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2 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
3 **IN THE STATE OF ARIZONA**

4 **In the Matter of:**

5 **FERNANDO CASSES, M.D.**
6 **Holder of License No. 21771**
7 **For the Practice of Medicine**
8 **In the State of Arizona**

CONSENT AGREEMENT
FOR SURRENDER OF
ACTIVE LICENSE

9 **Re: Investigation No. MD-00-0729**

10 **CONSENT AGREEMENT**

11 By mutual agreement and understanding, between the Arizona Board of Medical
12 Examiners (hereafter ("Board")) and Fernando Casses, M.D., the parties agree to the
13 following disposition of this matter.

14 1. Dr. Casses acknowledges that he has read this Consent Agreement and the
15 attached Findings of Fact, Conclusions of Law and Order; and, he is aware of and
16 understands the content of the documents. Dr. Casses acknowledges that he understands
17 he has the right to consult with legal counsel regarding this matter and has done so or
18 chooses not to do so.

19 2. Dr. Casses understands that by entering into this Consent Agreement for issuance of
20 the foregoing Order he voluntarily relinquishes any rights to a hearing or judicial review in
21 state or federal court on the matters of fact or law alleged in the Order or to challenge this
22 Consent Agreement and the Order in its entirety as issued by the Board and waives any
23 other cause of action related thereto or arising from said Board Orders.

24 3. Dr. Casses acknowledges and understands that this Consent Agreement and the
25 Order will not become effective until approved by the Board and signed by its Executive
26 Director.

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1 4. Dr. Casses agrees that he will not reapply for a license for five (5) years from the
2 date of surrender.

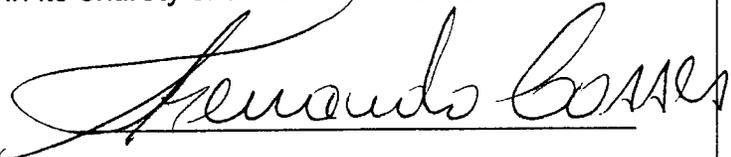
3 5. All admissions made by Dr. Casses are solely for final disposition of this matter and
4 any subsequent related administrative proceedings or civil litigation involving the Board and
5 Dr. Casses. Therefore, said admissions by Dr. Casses are not intended or made for any
6 other use, such as in the context of another state or federal government regulatory agency
7 proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or
8 federal court.

9 6. Dr. Casses acknowledges and agrees that, upon signing this agreement, and
10 returning this document (or a copy thereof) to the Board's Executive Director, Dr. Casses
11 may not revoke acceptance of the Consent Agreement and Order or make any modifications
12 to the document, although said Consent Agreement and Order has not yet been accepted
13 by the Board and issued by the Executive Director. Any modifications to this Consent
14 Agreement and Order are ineffective and void unless mutually approved by the parties.

15 7. Dr. Casses further understands that this Consent Agreement and Order, once
16 approved and signed, shall constitute a public record document which may be publicly
17 disseminated as a formal action of the Board.

18 8. If any part of the Consent Agreement and Order is later declared illegal or otherwise
19 unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

20
21 REVIEWED AND ACCEPTED this
22 20 day of January 2001


FERNANDO CASSES, M.D.

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24 **FINDINGS OF FACT**

25 1. BOMEX is the duly constituted authority for the regulation and control of the practice
26 of medicine in the State of Arizona.

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1 2. Dr. Casses is the holder of License No. 21771 for the practice of medicine in the
2 State of Arizona.

3 3. At the time of cancelation of Dr. Casses' license, Dr. Casses' staff privileges at Walter
4 O. Boswell and Del E. Web Memorial hospitals had been summarily suspended based upon
5 quality assurance concerns.

6 4. Dr. Casses admits that in connection with a surgery, he believes that he fell below the
7 standard of care which might have been harmful to the health of a patient.

8 5. All parties waive any further findings of fact.

9 **CONCLUSIONS OF LAW**

10 1. BOMEX possesses jurisdiction over the subject matter hereof and over Fernando
11 Casses, M.D.

12 2. The conduct and circumstances described in paragraphs 3 and 4 above constitute
13 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q): ("Any conduct or practice
14 which is or might be harmful or dangerous to the health of the patient or the public.")

15 **ORDER**

16 Based upon the Findings of Fact and Conclusions of Law and pursuant to the
17 authority granted to the Board by A.R.S. § 41-1092.07(F)(5) and A.R.S. § 32-1451(1), (2)
18 and (3), IT IS HEREBY ORDERED that License No. 21771, issued to Fernando Casses,
19 M.D., for the practice of allopathic medicine in the State of Arizona, be deemed surrendered
20 and that Fernando Casses, M.D. immediately return his License No. 21771 to the Board.

21 DATED and effective this 9 day of February, 2001.

22 BOARD OF MEDICAL EXAMINERS
23 OF THE STATE OF ARIZONA

24 (SEAL)



25 By *T. Adams*
26 CLAUDIA FOUTZ
27 Executive Director, or
TOM ADAMS
Assistant Director, Regulation

1 The Arizona Board of Medical Examiners
2 9545 E. Doubletree Ranch Road
3 Scottsdale, AZ 85258

4 COPY of the foregoing mailed by Certified
5 Mail this 9th day of February, 2001, to:

6 Fernando Casses, M.D.
7 9-3855 9th Avenue
8 Port Alberni, B.C. V9Y 4T9
9 Canada

10 Copy of the foregoing mailed by Certified
11 Mail this 9th day of February, 2001, to:

12 Stephen W. Myers
13 Myers & Jenkins, P.C.
14 3003 North Central Ave., Suite 1900
15 Phoenix, AZ 85012
16 Attorney for Dr. Casses

17 EXECUTED COPY of the foregoing hand-delivered
18 this 9th day of February, 2001, to:

19 Richard Albrecht, Assistant Attorney General
20 Legal Counsel to the Board
21 Arizona Board of Medical Examiners
22 9545 E. Doubletree Ranch Road
23 Scottsdale, AZ 85258

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