ten patients, whose records Panel B reviewed. Panel B imposed a monetary fine in the amount of \$1000.00 against the Respondent.

### **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 Respondent 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 Respondent's performance of cosmetic medical procedures.

6. After receiving the complaint, the Board initiated an investigation of the Respondent under Case Number 2016-0753.

### **IV. BOARD INVESTIGATION**

7. By letter dated May 16, 2016, the Respondent responded to the complaint, denying that she performed cosmetic medical procedures after entering into the 2016 Consent Order.

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 Respondent. The Patient stated that the Physician was not present during her visit.

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<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.

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

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 she administered Juvederm and Restylane injections to the Patient in April 2016. The Respondent stated that based on her recollection, the Patient either failed to keep her appointment in April 2016, or received Juvederm and Restylane injections from the Physician.

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

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

12. On or about September 8, 2016, the Respondent appeared for a second interview at the Board's offices. During the interview when a Board investigator asked the Respondent on how many patients she performed cosmetic medical procedures after the 2016 Consent Order, she stated "more than one person," but "less than five."

13. On or about September 26, 2016, the Physician, in response to a Board subpoena, submitted to the Board the Respondent's billing records for the period from January 11, 2016, through August 25, 2016. The billing records revealed that during this time period, the Respondent 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.

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

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's use of cosmetic medical devices and performance of cosmetic medical procedures, including but not limited to, the administration of Botox, Juvederm, Radiesse and Restylane, and performance of laser hair removal, on approximately 140 occasions on approximately 93 patients between January 11, 2016, and August 25, 2016, constitute practicing medicine without a license, in violation of Health Occ. II § 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 shall **CEASE AND DESIST** from practicing, attempting to practice, or offering to practice medicine in this State; and it is further

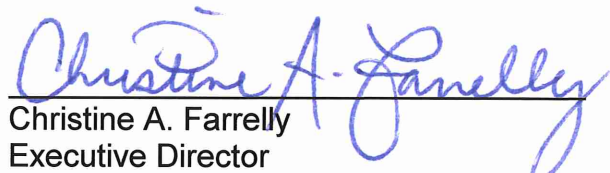
**ORDERED** that within **TWO (2) YEARS** from the date of this Consent Order, the Respondent shall pay a civil fine in the amount of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)** by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297-3217 for deposit into the General Fund of Maryland; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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).

July 21, 2017  
Date

  
Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

### **CONSENT**

I, Unchol Ann Rohrer, acknowledge that I was given the opportunity to be represented by counsel and have elected not to consult with counsel 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 Disciplinary Panel B and/or 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.

7-17-17  
Date

[Signature]  
Unchol Ann Rohrer

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF Maryland / Montgomery

I HEREBY CERTIFY that on this 17<sup>th</sup> day of July, 2017, before me, a Notary Public of the foregoing State and City/County personally appear Unchol Ann Rohrer 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.

[Signature]  
Notary Public

My commission expires:

JULIE B BERMUDEZ  
NOTARY PUBLIC  
MONTGOMERY COUNTY  
MARYLAND  
MY COMMISSION EXPIRES 03-21-2020