

**IN THE MATTER OF**  
**JESUS A. BURBANO, M.D.**  
**Respondent**  
**License Number: D55094**

**\* BEFORE THE**  
**\* MARYLAND STATE**  
**\* BOARD OF PHYSICIANS**  
**\* Case Number: 7720-0064A**

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**ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION**

On January 2, 2019, Jesus A. Burbano, M.D.’s license to practice medicine in Maryland was summarily suspended by Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”). On May 9, 2019, Dr. Burbano and Panel A entered into a Consent Order. Under the terms of the Consent Order, the summary suspension was terminated and Panel A suspended Dr. Burbano’s medical license for a minimum period of one year, retroactive to the January 2, 2019 summary suspension, and the Consent Order required Dr. Burbano to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) and comply with MPRP’s requirements.

On November 1, 2019, Panel A issued a Violation of Consent Order and Notice to Show Cause charging Dr. Burbano with violating the condition of the Consent Order, which required him to comply with the requirements of MPRP. Dr. Burbano appeared at a show cause hearing before Panel A, and, on January 7, 2020, Panel A issued an Order After Show Cause Hearing, where the Panel found that he violated the MPRP condition of the Consent Order, and extended his suspension for six months with continued enrollment in MPRP. The Order After Show Cause Hearing provided that, after six months, if Dr. Burbano complied with all terms and conditions of the suspension and MPRP determined that Dr. Burbano were safe to practice medicine and he complied with MPRP’s recommendations and requirements, he could petition

Panel A to lift the suspension and, if Panel A agreed he was safe to return to practice, Panel A would terminate the suspension and impose conditions on his return to practice.

On July 22, 2020, Dr. Burbano filed a written Petition to Lift Suspension. On August 4, 2020, MPRP provided a written update to Panel A on Dr. Burbano's ongoing participation in, and compliance with, MPRP. MPRP opined that Dr. Burbano is safe to return to the practice of medicine and stated that he complied with MPRP's requirements. On October 7, 2020, Dr. Burbano appeared before Panel A for consideration of his Petition.

Panel A finds that Dr. Burbano has complied with the terms of the Order After Show Cause Hearing and is safe to return to the practice of medicine if certain terms and conditions are in place. It is, thus, by Panel A, hereby

**ORDERED** that the suspension imposed under the January 7, 2020 Order After Show Cause Hearing is **TERMINATED**; and it is further

**ORDERED** that Dr. Burbano is placed on **PROBATION** for a minimum period of **FOUR (4) YEARS.**<sup>1</sup> During the probationary period, Dr. Burbano shall comply with the following probationary terms and conditions:

1. Dr. Burbano shall remain enrolled in the Maryland Professional Rehabilitation Program (MPRP) and shall:
  - (a) continue his Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP or be entered into an amended Participant Rehabilitation Agreement and Participant Rehabilitation Plan as determined by MPRP;
  - (b) 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 and Participant Rehabilitation Plan entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;

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<sup>1</sup> If Dr. Burbano's license expires while Dr. Burbano is on probation, the probationary period and any probationary conditions will be tolled.

(c) sign and update the written release/consent forms requested by the Board and MPRP, including release/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 files in a public order. Dr. Burbano shall not withdraw his release/consent;

(d) sign and update the written release/consent forms as requested by the Board and MPRP. Dr. Burbano shall sign the release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files possessed by MPRP. Dr. Burbano shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Dr. Burbano's current therapists and treatment providers) verbal and written information concerning Dr. Burbano and to ensure that MPRP is authorized to receive the medical records of Dr. Burbano, including, but not limited to, mental health and drug or alcohol treatment records. Dr. Burbano shall not withdraw his release/consent;

2. Dr. Burbano shall meet with a disciplinary panel-approved physician mentor throughout the four-year probationary period as follows:

(a) within **30 CALENDAR DAYS** of the effective date of this Order, Dr. Burbano shall provide the disciplinary panel with the name, pertinent professional background information of the mentor whom Dr. Burbano is offering for approval, and written notice to the disciplinary panel from the mentor confirming his or her acceptance of the mentor role of Dr. Burbano;

(b) Dr. Burbano's mentor shall not be an individual who is currently under investigation or disciplined by the Board within the past five years;

(c) if Dr. Burbano fails to provide a proposed mentor's name within 30 calendar days from the effective date of the order, Dr. Burbano's license shall be automatically suspended from the 31st day until Dr. Burbano provides the name and background of a mentor;

(d) the disciplinary panel, in its discretion, may accept the proposed mentor or request that Dr. Burbano submit a name and professional background, and written notice of confirmation from a different mentor;

(e) the disciplinary panel will provide the mentor with a copy of this Order and any other documents the disciplinary panel deems relevant;

(f) if for any reason the mentor discontinues meetings or the mentoring process, Dr. Burbano shall immediately notify the Board and shall not practice medicine beyond the 30th day after the mentor has ceased to provide mentorship and until Dr. Burbano has submitted the name and professional background, and written

notice of confirmation, from a proposed replacement mentor to the disciplinary panel;

(g) it shall be Dr. Burbano's responsibility to ensure that the mentor:

- (1) meets in-person (or due to the COVID-19 pandemic virtually) with Dr. Burbano at least once each month;
- (2) be available to Dr. Burbano for consultation;
- (3) provides the Board with quarterly reports which detail any concerns about Dr. Burbano's ability to practice safely, Dr. Burbano's participation in the mentoring process, and any difficulties/stressors Dr. Burbano has discussed with the mentor; and
- (4) immediately reports to the Board any indication that Dr. Burbano may pose a substantial risk to patients;

(h) Dr. Burbano shall follow any recommendations of the mentor;

(i) if the disciplinary panel, upon consideration of the mentor reports and Dr. Burbano's response, if any, has a reasonable basis to believe that Dr. Burbano is unable to practice safely, the disciplinary panel may find a violation of probation after a hearing.

3. During probation, Dr. Burbano is prohibited from prescribing or dispensing all Controlled Dangerous Substances (CDS) except buprenorphine, methadone, and injectable naltrexone for addiction medicine treatment only;
4. During probation Dr. Burbano is prohibited from certifying patients for the medical use of cannabis;
5. Every January 31st during the period of probation, Dr. Burbano shall provide the Board with an affidavit verifying that he has not prescribed any of the prohibited CDS and has not certified patients for Cannabis in the past year;
6. Within five business days of the date of this Order, Dr. Burbano shall inform the Board in writing of his or her current employer or employers, the employer's or employers' address or addresses, and of all locations including hospitals at which Dr. Burbano provides health care services. Dr. Burbano shall keep the Board informed of any subsequent employment changes within five business days of the change;
7. Dr. Burbano shall not practice medicine as a solo practitioner. Dr. Burbano shall work in a practice with at least one other physician who has the ability to provide clinical support and oversight to Dr. Burbano;
8. Before Dr. Burbano practices medicine in Maryland, Dr. Burbano must obtain Panel A's approval of any practice setting at which Dr. Burbano intends to

practice medicine, and upon request by the Board, Dr. Burbano shall provide the Board with any information and material available to Dr. Burbano pertaining to the proposed practice setting and Dr. Burbano's anticipated duties.

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

**IT IS FURTHER ORDERED** that, after a minimum period of **FOUR YEARS**, Dr. Burbano may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of Panel A. Dr. Burbano may be required to appear before Panel A to discuss his petition for termination. Panel A will grant the petition to terminate the probation if Dr. Burbano has complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

**ORDERED** that, if Dr. Burbano allegedly fails to comply with any term or condition of probation or this Order Terminating Suspension and Imposing Probation, Dr. Burbano shall be given notice and an opportunity for a hearing. If 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 and, if there is no genuine dispute as to a material fact, Dr. Burbano shall be given a show cause hearing before Panel A; and it is further

**ORDERED** that, after the appropriate hearing, if Panel A determines that Dr. Burbano has failed to comply with any term or condition of probation or this Order, Panel A may reprimand Dr. Burbano, place Dr. Burbano on probation with appropriate terms and conditions, or suspend or revoke Dr. Burbano's license to practice medicine in Maryland. Panel A may, in

addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Dr. Burbano; and it is further

**ORDERED** that there shall be no early termination of probation; and it is further

**ORDERED** that Dr. Burbano is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

**ORDERED** that, unless stated otherwise in the order, any time period prescribed in this order begins when this Order goes into effect. This Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel A; and it is further

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

10/23/2020  
Date

***Signature on File***

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