

IN THE MATTER OF

ALAN H. ROHRER, M.D.

Respondent

License Number: D37197

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2015-0673B

\* \* \* \* \*

### CONSENT ORDER

On August 26, 2015, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") voted to charge **ALAN H. ROHRER, M.D.** (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 Panel B voted to charge the Respondent with violating the following provisions of the Act under Health Occ. II § 14-404:

- (a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspended or revoke a license if the licensee:
  - (3) Is guilty of:
    - (ii) Unprofessional conduct in the practice of medicine; [and]
  - (18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine[.]

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:
  - (ii) Device emitting light or intense pulse light;
  - (iii) Device emitting radio frequency, electric pulses, or sound waves;
  - (iv) Microdermabrasion device; and
  - (v) 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:
  - (ii) Skin treatment using intense pulsed light;
  - (iii) Skin treatment using radio frequencies, microwave, or electric pulses;
  - ...
  - (vi) Microdermabrasion;
  - (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**

A. Physicians. A physician may be disciplined for any of the following:

- (1) Delegating, assigning, or supervising a cosmetic medical procedure performed by an individual who is not a physician assistant or another licensed health care provider whose licensing board has determined that the procedure is within the scope of practice of the individual;

Prior to the issuance of charges, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

Disciplinary Panel B of the Board makes the following Findings of Fact:

#### **BACKGROUND**

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on or about August 12, 1988.

2. At all times relevant hereto, the Respondent is board-certified in internal medicine and psychiatry.

3. At all times relevant hereto, the Respondent maintained a primary care office and a cosmetic medical office ("Medical Spa A")<sup>1</sup> in Frederick, Maryland.

#### **COMPLAINTS**

4. On or about March 6, 2015, the Board received a complaint from an attorney who was representing a former patient ("Patient A") of Medical Spa A. The

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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.

complaint alleged that the Respondent permitted an individual ("Staff A") at Medical Spa A, who was not authorized to perform cosmetic medical procedures in Maryland, to improperly administer Radiesse injections on Patient A, which resulted in physical injuries to her.

5. The Board subsequent received a second complaint, on or about April 1, 2015, from an administrator of a cosmetic surgery center in Maryland alleging that the Respondent was using an unauthorized individual to perform laser hair removal and administer Botox injections.<sup>2</sup>

6. Based on the complaints, Panel B initiated an investigation of the Respondent.

## **BOARD INVESTIGATION**

7. In the course of its investigation, Board staff interviewed Patient A on or about June 4, 2015, at the Board's offices. During the interview, Patient A stated that she received various cosmetic treatments from Staff A at Medical Spa A, including Botox, Juvederm,<sup>3</sup> Radiesse,<sup>4</sup> ultrasound cavitation,<sup>5</sup> VI Peel,<sup>6</sup> microdermabrasion<sup>7</sup> and

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<sup>2</sup> Botox is a prescription medicine that is injected into muscles and used to temporarily improve the look of both moderate to severe crow's feet lines and frown lines between the eyebrows in adults.

<sup>3</sup> Juvederm is a gel injected into areas of facial tissue to add volume to the skin.

<sup>4</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 your nose to the corner of your mouth).

<sup>5</sup> Ultrasound cavitation uses low frequency ultrasound energy to dissect or fragment tissues with low fiber content.

<sup>6</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>7</sup> Microdermabrasion is a procedure that exfoliates and removes the superficial layer of dry, dead skin cells.



Pelleve<sup>8</sup> between 2000 and 2014. Patient A stated that Staff A performed all the cosmetic procedures and the Respondent was never present.

8. Specifically, Patient A complained that on or about February 7, 2014, Staff A injected a filler called Radiesse under her eye, which left a scar for approximately one year.

9. On or about July 16, 2015, Board staff interviewed Staff A at the Board's offices. Staff A, during the interview, stated that she worked under the supervision of the Respondent at Medical Spa A. She stated her duties included performing VI/Chemical Peel, Botox, derma peel, Pelleve, silk peel (microdermabrasion), ultrasound cavitation, Intense Pulsed Light ("IPL")<sup>9</sup> hair removal and Radiesse. Staff A stated that the Respondent used to perform these procedures, but she began perform them starting 2011 after receiving training.

10. Board staff interviewed the Respondent at the Board's offices on or about July 18, 2015. During the interview, the Respondent stated that he began providing cosmetic medical procedures at Medical Spa A, including hair removal, pigment removal, injection of Botox, injection of Radiesse, injection of Juvederm, ultrasound cavitation fat removal, microdermabrasion, laser tattoo removal, electrolysis, Lipo-Lyte fat reduction and VI/Chemical Peel, in or around 2008. The Respondent stated that he and Staff A both performed the procedures, but recently Staff A had performed the

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<sup>8</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>9</sup> Intense Pulsed Light is a technology that uses a broad spectrum of light source to perform various skin treatments including hair removal, photorejuvenation, skin pigmentation and treatment of dermatologic diseases.

procedures more often than he did. He stated that Staff A had begun performing the procedures since the past three to four years.

11. In the course of its investigation, the Board obtained ten (10) patient records from the Respondent. During the Respondent's interview, Board staff showed the Respondent the ten (10) patient records, which he confirmed showed that cosmetic medical procedures were performed solely by Staff A with his supervision.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent, in permitting Staff A, an unauthorized individual, to perform cosmetic medical procedures, including IPL hair removal, Pelleve, ultrasound cavitation, VI/Chemical Peel, Silk Peel, Juvederm injection, Radiesse injection and Botox injection, violated the following provisions of the Act: practicing medicine with an unauthorized person or aiding an unauthorized person in the practice of medicine, in violation of Health Occ. II § 14-404(a)(18); and engaging in unprofessional conduct in the practice of medicine, in violation of Health Occ. II § 14-404(a)(3)(ii).

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the quorum of Disciplinary Panel B considering this case:

**ORDERED** that the Respondent is hereby **REPRIMANDED**, and it is further

**ORDERED** that the Respondent shall pay a monetary fine in the amount of **FIVE (5) THOUSAND DOLLARS (\$5,000.00)** by bank certified check or money order made

payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

01/11/2016  
Date

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

### **CONSENT**

I, Alan H. Rohrer, M.D., acknowledge that I am represented by counsel and have consulted 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 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 Disciplinary Panel A 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.

12/29/2015  
Date

Alan H. Rohrer  
Alan H. Rohrer, M.D.

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 29<sup>th</sup> day of December, 2015, before me, a Notary Public of the foregoing State and City/County personally appear Alan H. Rohrer, M.D. 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.

Edwin D. Zelaya  
Notary Public

My commission expires:

EDWIN D ZELAYA  
NOTARY PUBLIC  
MONTGOMERY COUNTY, MD  
MY COMMISSION EXPIRES  
JUNE 27th 2017

