

IN THE MATTER OF \* BEFORE THE MARYLAND  
DEBORAH ANNE WINTER \* STATE BOARD OF  
Respondent \* PHYSICIANS  
Unlicensed \* Case Number: 2014-0664

\*\*\*\*\*

**CONSENT ORDER**

On December 2, 2014, Disciplinary Panel B of the Maryland State Board of Physicians (the “Board”), charged Deborah Anne Winter (the “Respondent”), under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) § 14-101 *et seq.* The pertinent provisions of the Act provide the following:

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

...

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

...

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

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

...

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

...

(iii) Treatment; or  
(iv) Surgery.

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<sup>1</sup> Paragraph (5) does not apply to the Respondent.

- (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<sup>2</sup> 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.

(b) "Cosmetic medical device" includes any of the following items, when the item is used for cosmetic purposes:

...

(ii) Device emitting light or intense pulsed light;

...

(iv) Microdermabrasion device[.]

(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:

...

(v) Skin treatments with phototherapy;

(vi) Microdermabrasion;

...

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<sup>2</sup>The effective date of this regulation was August 23, 2010.

- (ix) Any treatment using a cosmetic medical device for the purpose of improving and 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 December 17, 2014, a conference with regard to this matter was held before Panel B of the Board's Disciplinary Committee for Case Resolution Conference ("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**

1. At all times relevant, the Respondent has not been licensed or certified by the Maryland State Board of Physicians.
2. The Respondent is licensed as an electrologist by the Maryland Board of Nursing and is also licensed as an esthetician by the Maryland Board of Cosmetology.
3. From June 2010 through March 28, 2014, the Respondent owned and operated "Deborah Winter Skin Care" located in Chevy Chase, Maryland. In April 2014, the Respondent moved her office to Washington, D.C.
4. On or about February 20, 2014, the Board received a complaint from an individual who had been referred to the Respondent for skin care. The complainant alleged that the Respondent's website indicated that the Respondent was performing cosmetic medical procedures, such as laser hair removal and intense pulse light ("IPL") treatment. The complainant was concerned that the Respondent had no training except for skin care and that the

Respondent made no mention on her website that she practiced under the direction of a physician.

5. Shortly after receiving the complaint, the Board opened an investigation.
6. On or about April 11, 2014, Board staff conducted an on-site visit of the Respondent's Chevy Chase office. The Respondent was not present during the on-site visit. During the on-site visit, Board staff learned that the Respondent had moved her office to Washington, D.C. approximately two weeks earlier.
7. The Respondent's former office in Chevy Chase is occupied a physician, "Dr. A."<sup>3</sup> An office employee to whom Board staff spoke stated that Doctor A had acted as the Respondent's medical director.
8. By letter dated April 22, 2014, Board staff asked Dr. A to describe her working relationship with the Respondent.
9. By letter dated April 26, 2014, Dr. A replied that she had not employed the Respondent and that her involvement in the Respondent's practice had been "very limited." Dr. A further stated that the Respondent had requested Dr. A's services for two treatments, specifically VI peels and photodynamic therapy, and for the purchase of "a select number of skincare products."
10. By letter dated May 15, 2014, Board staff notified the Respondent that an investigation had been opened based on information that the Respondent was performing cosmetic medical procedures at the Chevy Chase office. The Respondent was provided an opportunity to provide a written response to the allegations. Attached to the letter was a subpoena for appointment logs from October 1, 2013 through April 1, 2014.

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<sup>3</sup> In order to maintain confidentiality, the names of individuals are not used in this document.

11. By letter dated June 5, 2014, the Respondent, through counsel, acknowledged that for a period of time she was not fully aware of changes in the Board's regulations and "did perform certain treatments that fall into [the cosmetic medical procedures] category."
12. Review of the information submitted by the Respondent in response to the Board's subpoena revealed that during the six-month period from October 1, 2013 through April 1, 2014: the Respondent treated patients with microdermabrasion on over 40 occasions; treated patients on over 40 occasion using an "Accelafuze" machine, which provides microdermabrasion and/or LED light therapy and treated patients with photodynamic therapy on two occasions.
13. On or about June 19, 2014, Board staff conducted an interview of the Respondent under oath, which is set forth in pertinent part below. The Respondent was accompanied by counsel.
14. During the interview, the Respondent stated that Dr. A had been her medical director and that through Dr. A's license she obtained sunblocks, creams and VI peels. The Respondent further stated that Dr. A did not perform, or assist the Respondent to perform, microdermabrasion or light therapy on patients.

#### **CONCLUSION OF LAW**

Based on the foregoing findings of fact, Disciplinary Panel B concludes as a matter of law that the Respondent violated Health Occ. § 14-601.

#### **ORDER**

Based on the foregoing Findings of Fact and Conclusion of Law, it is, by Disciplinary Panel B, hereby

**ORDERED** that within six (6) months of the effective date of this Consent Order, the Respondent shall pay a monetary fine of \$4,000.00 by certified check or money order, made payable to the "Maryland Board of Physicians," P.O. Box 37217, Baltimore, Maryland 21297, in whole or in installments, to be deposited into the General Fund, and it is further

**ORDERED** that this is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2014).

1/6/2015  
Date

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

**CONSENT**

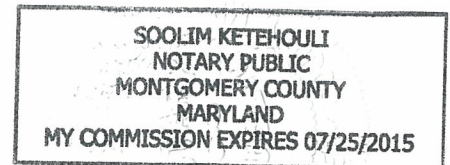
I, Deborah A. Winter, acknowledge that I am represented by counsel and have consulted with counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by Disciplinary Panel B, I agree and accept to be bound by the foregoing Consent Order and its conditions.


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

December 24<sup>th</sup> 2014  
Date

Deborah A. Winter  
Deborah A. Winter  
Respondent



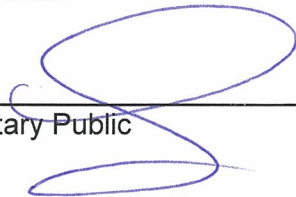
 12-24-14.

**NOTARY**

**STATE OF MARYLAND**  
**CITY/COUNTY OF MONTGOMERY**

I **HEREBY CERTIFY** that on this 24 day of December 20114 before me, a Notary Public of the foregoing State and City/County, personally appeared Deborah A. Winter, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

  
\_\_\_\_\_  
Notary Public

My commission expires: 07/25/2015

**SOOLIM KETEHOULI**  
**NOTARY PUBLIC**  
**MONTGOMERY COUNTY**  
**MARYLAND**  
**MY COMMISSION EXPIRES 07/25/2015**