

**IN THE MATTER OF
DIEGO ESCOBOSA, M.D.**

Respondent

License Number: D43930

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**BEFORE THE
MARYLAND STATE
BOARD OF PHYSICIANS
Case Number: 7723-0039**

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ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION

On November 30, 2022, Diego Escobosa, M.D. (the “Respondent”) and Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) entered into a Consent Order wherein the Panel concluded, as a matter of law, that the Respondent was guilty of unprofessional conduct in the practice of medicine, professional, failed to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care, failed to cooperate with a lawful investigation conducted by the Board or a disciplinary panel, and failed to keep adequate medical records as determined by appropriate panel review.

Under the terms of the Consent Order, Panel A reprimanded the Respondent, suspended the Respondent’s Maryland medical license for a minimum period of thirty (30) calendar days, and required him to comply with certain conditions of the suspension, which included: enrollment in and comply with the Maryland Professional Rehabilitation Program (“MPRP”), and provide Panel A with the name, pertinent professional background information of a supervisor who is board certified to supervise him for the duration of the probationary period. The Consent Order also provided that the Respondent may submit a written petition for termination of suspension, and upon termination, the Respondent is placed on probation for a minimum period of two years with probationary terms and conditions.

On December 4, 2023, the Respondent provided Panel A with the name and pertinent professional background information of a supervisor who is board-certified to supervise him for the duration of the probationary period, and on January 10, 2024, Panel A approved the Respondent's supervisor. Additionally, on January 10, 2024, the Respondent petitioned to terminate the suspension of his Maryland medical license.

ORDERED that the suspension imposed under the Consent Order dated November 30, 2022, is **TERMINATED** and it is further

ORDERED that the reprimand remains in effect; and it is further

It is hereby:

ORDERED that the Respondent is placed on probation for a minimum period of **TWO (2) YEARS**. During the probationary period, the Respondent shall comply with the following probationary terms and conditions:

(1) The Respondent shall remain enrolled in MPRP as follows:

- (a) the Respondent shall continue his Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP or be entered into an amended Participant Rehabilitation Agreement and Participant Plan as determined by MPRP;
- (b) the Respondent shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screening as directed by MPRP.
- (c) the Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including releases/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and filed in a public order. The Respondent shall not withdraw his release/consent;
- (d) the Respondent shall sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written

information concerning the Respondent and to ensure that MPRP is authorized to receive the health care records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his release/consent;

(e) If, upon the authorization of MPRP, the Respondent transfers to a rehabilitation program in another state, the Respondent's failure to comply with any term or condition of that state's [the out-of-state's] rehabilitation program constitutes a violation of this Order. The Respondent shall also sign any out-of-state written release/consent forms to authorize the Board to exchange with (i.e., disclose to and receive from the out-of-state program verbal and written information concerning the Respondent and to ensure that the Board is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw the release/consent;

(f) The Respondent's failure to comply with any of the above terms or conditions, including terms and conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s), constitutes a violation of this Order Terminating Suspension and Imposing Probation;

(2) The Respondent is prohibited from prescribing and dispensing **controlled dangerous substance medications** until after he has successfully completed the courses described in probation condition (3). The prohibition on prescribing and dispensing may be administratively terminated through an order of the Panel upon the Respondent's proof of successful completion of the courses. The following conditions also apply:

(a) the Respondent shall not delegate any physician assistant the prescribing of controlled dangerous substances;

(b) the Respondent is prohibited from certifying patients for the medical use of cannabis;

(c) the Panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent's Controlled Dangerous Substances ("CDS") prescriptions. The administrative subpoenas will request the Respondent's prescriptions from the beginning of each quarter;

(d) the Respondent agrees that the CDS Registration issued by the Office of Controlled Substances Administration will be restricted to the same categories of CDS medications as limited by this Order Terminating Suspension and Imposing Probation; and

(3) Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete two courses, (1) a course in prescribing of controlled dangerous substances

that deals, at least in part, with prescribing of stimulants such as Adderall and Vyvanse; and (2) professional ethics. The following terms apply:

- (a) it is the Respondent's responsibility to locate, enroll in and obtain the Panel's approval of the courses before the courses are begun;
 - (b) the Respondent must provide documentation to the Panel that the Respondent has successfully completed the courses;
 - (c) the courses may not be used to fulfill the continuing medical education credits required for license renewal; and
 - (d) the Respondent is responsible for the cost of the courses; and
- (4) the Respondent shall be subject to supervision for a minimum of **TWO (2) YEARS** (eight quarterly reports) by a disciplinary panel approved supervisor who is board certified. The following terms apply to the supervision:
- (a) the panel will provide the supervisor with a copy of the Consent Order dated November 30, 2022 and of this Order Terminating Suspension and Imposing Probation and any other documents the Panel deems relevant;
 - (b) the Respondent shall grant the supervisor access to patient records selected by the supervisor, which shall, to the extent practicable, focus on the type of treatment at issue in the Respondent's charges;
 - (c) if the supervisor for any reason ceases to provide supervision, the Respondent shall immediately notify the Board and shall not practice medicine beyond the 30th day after the supervisor has ceased to provide supervision and until the Respondent has submitted the name and professional background, and written notice of confirmation, from a proposed replacement supervisor to the disciplinary panel;
 - (d) it shall be the Respondent's responsibility to ensure that the supervisor:
 - (i) reviews the records of ten (10) patients each month, such patient records to be chosen by the supervisor and not the Respondent;
 - (ii) meets in person with the Respondent at least once each month and discuss in-person with the Respondent the care the Respondent has provided for these specific patients;
 - (iii) be available to the Respondent for consultations on any patient;
 - (iv) maintain the confidentiality of all medical records and patient information
 - (v) provides the Board with quarterly reports which detail the quality of the Respondent's practice, any deficiencies, concerns or needed improvements, as well as any measures that have been taken to improve patient care;
 - (vi) immediately report to the Board any indication that the Respondent may pose a substantial risk to patients;

- (e) the Respondent shall follow any recommendations of the supervisor; and
 - (f) if the panel, upon consideration of the supervisory reports and the Respondent's response, if any, has a reasonable basis to believe that the Respondent is not meeting the standard of quality care or failing to keep adequate medical records in his practice; the Panel may find a violation of probation after a hearing;
- (5) Within **SIX (6) MONTHS**, the Respondent shall pay a civil fine of \$10,000. The payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board, and it is further

ORDERED that the Respondent shall not apply for early termination of probation; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions of probation, the minimum period of probation imposed by the Order Terminating Suspension and Imposing Probation has passed, and after the Respondent's supervisor has submitted to the Board eight quarterly reports that are satisfactory to the Panel, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Order Terminating Suspension and Imposing Probation; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Order Terminating Suspension and Imposing Probation, the Respondent shall be

given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings, followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Order Terminating Suspension and Imposing Probation, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that the effective date of the Order Termination Suspension and Imposing Probation is the date the Order Terminating Suspension and Imposing Probation is signed by the Executive Director of the Board or her designee. The Executive Director signs the Order Termination Suspension and Imposing Probation on behalf of the disciplinary panel which has imposed the terms and conditions of this Order Terminating Suspension and Imposing Probation, and it is further

ORDERED that this Order Terminating Suspension and Imposing Probation is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

1/15/2024
Date

Signature On File

Ellen Douglas Smith
Deputy Director
Maryland State Board of Physicians