

IN THE MATTER OF \* BEFORE THE MARYLAND  
JOY GRAY WILSON \* STATE BOARD OF  
Respondent \* PHYSICIANS  
Unlicensed \* Case Number: 2015-0113A

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**CONSENT ORDER**

On or about June 5, 2014, the Maryland State Board of Physicians (the “Board”), opened an investigation of Joy Gray Wilson (the “Respondent”), under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 et seq. (2014 Repl. Vol.).

Based on its investigation, the Board has grounds to charge the Respondent under the following provision of the Act:

Health Occ. § 14-601:

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. § 14-101 defines the practice of medicine in pertinent part as follows:

(l) Practice medicine. -- (1) “Practice medicine” means to engage, with or without compensation, in medical:

...

(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. 10.32.09 provides in pertinent part:

**.02 Definitions.**

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

B. Terms Defined.

...

(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:

...

(viii) Treatments intended to remove or cause destruction of fat[.]

**.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.

...

Prior to the Board issuing charges, the Respondent agreed to enter into this public Consent Order with the Board's approval, consisting of Findings of Fact, Conclusions of Law, and Order.

**I. FINDINGS OF FACT**

The Board finds the following:

1. At all times relevant, the Respondent has not been licensed or certified by any Health Occupation Board in Maryland.
2. At all times relevant, the Respondent was employed at a cosmetic surgery center/medispa in Baltimore, Maryland ("Facility A"<sup>1</sup>). The Respondent was hired sometime around 2008, and her position at Facility A was as a "surgical scrub technician."
3. At all times relevant, Dr. K, a plastic surgeon, was the owner/medical director of Facility A, and hired the Respondent.
4. On or about June 5, 2014, the Board received a complaint alleging the Respondent, an unlicensed individual, was practicing an unauthorized cosmetic procedure in Facility A known as "Coolsculpting."
5. On or about June 5, 2014, a former patient of Dr. K's practice, Patient A, filed a complaint with the Board alleging that in July 2013, the Respondent had performed a cosmetic procedure on her at Facility A, known as "Coolsculpting."<sup>2</sup> Patient A stated in her complaint that she had developed a "solid brick size[d] mass" after the procedure.
6. Shortly after receiving Patient A's complaint, the Board initiated an investigation.
7. On or about August 28, 2014, the Board's staff notified the Respondent of its investigation of Patient A's complaint, and made an unannounced site visit to Facility A. The Board's staff subpoenaed appointment logs for January 2013 through August 28, 2014 for scheduled Coolsculpting procedures.

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<sup>1</sup> In order to maintain confidentiality, facility, patient and employee names will not be used in these charges.

<sup>2</sup> Coolsculpting, which is cryolipolysis, is a non-invasive localized fat reduction procedure based on the preferential sensitivity of adipose tissue to cold injury.

8. The Board's staff subpoenaed Patient A's medical record and additional records for patients who had undergone Coolsculpting procedures at Facility A, identified below as Patients B through F.

9. Based on a review of the appointment logs subpoenaed from Facility A, approximately 246 Coolsculpting procedures had been scheduled to be conducted by the Respondent.

10. During the August 28 site visit, the Board's staff interviewed the Office Administrator, who stated that until April 15, 2014, when she and Dr. K had become aware of the Board's regulations, almost all of the Coolsculpting procedures had been conducted by the Respondent.

11. On or about September 15, 2014, Dr. K submitted a written response to the Board, acknowledging the Respondent had conducted the Coolsculpting procedures under his supervision, but on notification by the Board in April, he had taken steps to ensure that only licensed individuals performed the procedure.

### **Patient-related Findings**

#### **Patient A**

12. On or about July 12, 2013, Patient A, a female in her 50s presented to Facility A, and was evaluated by Dr. K and the Respondent for the Coolsculpting procedure.

13. On July 15, 2013, the Respondent performed the Coolsculpting procedure on Patient A's upper and lower abdominal areas.

14. Sometime before Patient A's three-month follow-up visit with the Respondent, Patient A contacted the Respondent to complain of a "solid brick size[d] mass" that had formed on her upper and lower abdomen at the Coolsculpting sites.

15. On or about October 18, 2013, Patient A saw the Respondent for a follow-up visit, but then requested to see Dr. K because of the abdominal masses that had formed. Dr. K evaluated Patient A, and documented that the firmness and swelling present was persistent post-Coolsculpting inflammation. According to Patient A, during this visit, Dr. K recommended she see a masseuse to massage the area.

16. Patient A returned to Dr. K on two additional occasions in April 2014 to consult with him about her "residual lipodystrophy." Dr. K provided her with possible options, including a refund or complimentary Coolsculpting.

#### **Patient B**

17. Patient B was a female in her 50s in November 2012 when she initially presented to Facility A to undergo cosmetic procedures. Between November 2012 and March 2013 she underwent photofacial treatments, IPL, Botox injections and Coolsculpting procedures.

18. The Respondent conducted three Coolsculpting procedures on Patient B's upper, mid and lower back areas in 2013: on February 7; February 19 and March 12.

19. On or about June 11, 2013, the Respondent saw Patient B for a follow-up visit.

#### **Patient C**

20. Patient C was a female in her 40s in February 2013 when she initially presented to Facility A for Coolsculpting.

21. The Respondent conducted Patient C's Coolsculpting on the following dates in 2013: February 22 (abdominal areas); March 4 (underarms and inner arms) and March 8 ("love handles").

22. The Respondent conducted Patient C's Coolsculpting on the following dates in 2014: January 30 (underarms and lower abdominal area); February 4 (upper abdomen) and February 10 (underarms).

#### **Patient D**

23. Patient D was a female in her 30s in November 2012 when she initially presented to Facility A for Coolsculpting of her lower abdomen and outer thighs. She underwent various cosmetic procedures including liposuction in December 2012 by Dr. K (after attempted Coolsculpting on December 14, 2012 was unsuccessful). Patient D's initial Coolsculpting procedures had been conducted by providers other than the Respondent.

24. On April 11, 2013, the Respondent conducted a Coolsculpting procedure of Patient D's mid-abdominal area.

#### **Patient E**

25. Patient E was a female in her 30s in October 2012 when she initially presented to Facility A for a consultation for Coolsculpting for her upper and lower abdomen and "love handles."

26. The Respondent conducted Coolsculpting procedures on Patient E on the following dates in 2013: January 7 (upper and lower abdomen); January 22 (upper and lower abdomen); June 11 (upper arms) and June 21.

## Patient F

27. Patient F was a male in his 40s in August 2013 when he initially presented to Facility A for a consultation for Coolsculpting for his abdominal and lumbar areas as well as other procedures including surgery for his male gynecomastia.

28. The Respondent conducted Coolsculpting procedures on Patient F on the following dates in 2013: August 7; August 12 (lumbar area) and November 11 (lower abdomen).

## **II. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Health Occ. § 14-601, pursuant to the Board's regulations under Md. Code Regs. 10.32.09.04A.

## **III. ORDER**

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

**ORDERED** that within **THIRTY (30) DAYS** of the date of this Consent Order, the Respondent shall pay a monetary fine in the total amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)**. The payment shall be made by certified or bank guaranteed check(s) made payable to the Maryland State 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. State Gov't Code Ann. § 10-611 et seq. (2009 Repl. vol. & 2013 Supp.).

12/2/2014  
Date

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

**CONSENT**

I, Joy Gray Wilson, 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 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 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.



11/24/2014  
Date

Joy Gray Wilson  
Joy Gray Wilson

Reviewed and Approved by:

Neal M. Brown  
Neal M. Brown, Esquire

**STATE OF MARYLAND**

**CITY/COUNTY OF:**

I **HEREBY CERTIFY** that on this 24th day of November, 2014, before me, a Notary Public of the State and County aforesaid, personally appeared Joy Gray Wilson and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

**AS WITNESS**, my hand and Notary Seal.

Virginia M. Brown  
Notary Public

My commission expires: 12/3/17