

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**Louis M. Fernandez )**

**Case No. 16-2012-221242**

**Physician's and Surgeon's )  
Certificate No. G71660 )**

**Respondent )  
\_\_\_\_\_ )**

**DECISION**

**The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on January 2, 2013.**

**IT IS SO ORDERED December 26, 2012.**

**MEDICAL BOARD OF CALIFORNIA**

**By:**

  
\_\_\_\_\_  
**Linda K. Whitney  
Executive Director**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 ESTHER H. LA  
Deputy Attorney General  
4 State Bar No. 160706  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 16-2012-221242

11 **LOUIS M. FERNANDEZ, M.D.**

12 4855 Tanglewood Court  
13 Atlanta, GA 30327

14 Physician's and Surgeon's Certificate  
No. G71660

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 PARTIES

20 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of  
21 California (Board). She brought this action solely in her official capacity and is represented in  
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Esther H. La,  
23 Deputy Attorney General.

24 2. Louis M. Fernandez, M.D. (Respondent) is representing himself in this proceeding  
25 and has chosen not to exercise his right to be represented by counsel.  
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CONTINGENCY

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2       10. This stipulation shall be subject to approval by the Medical Board of California.  
3 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
4 Board of California may communicate directly with the Board regarding this stipulation and  
5 surrender, without notice to or participation by Respondent. By signing the stipulation,  
6 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
7 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
8 stipulation as its Decision and Order, the Stipulated Surrender and Order shall be of no force or  
9 effect and, except for this paragraph, it shall be inadmissible in any legal action between the  
10 parties, and the Board shall not be disqualified from further action by having considered this  
11 matter.

12       11. The parties understand and agree that facsimile or electronic copies of this Stipulated  
13 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
14 and effect as the originals.

15       12. In consideration of the foregoing admissions and stipulations, the parties agree that  
16 the Board may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

17  
18       IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G71660, issued  
19 to Respondent Louis M. Fernandez, M.D., is surrendered and accepted by the Medical Board of  
20 California.

21       1. The surrender of Respondent's Physician's and Surgeon's Certificate and the  
22 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
23 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
24 of Respondent's license history with the Medical Board of California.

25       2. Respondent shall lose all rights and privileges as a physician and surgeon in  
26 California as of the effective date of the Board's Decision and Order.

27       3. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
28 issued, his wall certificate on or before the effective date of the Decision and Order.



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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: **Dec. 18, 2012**

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JOSE R. GUERRERO  
Supervising Deputy Attorney General

  
ESTHER H. LA  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 16-2012-221242**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 ESTHER H. LA  
Deputy Attorney General  
4 State Bar No. 160706  
455 Golden Gate Avenue, Suite 11000  
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Telephone: (415) 703-5636  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 4 20 12  
BY H. Park ANALYST

7  
8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:  
11 **LOUIS M. FERNANDEZ, M.D.**  
12 4855 Tanglewood Court  
13 Atlanta, GA 30327  
14 Physician's and Surgeon's No. G 71660  
15 Respondent.

Case No. 16-2012-221242

**ACCUSATION**

16  
17 Complainant alleges:

18 PARTIES

- 19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.  
21 2. On or about October 29, 2010, the Medical Board of California issued Physician's and  
22 Surgeon's Number G 71660 to Louis M. Fernandez, M.D. ("Respondent"). Said Certificate was  
23 in full force and effect at all times relevant to the charges brought herein and will expire on  
24 January 31, 2014, unless renewed.

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JURISDICTION

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2       3. This Accusation is brought before the Medical Board of California (“Board”),<sup>1</sup>  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.

5       4. Section 2227 of the Code provides that a licensee who is found guilty under the  
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
8 action taken in relation to discipline as the Division deems proper.

9       5. Section 2305 of the Code states:

10       “The revocation, suspension, or other discipline, restriction or limitation imposed by  
11 another state upon a license or certificate to practice medicine issued by that state, or the  
12 revocation, suspension, or restriction of the authority to practice medicine by any agency of the  
13 federal government, that would have been grounds for discipline in California of a licensee under  
14 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action  
15 for unprofessional conduct against the licensee in this state.”

16       6. Section 141 of the Code states:

17       “(a) For any licensee holding a license issued by a board under the jurisdiction of the  
18 department, a disciplinary action taken by another state, by any agency of the federal government,  
19 or by another country for any act substantially related to the practice regulated by the California  
20 license, may be a ground for disciplinary action by the respective state licensing board. A  
21 certified copy of the record of the disciplinary action taken against the licensee by another state,  
22 an agency of the federal government, or another country shall be conclusive evidence of the  
23 events related therein.

24       “(b) Nothing in this section shall preclude a board from applying a specific statutory  
25 provision in the licensing act administered by that board that provides for discipline based upon a  
26

27       <sup>1</sup>. The term “Board” means the Medical Board of California; “Division of Medical  
28 Quality” shall also be deemed to refer to the Board.

1 disciplinary action taken against the licensee by another state, an agency of the federal  
2 government, or another country."

3 CAUSE FOR DISCIPLINE

4 (Discipline, Restriction, or Limitation Imposed by Another State)

5 7. On or about January 13, 2012, the Division of Professional Regulation of the  
6 Department of Financial and Professional Regulation of the State of Illinois ("Illinois  
7 Department") issued a Consent Order suspending Respondent's license to practice for three  
8 months and requiring Respondent to successfully complete 25 additional hours of continuing  
9 medical education in the areas of medical ethics and also pay a fine of \$2,000.00. The Consent  
10 Order was based on findings by the Illinois Department that Respondent, during 2007 through  
11 2009, while working as a consultant for Secure Telemedicine, LLC, had prescribed medications,  
12 including controlled substances, over the internet without personally meeting with or conducting  
13 a physical examination of the patients who received the prescribed medications. A true and  
14 correct copy of the January 13, 2012 Consent Order issued by the Illinois Department is attached  
15 as Exhibit A.

16 8. Respondent's conduct and the action of the Illinois Department as set forth in  
17 paragraph 7, above, constitute grounds for disciplinary action for unprofessional conduct within  
18 the meaning of Code section 2305 and grounds for disciplinary action within the meaning of  
19 Code section 141.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Medical Board of California issue a decision:

23 1. Revoking or suspending Physician's and Surgeon's Number G 71660, issued to  
24 Respondent Louis M. Fernandez, M.D.;

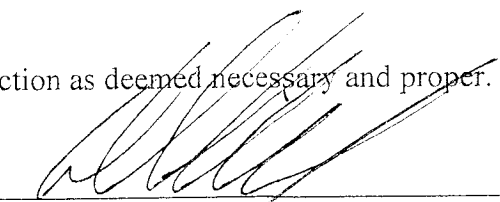
25 2. Revoking, suspending or denying approval of Louis M. Fernandez, M.D.'s authority  
26 to supervise physician assistants, pursuant to section 3527 of the Code;

27 3. Ordering Louis M. Fernandez, M.D., if placed on probation, to pay the costs of  
28 probation monitoring; and

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4. Taking such other and further action as deemed necessary and proper.

DATED: June 4, 2012



LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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# **Exhibit A**

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,	) Respondent
License No. 036089058	)
	) No. 200802557

**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  
David K. Igasaki  
Attorney for the Department

10/10/11  
DATE

Louis M. Fernandez  
Louis M. Fernandez  
Respondent

10-19-01  
DATE

Anne M. Oldenburg  
Anne M. Oldenburg  
Attorney for the Respondent

12/21/11  
DATE

Marie Lopez  
Marie Lopez  
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