

SOUTH DAKOTA

BOARD OF MEDICAL
AND OSTEOPATHIC
EXAMINERS

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This is a posting to the licensee's profile and not a South Dakota Board of Medical and Osteopathic Examiners Board action. Pursuant to ARSD 20:78:04:04.01 the licensee's disciplinary action in another state shall be posted to their South Dakota licensee profile.

20:78:04:04.01. Disciplinary action in another state. Any physician who has had any public disciplinary action imposed by another state **shall have the original documentation posted on the South Dakota Board of Medical and Osteopathic Examiners website**, subject to the following conditions:

(1) If a physician has disciplinary action imposed by another state, the board may review and consider the timeframe and underlying facts and circumstances of the out-of-state discipline to determine if the refusal to grant any license or certification in South Dakota is appropriate under SDCL chapter [36-4](#), or whether disciplinary action in South Dakota is appropriate under SDCL chapter 36-4;

(2) If any physician has disciplinary action imposed by another state and that action does not impose any conditions on the physician's license from the state, the documents regarding the out-of-state action may be posted to the board's website in lieu of the board taking formal disciplinary action. This is not a reportable event by the board; and

(3) Any disciplinary action imposed by another state that imposes any conditions upon the physician's license from that state may be considered unprofessional conduct pursuant to SDCL subdivision 36-4-30(24) and subjects the physician to disciplinary action in South Dakota. (Emphasis supplied)

IN THE MATTER OF
JESSE L. COSTALES, M.D.

Respondent

License Number: D98799

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 7724-0075 B

* * * * *

ORDER

On April 9, 2024, Disciplinary Panel B (the “Panel”) of the Maryland State Board of Physicians (the “Board”) and Jesse L. Costales, M.D. entered into a Consent Order¹ wherein the Panel concluded, as a matter of law, that Dr. Costales failed to complete the Supplement Application for his Compact License, in violation of Health Occ. §§ 14-404(a)(43) and 14-313.1(a).

Under the terms of the Consent Order, the Panel reprimanded Dr. Costales and required payment of a \$500.00 civil fine within thirty (30) days. Dr. Costales was also required to complete and submit a Supplemental Compact License Application within ten (10) business days.

Dr. Costales has complied with the terms and conditions of the Consent Order. It is thus hereby

ORDERED that the terms and conditions imposed by the April 9, 2024, Consent Order are **SATISFIED**, and it is further

ORDERED that the reprimand remains in effect; it is further

ORDERED that this is a public document.

04/25/2024
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

¹ A copy of the April 9, 2024 Consent Order is incorporated by reference and available upon request.

IN THE MATTER OF
JESSE L. COSTALES, M.D.

Respondent

License Number: D0098799

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2224-0084B**

* * * * *

CONSENT ORDER

In or around December 2023, the Maryland State Board of Physicians (the “Board”) initiated an investigation of **JESSE L. COSTALES, M.D.**, License Number D0098799, after determining that he failed to submit his Compact Supplement Application within thirty (30) days of obtaining a Maryland medical license under the Interstate Medical Licensure Compact. At the conclusion of its investigation, Disciplinary Panel B (“Panel B”) of the Board determined that it had grounds to charge the Respondent with failing to comply with provisions under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.*

The pertinent provisions of the Act are as follows:

Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocations—Grounds.

- (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:

...

- (43) Except for the licensure process described under Section 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 [.]

Health Occ. § 14-313.1. Verification by compact physician regarding licensure.

- (a) *In general.* – Within 30 days after receiving a request from the Board, a compact physician shall provide to the Board verification, on a form provided by the Board, that the compact physician satisfies the requirements for licensure under this subtitle.

Prior to the issuance of disciplinary charges, 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 facts:

Background/Licensing information

1. The Respondent’s state of principal licensure is in Arizona. The Arizona State Medical Board issued the Respondent an Arizona medical license on September 17, 2019, under Arizona License Number 58656.
2. In or around 2023, the Respondent applied for a license to practice medicine in Maryland through the Interstate Medical Licensure Compact (the “Compact”).
3. On or about October 17, 2023, the Board issued the Respondent a license to practice medicine in Maryland under Maryland License Number D0098799.
4. At the time the Board issued the Respondent a license under the Compact, it notified him of his obligation to complete the Compact Physician Supplement Application

(the “Supplement Application”) within thirty (30) days. The Respondent did not complete the Supplement Application within thirty (30) days, however.

5. Thereafter, the Board attempted to notify the Respondent on several occasions of his obligation to complete the Supplement Application.

6. By email dated November 6, 2023, the Board notified the Respondent that a complaint would be filed against him for his failure to timely complete the Supplement Application. The Board notified the Respondent that his failure to complete the Supplement Application within ten (10) business days could result in disciplinary action, up to and including the revocation of his license. The Respondent did not respond to the Board’s email or complete the Supplement Application at that time, however.

7. By email and letter dated December 8, 2023, the Board notified the Respondent that it had opened an investigation based on his failure to complete the Supplement Application as required under Health Occ. § 14-313.1. The Board advised the Respondent to complete the Supplement Application immediately and notify the Board that he had done so to avoid its issuance of disciplinary charges against him and the non-renewal of his Compact license.

8. The Respondent failed to complete the Supplement Application at that time, however.

9. By email dated December 28, 2023, the Board notified the Respondent that he had not responded to its December 8, 2023, letter, and that his failure to submit a written

response to the Board on or before January 3, 2024, could result in disciplinary action and the non-renewal of his Compact license.

10. On December 28, 2023, and January 5, 2024, Board staff telephoned the Respondent about his failure to complete the Supplement Application and attempted to leave voicemail messages for him, without success.

11. To date, the Respondent has not completed his Supplement Application.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent failed to complete his Supplement Application, in violation of Health Occ. § 14-404(a)(43) and Health Occ. § 14-313.1(a).

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel B, hereby:

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

ORDERED that, **within THIRTY (30) DAYS** of the effective date of the Consent Order, the Respondent shall pay a civil fine of **FIVE HUNDRED DOLLARS (\$500.00)**. The payment shall be 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 pay the fine; and it is further; and it is further

ORDERED that, within **TEN (10) BUSINESS DAYS** of the effective date of the Consent Order, the Respondent shall complete and file with the Board the Compact

Supplement Application or the Respondent's license to practice medicine in Maryland will be immediately suspended; 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).

04/09/2024
Date

Signature On File

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

CONSENT

I, Jesse L. Costales, M.D., acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from charges. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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

I am aware of the right to a hearing before the Board pursuant to COMAR 10.32.22.06 concerning any disciplinary charges that could have been issued against me. I waive this right and elect 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 substantive and procedural protections. I acknowledge the legal authority and the jurisdiction of the Board 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 this Consent Order as a resolution of the pending disciplinary matters. I waive any right to contest the Findings of Fact and the Conclusions of Law set out in this Consent Order. I waive all right to appeal this Consent Order.

I sign this Consent Order without reservation, and I fully understand and comprehend the language and meaning of its terms.

4-3-2024
Date

Signature On File

Jesse L. Costales, M.D.
The Respondent

NOTARY

STATE OF Arizona

CITY / COUNTY OF Maricopa

I HEREBY CERTIFY that on this 3rd day of April 2024, before me, a Notary Public of the foregoing State and City/County, personally appeared Jesse L. Costales, M.D. and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



B. Vanderhoof
Notary Public

My commission expires: 2/14/2026