

John Anthony Vitarello, Jr., M.D.

Date: April 29, 2021

Mark Olszyk, M.D., Chair
Disciplinary Panel A
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, MD 21215-2299

Re: Permanent Surrender of License to Practice Medicine
John Anthony Vitarello, Jr. M.D. License Number: D27544
Case Numbers: 2220-0243A & 2221-0089A

Dear Dr. Olszyk and Members of Disciplinary Panel A,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") §14-403 (2014 Repl. Vol. & 2019 Supp.), I have decided to **PERMANENTLY SURRENDER** my license to practice medicine in the State of Maryland, License Number D27544, effective immediately. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual, with or without compensation, and cannot prescribe medications or otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Health Occ. §§ 14-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Permanent Letter of Surrender, I understand that the permanent surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Permanent Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel A's ("Panel A") acceptance, becomes a **FINAL ORDER** of Panel A of the Maryland State Board of Physicians (the "Board").

I acknowledge that the Board initiated an investigation of my practice, and that Panel A summarily suspended my license on December 29, 2020, and issued disciplinary charges against me on January 6, 2021, and amended charges against me on March 5, 2021, under Health Occ. § 14-404(a)(3)(i) and (ii) (is guilty of immoral and unprofessional conduct in the practice of medicine); Health Occ. § 1-212; and the Board's sexual misconduct regulations, COMAR 10.32.17 *et seq.* Specifically, Panel A alleged that I engaged in unprofessional conduct with multiple female office staff and patients. I have decided to permanently surrender my license to practice medicine in the State of Maryland¹

¹ Upon Panel A's acceptance of this permanent Letter of Surrender, I acknowledge that the Order for Summary Suspension issued on December 29, 2020, and reaffirmed on January 14, 2021, is terminated as moot.

Mark Olszyk, M.D. and Members of Disciplinary Panel A

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Permanent Letter of Surrender

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to avoid further investigation and prosecution of these disciplinary charges and because I wish to retire from the practice of medicine.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Permanent Letter of Surrender to avoid further prosecution of the disciplinary charges. I acknowledge that for all purposes related to medical licensure in Maryland, the charges will be treated as if proven.

I understand that by executing this Permanent Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board will advise the Federation of State Medical Boards, and the National Practitioner Data Bank of this Permanent Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Permanent Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014), and that this Permanent Letter of Surrender constitutes a disciplinary action by Panel A.

I affirm that I will provide access to and copies of medical records to my patients in compliance with Title 4, subtitle 3 of the Health General Article. I also agree to surrender my Controlled Dangerous Substances Registration to the Office of Controlled Substances Administration.

I further recognize and agree that by submitting this Permanent Letter of Surrender, my license in Maryland will remain permanently surrendered. In other words, I agree that I have no right to reapply and will not reapply for a license to practice medicine in the State of Maryland. I further acknowledge that the Board is not obligated to consider any application for licensure or reinstatement that I might file at a future date.

I acknowledge that I may not rescind this Permanent Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel A, including the right to consult with an attorney prior to signing this Permanent Letter of Surrender. I have consulted with and was represented by an attorney prior to signing this letter permanently surrendering my license to practice medicine in Maryland. I understand both the nature of Panel A's actions and this Permanent Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Permanent Letter of Surrender. I make this decision knowingly and voluntarily.

Mark Olszyk, M.D. and Members of Disciplinary Panel A

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Very truly yours,

Signature on File

John Anthony Vitarello, Jr., M.D.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 26 day of April, 2021 before me, a Notary Public of the City/County aforesaid, personally appeared John Anthony Vitarello, Jr., M.D. and declared and affirmed under the penalties of perjury that the signing of this Permanent Letter of Surrender was a voluntary act and deed.

AS WITNESS my hand and Notarial seal.

JENNIFER CABRERA
Notary Public-Maryland
Frederick County
My Commission Expires
August 31, 2024

Notary Public

My commission expires:

8/31/24

ACCEPTANCE

On behalf of Disciplinary Panel A, on this 29th day of April, 2021, I, Christine A. Farrelly, accept the **PUBLIC PERMANENT SURRENDER** of John Anthony Vitarello, Jr., M.D.'s license to practice medicine in the State of Maryland.

Signature on File

Christine A. Farrelly, Executive Director
Maryland Board of Physicians