IN THE MATTER OF	*	**BEFORE THE**
DEBRA A. COATS-WALTON, M.D.	*	**MARYLAND STATE**
Respondent	*	**BOARD OF PHYSICIANS**
License Number: D51777	*	**Case Number: 2014-0312**

* * * * * * * * * * * * *

CONSENT ORDER

On March 10, 2014, the Maryland State Board of Physicians (the "Board") charged **DEBRA A. COATS-WALTON, M.D.** (the "Respondent"), with violating the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("Health Occ.") §§ 14-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under Health Occ. § 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. Regs. Code 10.32.09.09 (2013) provide:

> 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;

(2) Delegating cosmetic medical procedures to an individual who has not had:

(a) The training specified in Regulation .07 of this chapter; and

(b) The training required by that individual's health occupations board; or

(3) Failure to adhere to any requirement of this chapter.

On May 14, 2014, a conference was held before Disciplinary Panel A sitting as the Disciplinary Committee for Case Resolution. As a result of negotiations between the parties and the panel, 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:

BACKGROUND

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on March 21, 1997, under License Number D51777. The Respondent's license is current through September 30, 2014.

2. The Respondent is board-certified in dermatology, and at all times relevant hereto, was the owner and operator of a dermatological surgical center/medical spa ("Facility A")[1] located in Bowie, Maryland.

[1] To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

3. Beginning on or about April 11, 2008, the Respondent hired a medical assistant ("Medical Assistant A"), who was not licensed by any health occupations boards in Maryland, to assist her.

4. The Board initiated an investigation of the Respondent after receiving an anonymous complaint on or about October 8, 2013, alleging that the Respondent was employing unlicensed individuals to perform laser hair removal at Facility A. The complainant stated that beginning in February 2013, he/she received six sessions of laser hair removal treatments from unlicensed individuals at Facility A. The complainant further stated that he/she had expected the Respondent to perform the procedures but they were instead performed by an unlicensed medical assistant and aesthetician.

BOARD INVESTIGATION

Unannounced Site-Visit

5. On or about October 31, 2013, Board staff made an unannounced visit to the Respondent's practice at Facility A for purposes of serving subpoenas, obtaining records and interviewing office staff.

6. During the site visit, Board staff obtained a copy of Facility A's recent appointment logs listing all patients who received laser hair removal at Facility A in the past thirty days.

7. Also during the site visit, Board staff conducted sworn interviews of Facility A's office receptionist, Medical Assistant A and the Respondent.

Patient Medical Records

8. From the patient appointment logs, the Board selected ten patients who recently received laser hair removal at Facility A and obtained their medical records from the Respondent.

9. A review of the ten patient charts revealed that Medical Assistant A performed laser hair removal procedures on all ten patients and electronically signed all ten patient charts.

10. The number of laser hair removal treatments the ten patients received ranged from one to ten treatments between the period from November 12, 2012, to October 30, 2013. The areas of laser hair removal treatments included patients' face, legs, chest, abdomen, buttocks, back and chin.

Board Interviews

11. Board staff interviewed Facility A's receptionist during its visit on or about October 31, 2013. During the interview, the receptionist stated that the Respondent and Medical Assistant A were the only individuals who performed laser hair removal procedures at Facility A at that time.

12. Board staff also conducted a sworn interview of Medical Assistant A during the same visit. Medical Assistant A stated during the interview that she and the Respondent were the only individuals performing laser hair removal procedures at Facility A at that time. She also stated that she worked Monday through Friday from 8:00 a.m. to 5:00 p.m., and saw approximately fifteen patients per day. Medical Assistant A stated that she received training from the manufacturer to operate laser hair

removal machines and had been performing the procedure for approximately five months prior to the interview.

13. The Respondent also gave sworn testimony in an interview on the day Board staff visited Facility A. The Respondent confirmed that she and Medical Assistant A were the only individuals performing laser hair removal procedures at Facility A at that time. She stated that Medical Assistant A had been performing laser hair removal procedures since around July 2013.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent, in permitting Medical Assistant A, an unlicensed individual, to perform laser hair removal procedures, a surgical act, 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. § 14-404(a)(18); and engaging in unprofessional conduct in the practice of medicine, in violation of Health Occ. § 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 A considering this case:

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

ORDERED that **WITHIN THREE (3) MONTHS** of the execution of this Consent Order, 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 the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't §§ 10-611 *et seq.* (2009 Repl. Vol.).

July 17, 2014
Date

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

CONSENT

I, Debra A. Coats-Walton, 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 A 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 B 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.

6-18-14
Date

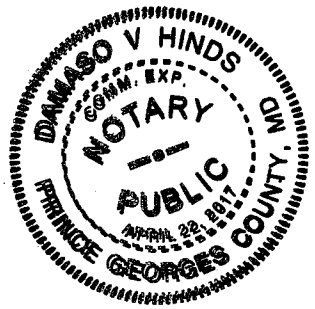
Debra A. Coats-Walton, M.D.

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Prince George's

I HEREBY CERTIFY that on this 18 day of June, 2014, before me, a Notary Public of the foregoing State and City/County personally appear Debar A. Coats-Walton, 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.



Damaso V. Hinds
Notary Public

My commission expires: 4/22/2017