

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3
4 In the Matter of

5 **JOSE H. ALVAREZ-HERNANDEZ, M.D.**

6 Holder of License No. 21702
7 For the Practice of Medicine
8 In the State of Arizona.

Case No. MD 00-0536

**CONSENT AGREEMENT FOR A
LETTER OF REPRIMAND AND
PROBATION**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Board of Medical
10 Examiners (Board) and Jose H. Alvarez-Hernandez, M.D. (Respondent) the parties agree
11 to the following disposition of this matter.

12 1. Respondent acknowledges that he has read this Consent Agreement and
13 the stipulated Findings of Fact, Conclusions of Law and Order; and, he is aware of and
14 understands the content of this document.

15 2. Respondent understands that by entering into this Consent Agreement for
16 the issuance of the foregoing Order, Respondent voluntarily relinquishes any rights to a
17 hearing or judicial review in state or federal court on the matters alleged or to challenge
18 this Consent Agreement and the Order in its entirety as issued by the Board and waives
19 any other cause of action related thereto or arising from said Order.

20 3. Respondent acknowledges and understands that this Consent Agreement
21 and the Order will not become effective until approved by the Board and signed by its
22 Executive Director.

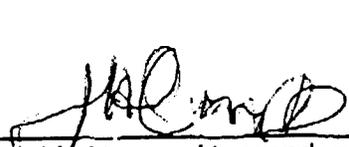
23 4. All admissions made by Respondent are solely for final disposition of this
24 matter and any subsequent related administrative proceedings or civil litigation involving
25 the Board and Respondent, if this agreement is approved by the Board. Therefore, said

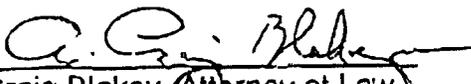
1 admissions by Respondent are not intended or made for any other use, such as in the
2 context of another state or federal government regulatory agency proceeding, civil or
3 criminal court proceeding, in the State of Arizona or any other state or federal court.

4 5. Respondent acknowledges and agrees that, upon signing this agreement,
5 and returning this document (or a copy thereof) to the Board's Executive Director,
6 Respondent may not revoke his acceptance of the Consent Agreement and Order or make
7 any modifications to the document, although the Consent Agreement has not yet been
8 accepted by the Board and issued by the Executive Director. Any modifications to this
9 original document are ineffective and void unless mutually approved by the parties.

10 6. Respondent further understands that this Consent Agreement and Order,
11 once approved and signed, shall constitute a public record document, which may be
12 publicly disseminated as a formal action of the Board.

13 7. If any part of the Consent Agreement and Order is later declared void or
14 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
15 and effect.

16
17  / Jose Alvarez-Hernandez, M.D. Dated: 4/20/01
18 Jose H. Alvarez-Hernandez, M.D.

19
20 Reviewed and approved as to form by:
21  Dated: 4-20-01
22 Craig Blakey, Attorney at Law
23 (Counsel for Jose H. Alvarez-Hernandez, M.D.)

24
25

FINDINGS OF FACT

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

4 2. Jose H. Alvarez-Hernandez (Respondent), M.D. is the holder of license
5 number 21702 for the practice of allopathic medicine in the State of Arizona.

6 3. Case number MD-00-0536 was initiated by the Board upon receiving
7 notification of a malpractice settlement from Respondent's medical malpractice insurer.

8 4. On March 6, 1995, the patient presented to Respondent with complaints of
9 burning during urination. The patient returned on April 11, 1995, with complaints of severe
10 itching. Respondent examined her and noted a leekoplakia lesion at the labial majora. A
11 biopsy was performed and Respondent diagnosed dysplastic condyloma and treated the
12 patient with trichloroacetic acid. Subsequently, on seven occasions the patient returned to
13 Respondent with similar complaints.

14 5. On February 16, 1996, some ten months after the biopsy, Respondent
15 performed a wide local excision of another lesion. The surgical margins were clear by
16 pathology and the pathology report indicated that the excised tissue revealed squamous
17 cell carcinoma. Respondent referred the patient to a gynecologic oncologist for further
18 work-up. The gynecologic oncologist, in a letter to Respondent dated March 13, 1996, felt
19 conservative treatment was possible and had requested the patient's slides from the
20 pathologist. Neither the Respondent nor the gynecologic oncologist followed up with each
21 other to further discuss the patient's treatment.

22 6. In June 1997, another physician examined the patient and performed an
23 excisional biopsy of another vulvar lesion. The pathology report revealed invasive
24 squamous cell carcinoma and the patient was forced to undergo a radical vulvectomy with
25 preservation of the clitoris.

1 Respondent shall provide Board staff with satisfactory proof of attendance. The CME
2 hours shall be in addition to the hours required for the biennial renewal of medical license.

3 (B) Respondent shall be subject to a chart review to ensure the
4 completeness of his medical records to be conducted by Board staff or its agents within six
5 (6) months of Respondent's notice of completion of the ordered CME. Based upon the
6 chart review, the Board retains jurisdiction to take additional disciplinary or remedial
7 action.

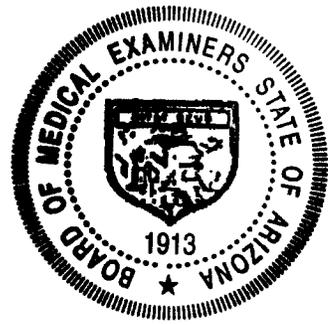
8 3. The Board retains jurisdiction and may initiate a new action based upon any
9 violation of this order.

10 4. This Order is final disposition of case number MD-00-0536.

11 DATED and effective this 25th day of April, 2001.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

14 (SEAL)



15 By Claudia Foutz
16 CLAUDIA FOUTZ
17 Executive Director
18 TOM ADAMS
19 Deputy Director

19 ORIGINAL of the foregoing filed this
20 26 day of April, 2001 with:

21 The Arizona Board of Medical Examiners
22 9545 E. Doubletree Ranch Road
23 Scottsdale, AZ 85258

24 EXECUTED COPY of the foregoing mailed by
25 Certified Mail this 26 day of April, 2001 to:

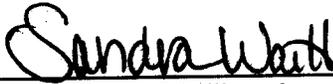
26 Jose H. Alvarez-Hernandez, M.D
27 P. O. Box 679
28 Bullhead City, AZ 86430

1 EXECUTED COPY of the foregoing mailed
this 26 day of April, 2001, to:

2
3 Craig Blakey, Esq.
4 Olson, Jantsch, Bakker & Blakey PA
5 7243 N. 16th St.
6 Phoenix, AZ 85020-5203
7 (Attorney for Jose H. Alvarez-Hernandez, M.D.)

8 EXECUTED COPY of the foregoing
9 hand-delivered this 26 day of
10 April, 2001, to:

11 Richard Albrecht, Assistant Attorney General
12 c/o Arizona Board of Medical Examiners
13 9545 E. Doubletree Ranch Road
14 Scottsdale, AZ 85258
15 Counsel for the Board

16 
17 ~~Lisa Maxie Mullins, Legal Coordinator~~
18 ~~Board Operations~~
19 Sandra Waitt, Management Analyst

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