

IN THE MATTER OF	*	BEFORE THE MARYLAND
EDILBERTO ATIENZA, JR., M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D84921	*	Case Number: 2225-0022 B

* * * * *

CONSENT ORDER

On June 24, 2025, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **EDILBERTO ATIENZA, JR., M.D.** (the "Respondent"), under the Maryland Medical Practice Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2021 Repl. Vol. & 2024 Supp.).

Panel B charged the Respondent with violating the following provisions of the Act:

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 suspend or revoke a license if the licensee:

....

(3) Is guilty of:

....

(ii) Unprofessional conduct in the practice of medicine;

....

- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine; [and]

....

- (43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine[.]

With respect to Health Occ. § 14-404(a)(43), the pertinent regulations are the following:

COMAR 10.32.05.02 Definitions

....

B. Terms Defined.

....

(8) Telehealth.

- (a) “Telehealth” means the use of interactive audio, video, audio-visual, or other telecommunications or electronic technology by a Maryland license physician or licensed allied health practitioner to deliver clinical services within the scope of practice of the Maryland licensed physician or licensed allied health practitioner at a location other than the location of the patient.

(b) “Telehealth” does not include:

- (i) An audio-only telephone conversation between a Maryland licensed physician or licensed allied health practitioner and a patient;
- (ii) An electronic mail message between a Maryland licensed physician or licensed allied health practitioner and a patient; or

- (iii) A facsimile transmission between a Maryland licensed physician or licensed allied health practitioner and patient.

COMAR 10.32.05.05 Patient Evaluation

A. A telehealth practitioner shall perform a synchronous, audio-visual patient evaluation adequate to establish diagnoses and identify underlying conditions or contraindications to recommended treatment options before providing treatment or prescribing medication.

COMAR 10.32.05.07 Telehealth Practitioner Discipline

....

B. The failure of a telehealth practitioner to comply with Regulation .04, .05, or .06 of this chapter shall constitute unprofessional conduct.

On August 27, 2025, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following:

I. Background

1. The Respondent was originally issued a license to practice medicine in Maryland on March 9, 2018, under License Number D84921. The Respondent’s license expires on September 30, 2026, subject to renewal.
2. The Respondent is also licensed to practice medicine in Connecticut, Georgia, Massachusetts, Missouri, Rhode Island, Utah, Virginia, and Wisconsin. The

Respondent is licensed to practice telemedicine in Arizona, Minnesota, and Florida.

3. At all relevant times, the Respondent was employed by a rehabilitation company (the “Rehabilitation Company”)¹ to provide supervising authority to multiple physician assistants. In addition, for six months in or around 2019, the Respondent was employed by a national telemedicine company (the “Telemedicine Company”) based in Phoenix, Arizona.

II. The Report

4. On or about July 2, 2024, the Board received a Mandated 10-Day Report² (the “Report”) from a health insurance company (the “Health Insurance Company”).

5. The Board conducted an investigation into the Report and made determinations as detailed below.

III. Board Investigative Findings

6. After the Board granted the Respondent initial medical licensure, the Respondent filed numerous applications and agreements with the Board, stating that he had a Maryland address.

7. Specifically, the Respondent:

- a. Stated that his home address was in Hanover, Maryland on his 2020, 2022, and 2024 license renewal applications;
- b. Used the Hanover, Maryland address on his 2023 Physician Supervision Agreement; and

¹ For confidentiality reasons, the names of health care facilities and individuals referenced herein, will not be disclosed in this document. The Respondent may obtain this information from the administrative prosecutor.

² See Md. Code Ann., Health Occ. §§ 14-413, 14-414 (describing Mandated 10-Day Reports generally).

- c. Stated that his public address was in Lanham, Maryland on his 2024 Delegation Agreements for Core Duties.

8. During the time the Respondent was employed at the Telemedicine Company, the Health Insurance Company received insurance claims from Maryland patients referred by the Respondent.

9. On or about December 13, 2024, the Board conducted an under-oath interview with the Respondent in which he stated in part:

- a. He currently lives in the Philippines and has continuously lived there since 2019;
- b. The address in Hanover, Maryland was his sister's address; and
- c. While employed by the Telemedicine Company, he determined the medical necessity of durable medical equipment after reviewing patient electronic medical records and audio recordings. On occasion, the Respondent would call patients to get additional information.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, Disciplinary Panel B concludes that the Respondent violated: Health Occ. § 14-404(a)(3)(ii), unprofessional conduct in the practice of medicine and 14-404(a)(43), except for the licensure process described under Subtitle 3A of this title, violating any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine, specifically COMAR 10.32.05.05. The charge of Health Occ. § 14-404(a)(36), willfully making a false representation when seeking or making application for licensure or any other application related to the practice of medicine, is dismissed.

ORDER

It is, thus, by Disciplinary Panel B, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that, within **SIX MONTHS** of the effective date of this Consent Order, the Respondent shall pay a **civil fine of \$5,000** by bank certified check or money order made payable to the Maryland Board of Physicians, 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 effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order, and it is further

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

09/22/2025
Date

Signature on file

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

CONSENT

I, Edilberto Atienza, Jr., M.D., acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered 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 behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

Signature on file

09/15/2025
Date

Edilberto Atienza, Jr., M.D.

NOTARY

STATE OF Florida

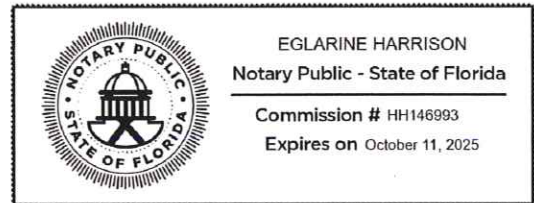
CITY/COUNTY OF Palm Beach

I HEREBY CERTIFY that on this 15th day of September 2025, before me, a Notary Public of the State and County aforesaid, personally appeared Edilberto Atienza, Jr., M.D., gave oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and notarial seal.



Notary Public Eglarine Harrison



My commission expires: 10/11/2025

He/She/They is/are Personally Known OR X Produced PASSPORT, as identification.

Notarized remotely online using communication technology via Proof.