

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

vs.

Case No.

22-49

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and [REDACTED] ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, ("Act"), *as amended*, 63 P.S. §§ 422.1-422.53; the Medical Care Availability and Reduction of Error ("Mcare") Act, act of March 20, 2002, P.L. 154, No. 13, *as amended*, 40 P.S. §§ 1303.101-1303.910; and/or 63 Pa.C.S. Chapter 31 ("Chapter 31"), 63 Pa.C.S. §§ 3101-3118.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no [REDACTED] which was originally issued on [REDACTED], and which is currently set to expire on [REDACTED]

STIPULATED FACTS

3. Respondent neither admits nor denies the following:

a. Absent additional Board action, Respondent's license may be continually renewed or reactivated upon the filing of the required documentation and payment of the applicable fees.

b. Respondent is a practitioner in the specialty of family medicine.

c. On or about June 1, 2021, Respondent signed a Management Services Agreement with [REDACTED]

d. [REDACTED] is a registered nurse [REDACTED] in the Commonwealth of Pennsylvania.

e. [REDACTED] is the owner of a company, [REDACTED]

f. As referenced in paragraph 3c, Respondent agreed to the Management Services Agreement with [REDACTED] whereby [REDACTED] needed to have a licensed medical doctor sign for Botox to be shipped to the Respondent's medical practice.

g. As referenced in paragraph 3c, Respondent was informed that he would be paid \$1000.00 per month to sign to have the aforementioned Botox shipped to his medical practice.

h. The Management Services Agreement signed by the Respondent specifies with regard to [REDACTED] that "The Company is in the business of Medical aesthetics."

i. Respondent signed the Management Services Agreement as "Medical Director" of [REDACTED]

j. Respondent was informed by [REDACTED] that she would be administering the Botox injections at spas, hair salons, and beauty shops in the local area.

k. Subsequent to June 1, 2021, Respondent met with [REDACTED] at his medical practice approximately ten (10) separate occasions.

l. Respondent signed paperwork presented by [REDACTED] to the Respondent.

m. As referenced in paragraph 31, the paperwork contained a list of patient names, and a description of Botox-related treatment allegedly provided to these patients.

n. As referenced in paragraph 31, Respondent signed under the heading of "physician" adjacent to the name of the patient for the Botox-related treatment annotated as "OK to administer neurotoxin, temporary fillers and kybella as needed."

o. During the period of June 2021 through May 2022, Respondent signed his name under the heading of "physician" for a total of approximately 224 patients administered "neurotoxin, temporary fillers and kybella as needed."

p. As referenced in paragraph 31, Respondent signed under the heading of "MD" adjacent to the name of the patient for the Botox-related treatment annotated as "Standing orders to administer Botox or Xeomin to patient."

q. During the period of June 2021 through May 2022, Respondent signed his name under the heading of "MD" for a total of 21 patients for "Standing orders to administer Botox or Xeomin to patient."

r. As referenced in paragraph 3l, the paperwork contained the name of at least one individual other than [REDACTED] annotated under the heading of "Nurse Administering" for Botox-related treatment allegedly provided to these patients.

s. Respondent did not personally see any of the patients referenced in paragraphs 3o and 3q.

t. Respondent did not have knowledge that the "Nurse Administering" as referenced in paragraph 3r had the education, training, experience, and/or continued competency to safely perform the medical service (Botox-related treatment) delegated by the Respondent.

u. Respondent failed to determine that the delegation of Botox-related treatment did not create an undue risk to the particular patient being treated.

v. Respondent inappropriately delegated the Botox-related treatment provided to the patients referenced in paragraphs 3o and 3q.

w. Respondent failed to exercise appropriate supervision over nursing personnel who provided Botox-related treatment to patients prior to the Respondent's signing of medical forms authorizing such Botox-related treatment to be provided to these patients.

AUTHORITY OF THE BOARD

4. The Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; impose a civil penalty upon Respondent under section 908 of the Mcare Act, 40 P.S. §§ 1303.908, or 63 Pa.C.S. § 3108(b)(4); and/or impose the costs of investigation upon Respondent under 63 Pa.C.S. § 3108(b)(5).

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. **VIOLATION:** Respondent violated the Act at section 41(8), 63 P.S. §422.41(8), in that Respondent engaged in unprofessional conduct by departing from, or failing to conform to, an ethical or quality standard of the profession.

b. **CIVIL PENALTY:** Respondent shall pay a civil penalty of five thousand dollars (\$5000.00) to the "Commonwealth of Pennsylvania".

c. **PROBATION:** All licenses, registrations, certificates, approvals, permits or any other authorizations issued by the Board (hereinafter referred to collectively as "authorizations to practice the profession") to Respondent are hereby suspended for a period of twenty-four (24) months, to be **IMMEDIATELY STAYED IN FAVOR OF PROBATION**, subject to the following terms and conditions:

d. GENERAL TERMS OF PROBATION:

(1) Respondent shall abide by and obey all federal and state laws, including, but not limited to, statutes, rules and regulations.

(2) The filing of criminal charges, other than summary traffic violations, or the initiation of a professional disciplinary matter against Respondent shall constitute a violation of this Order.

(3) The address for Respondent's Department of State, Bureau of Enforcement and Investigation (BEI) Probation Compliance Officer is:

Probation Compliance Officer Bureau of Enforcement and Investigation P.O. Box 2649 Harrisburg, PA 17105-2649 717-783-7228

(4) Unless otherwise directed, Respondent, Respondent's professional employer, and any other person needing or required to make reports under this Order concerning Respondent's practice and contact information, shall cause those reports, data or other information to be provided to the probation compliance officer.

(5) Respondent shall notify the probation compliance officer, in writing, within twenty (20) days, of the following:

- (i) the filing of criminal charges;
- (ii) the disposition of any criminal charge including, but not limited to, a conviction, an admission of guilt, a nolo contendere plea, the imposition of probation without verdict, a disposition in lieu of trial or entry into an Accelerated Rehabilitative Disposition (ARD) program;
- (iii) the initiation of a professional disciplinary matter or any disciplinary action imposed by the professional licensing authority of any state or jurisdiction; and
- (iv) any other legal action (civil or administrative) pertaining to the practice of the profession at issue.

(6) Respondent shall notify the probation compliance office, in writing, within (20) twenty days of the Board's adoption of this Consent Agreement, of any actions set forth in the preceding paragraph that occurred within one (1) year prior to the Board's adoption of this Consent Agreement.

(7) Respondent shall cooperate with the Commonwealth and the BEI, in the monitoring, supervision, and investigation of Respondent's compliance with the terms and conditions of this Order.

(8) Respondent shall cause to be submitted at Respondent's own expense written reports, records, and verifications of actions that may be required by the Commonwealth and BEI.

(9) Respondent shall:

(i) provide written notice to the probation compliance officer of the name(s) and address(es) of the place(s) at which Respondent will practice within seventy-two (72) hours of the Board's adoption of this Consent Agreement;

(ii) provide written notice to the probation compliance officer, within seventy-two (72) hours, of any change in the name(s) and address(es) of the place(s) at which Respondent will practice;

(iii) provide written notice to the probation compliance officer, within seventy-two (72) hours, of a change in Respondent's home address or telephone number; and

(iv) electronically update the Board's records within seventy-two (72) hours of a change of Respondent's address and telephone number on file with the Board.

(10) If self-employed, Respondent shall submit a written verification of self-employment, along with substantiating documentation, to the probation compliance officer within fifteen (15) days of adoption of this Consent Agreement by the Board or within fifteen (15) days of becoming self-employed.

(11) Respondent consents to the release by the Commonwealth or BEI of any information or data produced as a result of this probation to any professional employer or prospective professional employer.

(12) Respondent shall not falsify, misrepresent, or make material omission of any information submitted pursuant to this Order.

(13) Respondent's failure to fully cooperate and successfully comply with the terms and conditions of probation shall be deemed a violation of this Order.

(14) Respondent shall make a written request for reinstatement to non-probationary status at the end of the minimum probationary period to:

Board Counsel State Board of Medicine P.O. Box 69523 Harrisburg, PA 17106-9523

(15) Reinstatement may be subject to administrative requirements.

(16) Reinstatement to non-probationary status shall be subject to the Board's determination that Respondent has complied with all terms and conditions of the probation imposed by this Order. The Board reserves the right to schedule a hearing to determine Respondent's compliance.

e. **REMEDIAL EDUCATION:** Prior to the expiration of the probationary period, Respondent shall attend and successfully complete at least thirty (30) hours of continuing medical education ("CME") on the topic(s) of delegation of medical services, supervision of employees, medical record keeping, and ethics. Respondent shall comply with the following terms and conditions pertaining to completion of the remedial education:

(1) The remedial education required by this Order shall be in compliance with either the initial education or the continuing education regulations of the Board;

(2) If any remedial education course requires Respondent to take an examination, Respondent must pass the examination(s);

(3) The remedial education required by this Order shall be successfully completed after October 1, 2024;

(4) Respondent shall submit acceptable proof of successful completion of the remedial education to the Board's Board Administrator **prior to applying for reinstatement of Respondent's license to unrestricted status;**

(5) Acceptable proof of completion of the remedial education shall consist of an official school transcript or a certificate, printout or letter prepared by the provider indicating successful completion of the course(s). Such proof shall contain course titles, completion dates, final grade (if graded), and number of class hours or credits awarded;

(6) **Respondent shall note the case number of this matter on any documentation submitted to the Board Administrator.**

The address for the Board's Board Administrator is:

Saiyad Ali, Board Administrator State Board of Medicine P.O. Box 2649 Harrisburg, PA 17105-2649
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(7) The remedial education required by this Order shall be in addition to any continuing education requirements for the renewal of any license, registration, certificate, approval, authorization, or permit issued by the Board (hereinafter referred to collectively as "authorizations to practice the profession");

(8) Respondent may not utilize the remedial education required by this Order to satisfy any initial or continuing education requirement for Respondent's authorizations to practice the profession;

(9) Following the successful completion of the remedial education required by this Order, Respondent shall be subject to a non-random audit of continuing education upon the next renewal or reactivation of Respondent's authorizations to practice the profession; and

(10) Respondent shall bear the responsibility of all costs incurred in complying with the terms of this Order, including production of records.

f. Respondent shall bear the responsibility of all costs incurred by Respondent in complying with the terms of this Order, including production of records;

g. **VIOLATION OF PROBATIONARY ORDER DUE TO FAILURE TO PROVIDE PROOF OF SUCCESSFUL COMPLETION OF REMEDIAL EDUCATION:** If Respondent fails to submit acceptable proof of successful completion of the Remedial Education by the end of the probationary period as required by this Consent Agreement, Respondent's license to practice as a medical physician and surgeon and any and all authorizations to practice the profession issued by the Board and held by Respondent shall be **IMMEDIATELY AND INDEFINITELY SUSPENDED**, without further hearing, until such time as

Respondent does provide the Board's Board Administrator with acceptable proof of successful completion of the Remedial Education as required by this Consent Agreement.

h. VIOLATION(S) OF PROBATION FOR REASONS OTHER THAN FAILURE TO TIMELY COMPLETE REMEDIAL EDUCATION:

Notification of a violation of the terms or conditions of this Consent Agreement and Order shall result in the **IMMEDIATE VACATING** of the stay order, **TERMINATION** of the period of probation, and **ACTIVATION** of the entire period of suspension of Respondent's authorizations to practice the profession in the Commonwealth of Pennsylvania as follows:

(1) The prosecuting attorney for the Commonwealth shall file with the Board a Petition which alleges that Respondent has violated any terms or conditions of this Consent Agreement and Order other than failure to complete the Ordered remedial education in a timely manner;

(2) Upon a probable cause determination that Respondent has violated any of the terms or conditions of this Consent Agreement and Order, the Board shall, without holding a formal hearing, issue a preliminary order vacating the stay of the suspension in this matter, terminating the period of probation and activating the entire period of suspension of Respondent's authorizations to practice the profession, without credit for any period of suspension stayed in favor of probation;

(3) Notification of the Board's Preliminary Order shall be mailed to Respondent within three (3) days of its issuance by certified mail and first class mail postage prepaid, sent to the last registered address on file with the Board. If service by mail is unsuccessful, the Commonwealth is authorized to attempt service by personal service and/or publication of legal notice in a newspaper of general circulation in the county of Respondent's last known address.

(4) Within twenty (20) days of mailing of the notification of the Board's action, Respondent may answer the Commonwealth's Petition and request that a formal hearing be convened concerning Respondent's alleged violation of probation, in which Respondent may seek relief from the Preliminary Order activating the suspension. **The answer shall be set forth in numbered paragraphs corresponding to the numbered paragraphs of the Petition. Respondent shall admit or deny each of the allegations set forth in the paragraphs in the Petition.** Any answer submitted in this matter must be filed with the Prothonotary for the Department of State via one of the following methods:

By Mail:
Prothonotary
Department of State
PO Box 2649
Harrisburg, PA 17105-2649

By Facsimile:
(717)772-1892

By E-mail:
ra-prothonotary@pa.gov

(5) Respondent shall send a copy of the answer, request for hearing, and all subsequent filings in the matter to the prosecuting attorney for the Commonwealth named in the Petition;

(6) If a request for a formal hearing is received from Respondent, the Board shall convene a formal hearing within forty-five (45) days from the date of the Board's receipt of Respondent's request for a formal hearing;

(7) If Respondent files an answer and request for a hearing within the twenty (20) day period, the Preliminary Order activating the suspension shall remain in effect unless and until the Board issues a determination favorable to Respondent after holding the formal hearing;

(8) The facts and averments in paragraphs 2 & 3 of this Consent Agreement and Order shall be deemed admitted and uncontested for purposes of the hearing;

(9) If the Board after such hearing makes a determination adverse to Respondent, the Board will issue a Final Order activating the suspension of Respondent's license and imposing any additional disciplinary measures it deems appropriate;

(10) If a request for a formal hearing is not received from Respondent within the prescribed twenty (20) day period, the

Board's Preliminary Order shall become a Final Order twenty (20) days after the date of its mailing;

(11) If the stay is terminated, Respondent shall still comply with all terms and conditions of probation during the active suspension, other than those terms and conditions pertaining to the active practice of the profession. Continued failure by Respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against Respondent;

i. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action.

j. **VIOLATION(S) OF PROBATION:** Notification of a violation of the terms or conditions of this Consent Agreement and Order shall result in the **IMMEDIATE VACATING** of the stay order, **TERMINATION** of the period of probation, and **ACTIVATION** of the entire period of suspension of Respondent's authorizations to practice the profession in the Commonwealth of Pennsylvania as follows:

(1) The prosecuting attorney for the Commonwealth shall file with the Board a Petition which alleges that Respondent has violated any terms or conditions of this Consent Agreement and Order other than failure to complete the Ordered remedial education in a timely manner;

(2) Upon a probable cause determination that Respondent has violated any of the terms or conditions of this Consent

Agreement and Order, the Board shall, without holding a formal hearing, issue a preliminary order vacating the stay of the suspension in this matter, terminating the period of probation and activating the entire period of suspension of Respondent's authorizations to practice the profession, without credit for any period of suspension stayed in favor of probation;

(3) Notification of the Board's Preliminary Order shall be mailed to Respondent within three (3) days of its issuance by certified mail and first-class mail, postage prepaid, sent to the last registered address on file with the Board. If service by mail is unsuccessful, the Commonwealth is authorized to attempt service by personal service and/or publication of legal notice in a newspaper of general circulation in the county of Respondent's last known address.

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(11) If the stay is terminated, Respondent shall still comply with all terms and conditions of probation during the active suspension, other than those terms and conditions pertaining to the active practice of the profession. Continued failure by Respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against Respondent;

k. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that this Consent Agreement and Order shall be admitted into evidence, without objection, in any proceeding before the Department of State.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter and the following rights related to that hearing: to be represented by counsel; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to

cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any adverse final decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges the right to consult with and be represented by private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. Respondent had an opportunity to consult with, and has been advised by Attorney Jacqueline M. Carolan regarding this Consent Agreement.

WAIVER OF CLAIMS

9. Should the Board vote not to adopt the Order proposed in this Consent Agreement, the presentation and consideration of this Consent Agreement shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. Respondent expressly waives the right to raise any claims or issues, including any and all constitutional claims or issues, which may arise or have arisen during the review, presentation and deliberation of this Consent Agreement. These claims or issues include, but are not limited to, bias, the commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Board, in its discretion, recommending a different sanction based upon the facts set forth in the Consent Agreement. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at a hearing unless otherwise separately stipulated.

LIMITS ON MODIFICATION OF ORDER

10. Respondent agrees not to seek modification of the Order adopting and implementing this Consent Agreement without first obtaining the express written permission from the prosecution division. Any modification is at the sole discretion of the Board.

AGREEMENT NOT BINDING UNTIL APPROVED

11. This Consent Agreement is between the Commonwealth and Respondent. The Office of General Counsel has approved this Consent Agreement as to form and legality. The disciplinary provisions of this Consent Agreement do not take effect unless and until the Board issues an order adopting this Consent Agreement.

ENTIRE AGREEMENT


12. This Consent Agreement contains the entire agreement between the parties. There are no other terms, obligations, covenants, representations, statements, or conditions, oral or otherwise, of any kind whatsoever concerning this agreement.

AGREEMENT DOES NOT PREVENT FUTURE DISCIPLINE

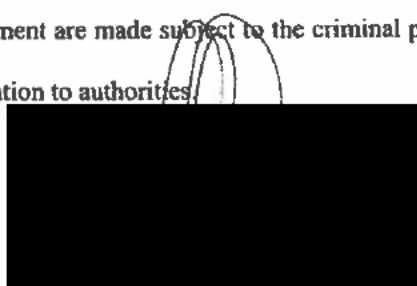
13. Nothing in this Order shall preclude the prosecution division of the Department of State from filing charges, or the Board from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent Agreement.

VERIFICATION OF FACTS AND STATEMENTS

14. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.


Keith E. Bashore
Prosecuting Attorney

DATED: 12/2/24


DATED: 11/6/2024

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

vs.

Case No.

22-49

Respondent

ORDER

AND NOW, this **17** day of **December**, 2024, the **STATE BOARD OF MEDICINE** ("Board") approves and adopts the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



**ARION R. CLAGGETT
ACTING COMMISSIONER**

For the Board:

For the Commonwealth:

For the Respondent:

Date of mailing:

**BY ORDER:
STATE BOARD OF MEDICINE**

**MARK B. WOODLAND, M.S., M.D.,
CHAIR**

Shana Walter, Esquire (A-L) or Dana M.
Wucinski, Esquire (M-Z)

Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

Jacqueline M. Carolan, Esquire
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2000 Market Street, 20th Floor
Philadelphia, PA 19103-3222

12/20/2024