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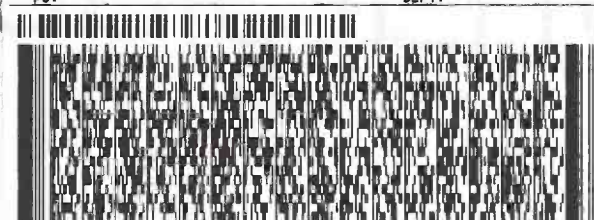
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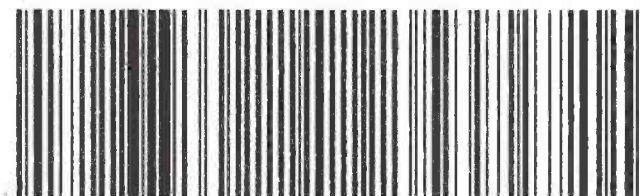
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE:

JESUS BURBANO, MD

License No.: MD31723

Respondent

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CONSENT ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION

This matter comes before the District of Columbia Board of Medicine (the “Board” or “D.C. Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2016 Repl.). The HORA authorizes the Board to regulate the practice of medicine in the District of Columbia. The Board has broad jurisdiction to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C. 1989). The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C. 1989). And the HORA “was designed to ‘address modern advances and community needs *with the paramount consideration of protecting the public interest.*’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Background

Dr. Jesus Burbano (Respondent) has been licensed to practice as a physician in the District of Columbia since July 1, 1999; his license is currently set to expire on December 31, 2020. Respondent is also licensed in Maryland and his practice is primarily based in Maryland. Respondent is Board-certified in pediatric medicine. On January 2, 2019, Respondent's license to practice medicine in Maryland was summarily suspended by Disciplinary Panel A of the Maryland Board ("Panel A") based on investigative findings and Respondent's written response to the Maryland Board dated August 24, 2018 ("Maryland Suspension Order"). The Maryland Board's investigation found that on June 15, 2018 Respondent entered an urgent care facility in the District of Columbia and were suspected of being under the influence. The Maryland Board also found that information from the Maryland Prescription Drug Monitoring Program (PDMP) indicated that since 2008, Respondent had self-prescribed benzodiazepines on numerous occasions. The Maryland Board concluded that Respondent is a risk to the public, safety or welfare and summarily suspended Respondent's license. On February 7, 2019, DC Health Regulation and Licensing Administration (HRLA) issued a Notice of Summary Action to Suspend license of Respondent based on the Maryland Suspension Order.

On May 9, 2019, Respondent entered into a Consent Order with the Maryland Board, based on the findings in the Maryland Suspension Order. Under the terms of the Consent Order, the summary suspension was terminated and Panel A suspended Respondent's medical license for a minimum period of one (1) year, retroactive to the January 2, 2019 summary suspension, and the Consent Order required Respondent 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 Respondent with violating the condition of the Consent Order, which required him to comply with the requirements of MPRP. Respondent 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 with continued enrollment in MPRP. The Order After Show Cause Hearing provided that, after six months, if Respondent complied with all terms and conditions of the suspension and MPRP determined that Respondent was safe to practice medicine and he complied with MPRO's recommendations and requirements, he could petition Panel A to lift the suspension and, if Panel A agreed he was safe to return practice, Panel A would terminate the suspension and impose conditions on his return to practice.

On July 22, 2020, Respondent filed a written Petition to Lift Suspension. On August 4, 2020, MPRP provided a written update to Panel A on Respondent's ongoing participation in, and compliance with, MPRP. MPRP opined that Respondent is safe to return to the practice of medicine and stated that he complied with MPRP's requirements. On October 7, 2020, Respondent appeared before Panel A for consideration of his Petition. . The Maryland State Board of Physicians ("Maryland Board") entered into an Order Terminating Suspension and Imposing Probation ("Maryland Order") with Respondent, effective October 23, 2020.

The Respondent's D.C. medical license was summarily suspended on February 7, 2019.

On October 30, 2019, the D.C. Board of Medicine (Board) reviewed the actions taken against respondent by the Maryland Board and voted to take reciprocal action against the Respondent.

Conclusions of Law

The Board is authorized to sanction Respondent under the HORA for his actions, which are related to the practice of medicine. The HORA provides, in pertinent part:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this subchapter to practice a health occupation regulated by the board in the District who:

* * *

(3) is disciplined by a licensing or disciplinary authority or peer review body or convicted or disciplined by a court of any jurisdiction for conduct that would be grounds for disciplinary action under this section; D.C. Official Code § 3-1205.14(a) (3) and

(5) Is professionally or mentally incompetent or physically incapable (D.C. Official Code § 3-1205.14(a) (5)); and

(6) Is addicted to, or habitually abuses, any narcotic or controlled substance as defined by Chapter 9 of title 48. (D.C. Official Code § 3-1205.14(a) (6)).

The Maryland Board suspended Respondent's license to practice medicine in Maryland due to his use and self-prescription of a Schedule IV controlled dangerous substance, and benzodiazepines. Accordingly, Respondent's conduct has provided the D.C. Board with a basis in law and fact to take reciprocal action against Respondent pursuant to D.C. Official Code § 3-1205.14 (2016 Repl.).

The Maryland Board has now determined that because Respondent has complied with the terms of the Maryland Consent Order, the suspension should be terminated. Respondent is now on Probation with the Maryland Board for a minimum period of four (4) years and comply with the probationary terms and conditions, including continued enrollment in the MPRP.

ORDER

ACCORDINGLY, based on the foregoing, it is by the District of Columbia Board of Medicine hereby,

ORDERED that Respondent's **SUSPENSION** be lifted and he be placed on **PROBATION** for a period of not less than four (4) years; and

ORDERED that the requirements of the Maryland Order are hereby attached to and incorporated within this Order as if fully stated (see Attachment A); and it is further

ORDERED that Respondent shall comply with all requirements found in the Maryland Order to include full compliance and cooperation with the Maryland Professional Rehabilitation Program (MPRP); and it is further

ORDERED that Respondent consents to the release by the MPRP of any information, or data produced as a result of this probation, including written treatment provider evaluations, to any treatment provider, employer, and the DC Board and staff upon request; and it is further

ORDERED that Respondent shall sign any required waivers or release forms requested by the MPRP and for any and all records, including medical or other health related and psychological records pertaining to treatment and monitoring rendered to Respondent during this probation and any employment, personnel, peer review or review records pertaining to Respondent's practice of the profession during this probation to be released to the DC Board and Board staff; and it is further

ORDERED that Respondent shall provide a copy of this Consent Order to the MPRP within ten (10) days of its effective date (the date the Consent Order is signed by the Chair of the Board); and it is further

ORDERED that Respondent shall ensure the MPRP provides quarterly (every three (3) months) reports to the Board regarding his treatment, compliance and monitoring; this report is to be provided to D.C. Board of Medicine, 899 North Capital St. NE, 2nd floor, Washington D.C. 20002; and it is further

ORDERED that notification of a violation of the terms or conditions of this Consent Order shall result in the **IMMEDIATE TERMINATION** of the period of Probation and the re-imposition of **SUSPENSION**; and it is further

ORDERED that Respondent may not request termination of his probation until he has been released from the period of Probation by the Maryland Board, after which time he may petition the DC Board for the termination of this Consent Order; and it is further

ORDERED that Respondent may be called in to interview with the DC Board on an annual basis during the period of probation; and it is further

ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

12/21/2020

Date



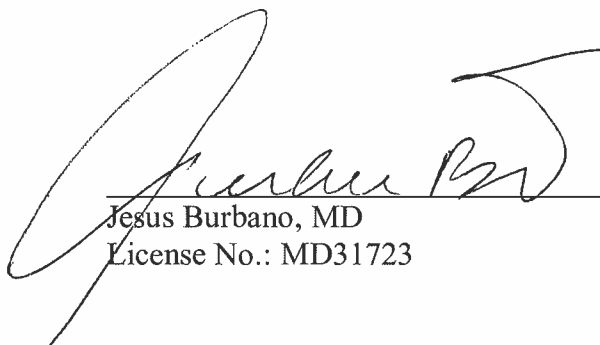
By: Andrea Anderson, MD, FAAFP
Chairperson

AGREEMENT OF RESPONDENT

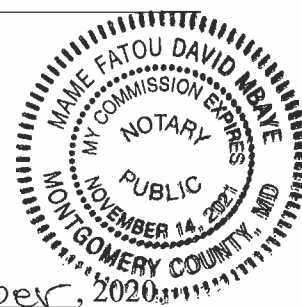
By signing this public consent order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to the terms set forth in this agreement. I fully acknowledge that by signing this consent order, I am waiving my right to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling by the Board that might have followed any such hearing. By signing this settlement agreement, I waive all such rights.

I have had the opportunity to review this document and to seek the advice of my own legal counsel. I choose to sign this consent order willingly and without reservation and am fully aware of its meaning and effect.

12/18/2020
Date



Jesus Burbano, MD
License No.: MD31723



Sworn to and subscribed before me this 18th day of December, 2020.



Notary Public

This Consent Order shall be deemed a public document and shall be distributed as appropriate.