

# UNLICENSED MEDICAL PRACTICES CITED AT DAY SPA IN NORFOLK

By Bill Sizemore  
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## NORFOLK

The Virginia Board of Medicine has reprimanded and fined a doctor for facilitating the unlicensed practice of medicine by associates at a Norfolk day spa.

The spa's owner says she and the doctor are victims of confusing, outdated and inconsistent state regula-

tion of a rapidly evolving industry.

Dr. Barry Paul Clark was reprimanded and fined \$5,000 for abusing his position as medical director of Skin, A Medical Spa, on Granby Street in downtown Norfolk. As part of an agreement he signed Jan. 21 with the medical board, he was required to

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## owner responds

The owner of Skin, A Medical Spa, says she and the doctor are victims of inconsistent state regulations and that the spa industry is governed by four boards.

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give up his position with the spa.

For nearly three years from 2006 to 2009, the board found, Clark practiced medicine full time in Washington while serving as the spa's medical director. During that time, he allowed unlicensed staff members to inject dermal fillers and local anesthetics and to perform cosmetic laser procedures on patients.

He also allowed federally controlled drugs such as Demerol and Valium to be prescribed and dispensed in his name without adequately documenting that he had examined the patients or taken their medical histories, the board said.

In addition, the board found that the informed-consent form given to patients who underwent injections of Sculptra, an anti-aging

facial treatment, falsely indicated treatment and interaction with a physician, even though no doctor was generally present.

Clark, a family practitioner, neither admitted nor denied the board's findings, but he waived his right to contest them. He was required to take a course in the proper prescribing of controlled drugs.

Clark declined to comment for this report.

The spa's owner, Peggy Meder, said in an interview that she has made a conscientious effort to operate lawfully.

One problem, she said, is that the spa industry is governed by four state boards: the Board of Medicine, the Board of Nursing, the Board of Pharmacy, and the Board for Barbers and Cosmetology.

When she took over the spa in 2006, she said, she consulted all four boards to ensure she was operating in compliance with state regulations and was told, "There are no regulations - do the best you can."

Meder, a registered nurse, said Clark spent time at the spa every one to two weeks, reviewed all patients' charts

and signed off on them. Many, if not most, spas operate the same way, she said.

"The doctor does not see the patient," she said. "I was working within the standards of the industry."

Virginia uses a complaint-based system to investigate and discipline doctors. The complaining parties are not publicly identified.

In the wake of the state investigation, Meder has hired a board-certified plastic surgeon as medical director and a nurse practitioner with prescribing authority.

In addition, she has contacted state lawmakers about developing an updated regulatory scheme for spas - an industry involving a growing array of invasive cosmetic procedures, prescription drugs and injectable products.

If the existing rules were enforced across the board, Meder said, many more spas than hers would be ensnared.

"If everybody's driving down the road doing 75 miles an hour, we're all speeding," she said.

"I got pulled over."

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