

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
v.) No. 200802557
LOUIS M. FERNANDEZ, Respondent)
License No. 036089058)
C.S. Registration No. 33 [REDACTED] 41)

NOTICE OF PRELIMINARY HEARING

TO: Louis M. Fernandez

Anne M. Oldenburg
Alkholm, Monahan, Klauke,
Hay, and Oldenburg
221 N. LaSalle Street
Suite # 450
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on April 18, 2011, at 1:00 p.m., you are directed to appear before the Medical Disciplinary Board of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois, located at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601, at which time a hearing date will be set. You are requested to then and there present any and all routine motions you may wish to have heard regarding the charges contained in the attached Complaint. Any motions presented on the above date should be served on the Adjudicative Services Unit of the Division of Professional Regulation, at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601, at least three (3) business days in advance of the scheduled meeting.

Your appearance on the scheduled date is mandatory and failure to so appear may result in the selection of a hearing date in your absence, unless a continuance has been secured in advance of the meeting. Your appearance may be made personally or through counsel.

It is required that you file a VERIFIED ANSWER to the attached Complaint with the Department of Financial and Professional Regulation within twenty (20) days after service of the Complaint upon you. These proceedings are held pursuant to the jurisdiction granted the Department pursuant to the Medical Practice Act, 225 ILCS 60/1 et seq.

RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS IN THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION AND BEFORE COMMITTEES OR BOARDS OF SAID DEPARTMENT, AS WELL AS PRACTICE ACTS AND RULES MAY BE REQUESTED BY CALLING THE FORMS UNIT AT 312/814-1695.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois
DIVISION OF PROFESSIONAL REGULATION

BY: [REDACTED]

DAVID K. IGASAKI
Attorney for the Department

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REC-1031

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois	Complainant)
v.)
LOUIS M. FERNANDEZ, License No. 036089058 C.S. Registration No. 33 [REDACTED] 41	Respondent) No. 200802557

COMPLAINT

Now comes the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by its Chief of Medical Prosecutions, Laura E. Forester, and as its COMPLAINT against Louis M. Fernandez, Respondent, complains as follows:

COUNT I

1. Louis M. Fernandez is presently the holder of a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License No. 036089058, and a Controlled Substance Registration, No. 33 [REDACTED] 41, both issued by the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois. Said license and registration are both presently in Active status.
2. At all times herein relevant, the Department of Financial and Professional Regulation had the legal authority and jurisdiction to investigate complaints and to bring this action pursuant to the Medical Practice Act, Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/1 et seq.

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and the rules adopted by the Department in furtherance thereof, 68 Ill. Admin. Code, Part 1285.

3. From approximately December of 2006 through approximately April of 2009, Respondent Louis M. Fernandez regularly authorized and made prescriptions for medications, including controlled substances, for individuals as part of his employment with Secure Telemedicine, LLC.
4. Respondent Louis M. Fernandez did not physically examine any of the persons that he made these prescriptions for, either as an initial examination or prior to the issuance of any of the prescriptions.
5. None of the persons receiving these prescriptions ever physically met Respondent Louis M. Fernandez.
6. Accordingly, a physician-patient relationship was never properly established between Respondent and any of the persons that he made prescriptions for in the context of this employment.
7. Authorization of these prescriptions breached Respondent's responsibility to the persons receiving the prescriptions according to accepted medical standards of practice.
8. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND

PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT II

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count II.
3. On or about August 13, 2008; September 2, 2008; October 6, 2008; November 3, 2008; December 3, 2008; December 28, 2008; January 28, 2009; March 3, 2009; and March 30, 2009; Respondent Louis M. Fernandez authorized prescriptions for Ibuprofen and Hydrocodone for R.F., all without conducting a physical examination and without meeting R.F. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and R.F.
5. Authorization of these prescriptions breached Respondent's responsibility to R.F. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND

PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT III

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count III.
3. On or about September 18, 2007; October 12, 2007; November 4, 2007; March 10, 2008; April 8, 2008; May 12, 2008; June 13, 2008; and October 10, 2008; Respondent Louis M. Fernandez authorized prescriptions for Ibuprofen and Hydrocodone for K.M., all without conducting a physical examination and without meeting K.M. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and K.M.
5. Authorization of these prescriptions breached Respondent's responsibility to K.M. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M.

Fernandez be suspended, revoked, or otherwise disciplined.

COUNT IV

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count IV.
3. On or about June 4, 2008; July 9, 2008; and August 30, 2008; Respondent Louis M. Fernandez authorized prescriptions for Ibuprofen and Hydrocodone for J.M., all without conducting a physical examination and without meeting J.M. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and J.M.
5. Authorization of these prescriptions breached Respondent's responsibility to J.M. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT V

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by

reference herein as paragraphs 1 through 2 of this separate Count V.

3. On or about September 10, 2007; October 8, 2007; and December 2, 2007; Respondent Louis M. Fernandez authorized prescriptions for Ibuprofen and Hydrocodone for D.G., all without conducting a physical examination and without meeting D.G. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and D.G.
5. Authorization of these prescriptions breached Respondent's responsibility to D.G. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT VI

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count VI.
3. On or about August 31, 2007; Respondent Louis M. Fernandez authorized prescriptions for Ibuprofen and Hydrocodone for D.H. without conducting a

physical examination and without meeting D.H. in person at any time.

4. Accordingly, a physician-patient relationship was never properly established between Respondent and D.H.
5. Authorization of these prescriptions breached Respondent's responsibility to D.H. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT VII

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count VII.
3. On or about August 17, 2007; Respondent Louis M. Fernandez authorized a prescription for Hydrocodone for E.K. without conducting a physical examination and without meeting E.K. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and E.K.

5. Authorization of these prescriptions breached Respondent's responsibility to E.K. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT VIII

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count VIII.
3. On or about August 16, 2007; Respondent Louis M. Fernandez authorized a prescription for Hydrocodone for C.S. without conducting a physical examination and without meeting C.S. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and C.S.
5. Authorization of these prescriptions breached Respondent's responsibility to C.S. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes

(2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT IX

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count IX.
3. On or about September 2, 2007 and November 19, 2007; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone, Naproxen, and Alprazolam for J.S., all without conducting a physical examination and without meeting J.S. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and J.S.
5. Authorization of these prescriptions breached Respondent's responsibility to J.S. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND

PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT X

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count X.
3. On or about September 24, 2007; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone, Ibuprofen, and Alprazolam for J.G. without conducting a physical examination and without meeting J.G. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and J.G.
5. Authorization of these prescriptions breached Respondent's responsibility to J.G. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT XI

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count XI.
3. On or about September 21, 2007; October 18, 2007; November 15, 2007; December 21, 2007; and January 18, 2008; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone and Ibuprofen for M.B., all without conducting a physical examination and without meeting M.B. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and M.B.
5. Authorization of these prescriptions breached Respondent's responsibility to M.B. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT XII

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by

reference herein as paragraphs 1 through 2 of this separate Count XII.

3. On or about September 25, 2007; October 22, 2007; and November 14, 2007; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone and Ibuprofen for D.Y., all without conducting a physical examination and without meeting D.Y. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and D.Y.
5. Authorization of these prescriptions breached Respondent's responsibility to D.Y. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT XIII

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count XIII.
3. On or about October 21, 2007; Respondent Louis M. Fernandez

authorized prescriptions for Hydrocodone and Ibuprofen for D.B. without conducting a physical examination and without meeting D.B. in person at any time.

4. Accordingly, a physician-patient relationship was never properly established between Respondent and D.B.
5. Authorization of these prescriptions breached Respondent's responsibility to D.B. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT XIV

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count XIV.
3. On or about September 26, 2007; October 25, 2007; and November 24, 2007; Respondent Louis M. Fernandez authorized prescriptions for Norco and Ibuprofen for G.O., all without conducting a physical examination and

without meeting G.O. in person at any time.

4. Accordingly, a physician-patient relationship was never properly established between Respondent and G.O.
5. Authorization of these prescriptions breached Respondent's responsibility to G.O. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT XV

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count XV.
3. On or about September 29, 2007 and October 25, 2007; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone and Ibuprofen for T.P., all without conducting a physical examination and without meeting T.P. in person at any time.
4. Accordingly, a physician-patient relationship was never properly

established between Respondent and T.P.

5. Authorization of these prescriptions breached Respondent's responsibility to T.P. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT XVI

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count XVI.
3. On or about September 27, 2007; October 26, 2007; and November 27, 2007; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone and Ibuprofen for J.D., all without conducting a physical examination and without meeting J.D. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and J.D.
5. Authorization of these prescriptions breached Respondent's responsibility

to J.D. according to accepted medical standards of practice.

6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT XVII

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count XVII.
3. On or about June 3, 2007; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone/Ibuprofen and Ibuprofen and on or about September 24, 2007 and October 25, 2007; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone and Ibuprofen for C.H., all without conducting a physical examination and without meeting C.H. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and C.H.
5. Authorization of these prescriptions breached Respondent's responsibility

to C.H. according to accepted medical standards of practice.

6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT XVIII

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count XVIII.
3. On or about September 26, 2007 and October 26, 2007; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone and Ibuprofen for V.H., all without conducting a physical examination and without meeting V.H. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and V.H.
5. Authorization of these prescriptions breached Respondent's responsibility to V.H. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled

Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M. Fernandez be suspended, revoked, or otherwise disciplined.

COUNT XIX

- 1-2. Paragraphs 1 through 2 of Count I are realleged and incorporated by reference herein as paragraphs 1 through 2 of this separate Count XIX.
3. On or about November 9, 2007; Respondent Louis M. Fernandez authorized prescriptions for Hydrocodone and Cyclobenzaprine for C.R. without conducting a physical examination and without meeting C.R. in person at any time.
4. Accordingly, a physician-patient relationship was never properly established between Respondent and C.R.
5. Authorization of these prescriptions breached Respondent's responsibility to C.R. according to accepted medical standards of practice.
6. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2006), Chapter 225, paragraphs 60/22 (A) (5) and (17).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND

PROFESSIONAL REGULATION of the State of Illinois, by Laura E. Forester, its
Chief of Medical Prosecutions, prays that the Physician and Surgeon license of Louis M.
Fernandez be suspended, revoked, or otherwise disciplined.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois

DIVISION OF PROFESSIONAL REGULATION

By: 

LAURA E. FORESTER
CHIEF OF MEDICAL
PROSECUTIONS

David K. Igasaki
Attorney for the Department
of Financial and Professional Regulation
of the State of Illinois
Division of Professional Regulation
100 West Randolph Street
Suite 9-300
Chicago, Illinois 60601
312/814-2737

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND)	
PROFESSIONAL REGULATION)	
of the State of Illinois)	
)	Complainant
v.)	
LOUIS M. FERNANDEZ,)	No. 200802557
License No. 036089058)	
)	Respondent
)	

CONSENT ORDER

The Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois by David K. Igasaki, one of its attorneys, and Louis M. Fernandez, Respondent, hereby agree to the following:

STIPULATIONS

Louis M. Fernandez is licensed as a Physician and Surgeon in the State of Illinois, holding license No 036089058. At all times material to the matter set forth in this Consent Order, the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the attention of the Department that, over a period of time between 2007 through 2009, while working as a consulting physician for Secure Telemedicine, LLC, the Respondent prescribed medications, including controlled substances, over the internet without personally meeting with or conducting a physical examination of the patients who received the prescribed medications.

The allegation as set forth herein, if proven to be true, could constitute grounds for suspending or revoking Respondent's license as a Physician and Surgeon, on the authority of Illinois Compiled Statutes (2006), Chapter 225, paragraph(s) 60/22 (A) (5) and (17).

As a result of the foregoing allegation, the Department held an Informal Conference at the offices of the Department, 100 West Randolph Street, Suite 9-300. Chicago, Illinois 60601 on November 17, 2010. Respondent appeared in person on that date, represented by Anne M. Oldenburg. Georgia B. Lubben, M.D., appeared as a member of the Medical Disciplinary Board of the State of Illinois and David K. Igasaki appeared as an attorney for the Department. Subsequent to the filing of a Formal Complaint, Respondent reopened negotiations, through attorney Michael G. Erens, and agreement was reached on the terms as set forth below.

Respondent, for purposes of this Consent Order only, admits the allegation in this Consent Order.

Respondent has been advised of the right to have the pending allegation reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent

knowingly waives each of these rights, as well as any right to administrative review of this Consent Order.

Respondent and the Department have agreed, in order to resolve this matter, that Louis M. Fernandez be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through David K. Igasaki, its attorney, and Louis M. Fernandez, agree:

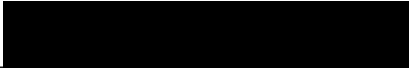
- A. Louis M. Fernandez's license as a Physician and Surgeon, License No. 036089058, is Suspended for three (3) months.
- B. Respondent shall successfully complete twenty five (25) additional hours of continuing medical education in medical ethics within three (3) months of the effective date of this Consent Order. Such courses shall be in addition to the continuing medical education hours required for licensure and the courses shall be pre-approved by the Chief Medical Coordinator.
- C. Louis M. Fernandez's license as a Physician and Surgeon, License No. 036089058, is Fined in the amount of Two Thousand Dollars (\$2000.00).

- D. Said fine shall be paid within thirty (30) days of the effective date of this Consent Order.
- E. Said fine shall be paid to the SSC- Accounts Receivable Section- Fines- Illinois Department of Financial and Professional Regulation- 320 W. Washington Street- # 344- P.O. Box # 7086- Springfield, Illinois 62791-7086 and shall be made payable to the Illinois Department of Financial and Professional Regulation with the case number of this case clearly marked on the check or money order.
- F. Respondent Louis M. Fernandez agrees that any violation of this Consent Order permits the Director of the Division of Professional Regulation to issue an Order forthwith mandating the automatic, indefinite, and immediate suspension of Respondent's license as a Physician and Surgeon for a minimum period of one (1) year. This suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate by filing an appropriate Complaint or sending an appropriate Notice. In the event Respondent contests in writing, by the filing of an appropriate Petition with the Department, the factual basis underlying said suspension within thirty (30) days of the imposition thereof, then Respondent shall be afforded a hearing on the merits within thirty (30) days from filing of said Petition.

G. This Consent Order shall become effective immediately after it is approved by the Director of the Division.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois


9/30/2011
DATE


David K. Igasaki
Attorney for the Department

10/10/11
DATE


Louis M. Fernandez
Respondent

10.19.11
DATE


Anne M. Oldenburg
Attorney for the Respondent

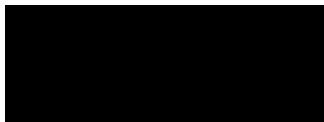
12/21/11
DATE


Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 13th DAY OF January, 2012.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois
BRENT E. ADAMS, SECRETARY
Division of Professional Regulation



JAY STEWART
DIRECTOR

REF: License No.036089058
Case No. 200802557