

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

OCTAVIO G. FERNANDEZ, M.D.

Holder of License No. **10957**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-09-1538A

**INTERIM ORDER FOR PRACTICE
RESTRICTION AND CONSENT TO SAME**

INTERIM CONSENT AGREEMENT

Octavio G. Fernandez, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

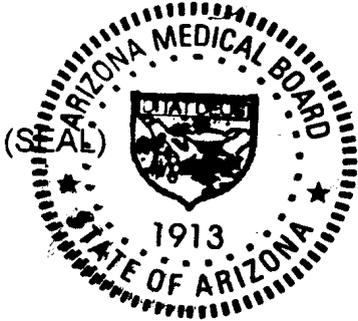
1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 10957 for the practice of allopathic medicine in the State of Arizona.

3. On August 11, 2009, Respondent met with the Board's Addiction Medicine Contractor (AMC) after the Board received a complaint alleging that Respondent was abusing alcohol. The AMC recommended that Respondent undergo a residential evaluation and on October 2, 2009, Respondent completed the residential evaluation with a diagnosis that included alcohol abuse. Subsequently, the AMC recommended that Respondent enter into a rehabilitation program with the Board. On November 30, 2009, Respondent entered into a Stipulated Rehabilitation Agreement (SRA) requiring that he abstain from consuming alcohol.

1 pending investigative file and as such is subject to further consideration by the Board.

2 DATED AND EFFECTIVE this 4th day of December, 2009.



ARIZONA MEDICAL BOARD

By Amade Dietz
Lisa S. Wynn
Executive Director

9 **CONSENT TO ENTRY OF INTERIM ORDER**

10 1. Respondent has read and understands this Interim Order for Practice
11 Restriction and Consent to Same and the stipulated Findings of Fact, Conclusions of Law
12 and Order ("Interim Order"). Respondent acknowledges he has the right to consult with
13 legal counsel regarding this matter.

14 2. Respondent acknowledges and agrees that this Interim Order is entered
15 into freely and voluntarily and that no promise was made or coercion used to induce such
16 entry.

17 3. By consenting to this Interim Order, Respondent voluntarily relinquishes any
18 rights to a hearing or judicial review in state or federal court on the matters alleged, or to
19 challenge this Interim Order in its entirety as issued, and waives any other cause of action
20 related thereto or arising from said Interim Order.

21 4. The Interim Order is not effective until approved and signed by the
22 Executive Director.

23 5. All admissions made by Respondent are solely for final disposition of this
24 matter and any subsequent related administrative proceedings or civil litigation involving
25 the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

4 6. Upon signing this Interim Order, and returning this document (or a copy
5 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
6 entry of the Interim Order. Respondent may not make any modifications to the document.
7 Any modifications to this original document are ineffective and void unless mutually
8 approved by the parties.

9 7. This Interim Order is a public record that will be publicly disseminated as a
10 formal action of the Board and will be reported to the National Practitioner's Data Bank
11 and on the Board's web site.

12 8. If any part of the Interim Order is later declared void or otherwise
13 unenforceable, the remainder of the Interim Order in its entirety shall remain in force and
14 effect.

15 9. Any violation of this Interim Order constitutes unprofessional conduct and
16 may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
17 probation, consent agreement or stipulation issued or entered into by the board or its
18 executive director under this chapter") and 32-1451.

19 

20 OCTAVIO G. FERNANDEZ, M.D.

DATED: 12 - 23 - 09
16:56.

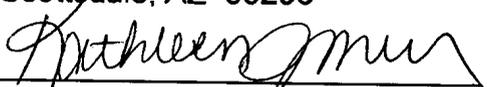
22 EXECUTED COPY of the foregoing mailed
23 this 1st day of December, 2009 to:

24 Andrew Plattner
25 Plattner, Schneidman, Schneider, P.C.
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85015

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ORIGINAL of the foregoing filed
this 4th day of December, 2009 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258


Arizona Medical Board Staff