

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

In the Matter of the Accusation Against:)
)
)

ISRAEL VALDEZ FERNANDO, M.D.)

File No. 16-2006-178971

Physician's and Surgeon's)
Certificate No. A69914)
)

Respondent.)
_____)

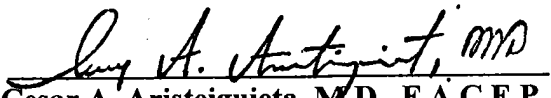
DECISION

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

This Decision shall become effective at 5:00 p.m. on September 14, 2007.

IT IS SO ORDERED September 7, 2007.

MEDICAL BOARD OF CALIFORNIA

By: 
Cesar A. Aristeiguieta, M.D., F.A.C.E.P.
Chair
Panel A
Division of Medical Quality

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON, State Bar No. 116564
Deputy Attorney General
4 California Department of Justice
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5544
6 Facsimile: (415) 703-5480

7 Attorneys for Complainant

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against

12 **ISRAEL VALDEZ FERNANDO, M.D.**
13 3316 Chateau Knoll
Bettendorf, IA 52722

14 Physician and Surgeon's
15 Certificate No. A69914

16
17 Respondent.

Case No.16-2006-178971

**STIPULATED SURRENDER OF
LICENSE**

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

21 1. David T. Thornton (Complainant) is the Executive Director of the Medical
22 Board of California, and maintains this action solely in his official capacity. Complainant is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Jane Zack Simon, Deputy Attorney General.

25 2. Israel Valdez Fernando, M.D. (Respondent) is represented in this
26 proceeding by Robert B. Zaro of Zaro, Sillis & Ramazzini, LLP, 915 L. Street, Suite 1240,
27 Sacramento, CA 95814.

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1 3. Respondent has received, read, discussed with counsel, and understands
2 the Accusation which is presently on file and pending in case number 16-2006-178971, a copy of
3 which is attached as Exhibit A.

4 4. Respondent has carefully read, discussed with counsel, and understands
5 the charges and allegations in Accusation No. 16-2006-178971. Respondent also has carefully
6 read, discussed with counsel and understands the effects of this Stipulated Surrender of License.

7 5. Respondent is fully aware of his legal rights in this matter, including the
8 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
9 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
10 the right to present evidence and to testify on his own behalf; the right to the issuance of
11 subpoenas to compel the attendance of witnesses and the production of documents; the right to
12 reconsideration and court review of an adverse decision; and all other rights accorded by the
13 California Administrative Procedure Act and other applicable laws.

14 6. Respondent voluntarily, knowingly, and intelligently waives and gives up
15 each and every right set forth above.

16 7. Respondent agrees that based on the action taken by the Iowa Board of
17 Medical Examiners as alleged in the Accusation, cause exists to discipline his California
18 physician and surgeon's certificate pursuant to Business and Professions Code sections 141 and
19 2305. Respondent lives and practices medicine in Iowa and has no plans to return to California.
20 He wishes to surrender his California license at this time.

21 8. Respondent understands that by signing this stipulation he is enabling the
22 Medical Board of California to issue its order accepting the surrender of license without further
23 process. He understands and agrees that Board staff and counsel for complainant may
24 communicate directly with the Board regarding this stipulation, without notice to or participation
25 by Respondent or his counsel. By signing this stipulation, respondent understands and agrees
26 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
27 Division considers and acts upon it. In the event that this stipulation is rejected for any reason by
28 the Board, it will be of no force or effect for either party. The Board will not be disqualified

1 from further action in this matter by virtue of its consideration of this stipulation.

2 9. Upon acceptance of this stipulation by the Board, Respondent understands
3 that he will no longer be permitted to practice as a physician and surgeon in California, and also
4 agrees to surrender and cause to be delivered to the Board any license and wallet certificate in
5 his possession before the effective date of the decision.

6 10. The admissions made by Respondent herein are only for the purposes of
7 this proceeding, or any other proceedings in which the Medical Board or other professional
8 licensing agency is involved, and shall not be admissible in any other criminal or civil
9 proceeding.

10 11. Respondent fully understands and agrees that if he ever files an
11 application for relicensure or reinstatement in the State of California, the Board shall treat it as a
12 petition for reinstatement, and respondent must comply with all laws, regulations and procedures
13 for reinstatement of a revoked license in effect at the time the petition is filed.

14 12. Respondent understands that he may not petition for reinstatement as a
15 physician and surgeon for a period of three (3) years from the effective date of his surrender.
16 Information gathered in connection with Accusation number 16-2006-178971 may be
17 considered by the Division of Medical Quality in determining whether or not to grant the
18 petition for reinstatement. For the purposes of the reinstatement hearing, the allegations
19 contained in Accusation number 16-2006-178971 shall be deemed to be admitted by
20 Respondent, and Respondent waives any and all defenses based on a claim of laches or the
21 statute of limitations.

22 13. The parties understand and agree that facsimile copies of this Stipulated
23 Surrender of License, including facsimile signatures thereto, shall have the same force and effect
24 as the originals.

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ACCEPTANCE

I have carefully read the above stipulation. I enter into it freely and voluntarily and with full knowledge of its force and effect, do hereby surrender my Physician and Surgeon's Certificate Number A69914 to the Division of Medical Quality, Medical Board of California, for its formal acceptance. By signing this stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a physician and surgeon in the State of California and I also will cause to be delivered to the Board any license and wallet certificate in my possession before the effective date of the decision.


DATED: 7/31/07


ISRAEL VALDEZ FERNANDO, M.D.
Respondent

APPROVAL

I have fully discussed with Israel Valdez Fernando, M.D. the terms and conditions and other matters contained in the above Stipulated Surrender of License and approve its form and content.

DATED: 7/31/07


ROBERT B. ZARO
Zaro, Sillis & Ramazzini, LLP
Attorneys for Respondent

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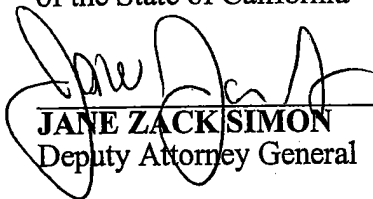
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ENDORSEMENT

The foregoing Stipulated Surrender of License is hereby respectfully submitted for consideration by the Division of Medical Quality, Medical Board of California.

DATED: 7/6/07

EDMUND G. BROWN JR., Attorney General
of the State of California


JANE ZACK SIMON
Deputy Attorney General

Attorneys for Complainant

EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
4 455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
5 Telephone: (415) 703-5544
Facsimile: (415) 703-5480
6

7 Attorneys for Complainant

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **ISRAEL VALDEZ FERNANDO, M.D.,**
3316 Chateau Knoll
Bettendorf, IA 52722

15 Physician and Surgeon's
16 Certificate No. A69914

17 Respondent.
18

Case No. 16-2006-178971

ACCUSATION

19
20 The Complainant alleges:

21 **PARTIES**

22 1. Complainant David T. Thornton is the Executive Director of the Medical
23 Board of California (hereinafter the "Board") and brings this accusation solely in his official
24 capacity.

25 2. On or about October 1, 1999, Physician and Surgeon's Certificate No.
26 A69914 was issued by the Board to Israel Valdez Fernando, M.D. (hereinafter "respondent").
27 Respondent's certificate is delinquent with an expiration date of March 31, 2005.

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 12, 2006
BY Valerie M. Oa. ANALYST

JURISDICTION

1
2 3. This accusation is brought before the Division of Medical Quality of the
3 Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"),
4 under the authority of the following sections of the California Business and Professions Code
5 (hereinafter "Code") and/or other relevant statutory enactment:

6 A. Section 2227 of the Code provides in part that the Board may revoke,
7 suspend for a period of not to exceed one year, or place on probation, the license of any
8 licensee who has been found guilty under the Medical Practice Act, and may recover the
9 costs of probation monitoring if probation is imposed.

10 B. Section 2305 of the Code provides, in part, that the revocation,
11 suspension, or other discipline, restriction or limitation imposed by another state upon a
12 license to practice medicine issued by that state, that would have been grounds for
13 discipline in California under the Medical Practice Act, constitutes grounds for discipline
14 for unprofessional conduct.

15 C. Section 141 of the Code provides:

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

23 "(b) Nothing in this section shall preclude a board from applying a
24 specific statutory provision in the licensing act administered by the board that provides
25 for discipline based upon a disciplinary action taken against the licensee by another state,
26 an agency of the federal government, or another country."

27 ///

1 4. Respondent is subject to discipline within the meaning of section
2 141 and is guilty of unprofessional conduct within the meaning of section 2305 as more
3 particularly set forth herein below.

4 **FIRST CAUSE FOR DISCIPLINE**

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

6 5. On or about September 14, 2006, the Iowa Board of Medical Examiners
7 issued a Settlement Agreement and Final Order regarding respondent's license to practice
8 medicine in Iowa. The Settlement Agreement and Final Order resolved a Statement of Charges
9 alleging that respondent engaged in professional incompetency and substantial deviation from
10 the standard of practice. The Statement of Charges alleged that in 2005, a Board appointed peer
11 review committee reviewed respondent's dermatology practice, and determined that respondent
12 was not appropriately qualified to perform histopathologic interpretations, that he had
13 demonstrated an inability to perform histopathologic interpretations, and that he inappropriately
14 up-graded histopathologic interpretations of dermatologic lesions, resulting in increased risk of
15 complications and significantly increased financial expense. The peer review committee also
16 determined that respondent inappropriately practiced in numerous practice locations, increasing
17 the risk that he was unable to appropriately address complications and emergencies. The
18 committee also determined that respondent's misdiagnosis of one patient resulted in
19 inappropriate treatment, scarring, increased future risk of skin cancer, and significantly increased
20 financial expense. Respondent failed to obtain an appropriate medical history and
21 inappropriately performed a procedure and medicated a second patient. It was noted in the
22 Settlement Agreement and Final Order that respondent underwent a comprehensive competency
23 evaluation in general medicine at the Physician Assessment and Clinical Education Program
24 (PACE) in San Diego, that PACE identified very serious areas of deficiency in respondent's
25 ability to practice general medicine, and determined that respondent was not competent to
26 interpret skin pathology. Under the terms of the Iowa Settlement Agreement and Final Order,
27 respondent's license was cited and warned, and he was placed on five years probation.

1 Respondent was ordered to fully comply with all recommendations made by PACE, and ordered
2 not to practice medicine in any area other than dermatology in the future. He was prohibited
3 from interpreting skin pathology until qualified by law and approved by the Iowa Board to do so,
4 and to restrict his practice locations. He was further ordered to complete a comprehensive
5 competency evaluation in dermatology, to have a practice monitor, to submit a written
6 remediation plan, and to complete continuing medical education.

7 Attached hereto as Exhibit A are true and correct copies of the Settlement
8 Agreement and Final Order and the Statement of Charges before the Iowa Board of Medical
9 Examiners.

10 6. Respondent's conduct and the action of the Iowa Board of Medical
11 Examiners, as set forth in paragraph 5, above, constitute unprofessional conduct within the
12 meaning of section 2305 and conduct subject to discipline within the meaning of section 141(a).

13 **PRAYER**

14 **WHEREFORE**, the complainant requests that a hearing be held on the matters
15 herein alleged, and that following the hearing, the Division issue a decision:

- 16 1. Revoking or suspending Physician and Surgeon's Certificate Number
17 A69914 heretofore issued to respondent Israel Valdez Fernando, M.D.;
- 18 2. Revoking, suspending or denying approval of the respondent's authority to
19 supervise physician assistants;
- 20 3. Ordering respondent, if placed on probation, to pay the costs of probation
21 monitoring upon order of the Division; and

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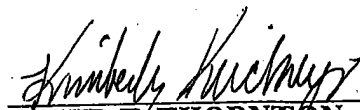
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1 4. Taking such other and further action as the Division deems necessary and
2 proper.

3 DATED: December 12, 2006 .
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7 **DAVID T. THORNTON** *for*
8 Executive Director
9 Medical Board of California
10 Department of Consumer Affairs
11 State of California

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Complainant

Exhibit A



STATE OF IOWA

THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

IOWA BOARD OF MEDICAL EXAMINERS
ANN MOWERY, Ph.D., EXECUTIVE DIRECTOR

CERTIFICATION

STATE OF IOWA
Polk County, ss.

I, Luann Brickei, Compliance Secretary for the Iowa Board of Medical Examiners (the Board), having legal custody of the disciplinary records of the Board, hereby certify that the attached are true copies of documents on file in the office of the Board relating to a medical licensure disciplinary action taken against **Israel Valdez Fernando, M.D.**

Luann Brickei
Luann Brickei
Compliance Secretary
Iowa Board of Medical Examiners



November 01, 2006

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ISRAEL V. FERNANDO, M.D., RESPONDENT

FILE Nos. 02-04-067 & 02-04-259

SETTLEMENT AGREEMENT and FINAL ORDER

COMES NOW the Iowa Board of Medical Examiners (the Board), and
Isreal V. Fernando, M.D., (Respondent), on September 14 2006, and pursuant to
Iowa Code sections 17A.10(2) and 272C.3(4)(2005), and enter into this Settlement
Agreement and Final Order to resolve the contested case currently on file.

1. Respondent was issued license number 32910 to practice medicine
and surgery in Iowa on May 20, 1999.
2. Respondent's Iowa medical license is active and will next expire on
March 1, 2008.
3. The Board has jurisdiction in this matter pursuant to Iowa Code
Chapters 147, 148 and 272C.
4. **STATEMENT OF CHARGES:** On August 25, 2005, the Board
charged Respondent with engaging in professional incompetency and practice
harmful or detrimental to the public. Respondent filed an Answer with the Board
denying the charges.

5. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in professional incompetency in his provision of dermatological care to at least one patient. Respondent is hereby **WARNED** that evidence of such conduct in the future may result in further formal disciplinary action, including revocation of your Iowa medical license.

6. **CIVIL PENALTY:** Respondent shall be assessed a civil penalty in the amount of \$5,000. The civil penalty shall be paid prior to the Board's approval of this Order and shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

7. **COMPREHENSIVE COMPETENCY EVALUATION:**
Respondent, on his own initiative, completed a comprehensive competency evaluation at the Physician Assessment And Clinical Education Program (PACE) in San Diego, California. The PACE evaluation focused on general medicine and dermatopathology, not general dermatology. PACE identified very serious areas of deficiency in Respondent's ability to practice general medicine, and determined Respondent is not competent to interpret skin pathology as of the present time. Apart from the dermatopathology assessment, PACE did not evaluate Respondent's competence to practice dermatology. Respondent shall fully comply with all recommendations made by PACE. Respondent shall not practice medicine in any area other than dermatology in the future. Respondent is not residency-trained in dermatology but he has completed a three-year program in

dermatology under the guidelines of the American Association of Physician Specialists.

8. **READING SLIDES:** Respondent is prohibited from interpreting skin pathology under his Iowa medical license until he is qualified by law and he is approved by the Board to provide such services.

9. **PRACTICE LOCATIONS:** The locations where Respondent practices dermatology shall be within a sixty air mile radius of each other. This restriction shall not apply to any physician associated with Respondent in the practice of dermatology.

10. **COMPREHENSIVE DERMATOLOGY EVALUATION:**
Within sixty (60) days of the date of this Order or as soon as practicable, Respondent shall successfully complete a competency evaluation at a Board-approved competency evaluation program which focuses on Respondent's dermatology practice. Upon completion of the evaluation a written report shall be provided to the Board by the program which identifies any areas of deficiency. If areas of deficiency are identified, Respondent shall submit, for Board approval, a formal educational plan which addresses all identified areas of deficiency. Respondent shall fully comply with all recommendations made by the evaluation program and the Board following the evaluation, including any program of remediation. All costs associated with the evaluation and remediation shall be Respondent's responsibility.

11. **FIVE YEARS PROBATION:** Respondent's Iowa medical license shall be placed on probation for a period of five years subject to the following terms and conditions:

- A. **Monitoring Program:** Respondent shall contact the Coordinator of Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-6491 to establish a monitoring program. Respondent shall fully comply with all requirements of the monitoring program.
- B. **Demonstration that Respondent is Competent to Practice Dermatology:** Respondent shall demonstrate that he is capable of practicing dermatology in a competent manner throughout the period of this Order.
- C. **Notice to Hospitals and Clinics:** Respondent shall provide the Board with the name, address and telephone number of the administrator at all current and future locations where he practices medicine. The Board will provide the administrator with all Board Orders relating to this matter. The administrator shall provide a written statement indicating that they have read the Board Orders and agree to inform the Board immediately if there is any evidence of substandard practice or a violation of the terms of this Order.

D. **Remediation Plan:** Respondent shall submit a written remediation plan addressing all areas of deficiency, for Board approval, including but not limited to the following:

- 1) **Practice Monitor:** Respondent shall participate in a Board-approved supervised clinical experience to address all areas identified for remediation. Respondent shall submit for Board approval the name of an ABMS board-certified dermatologist to serve as his practice monitor. The Board shall provide the practice monitor a copy of all Board orders relating to this matter. The practice monitor shall provide a written statement indicating that the monitor has read and understands the Board orders relating to this matter and agrees to act as the practice monitor under the terms of this agreement. The Board shall consider the evaluation report specified in paragraph 10 above, in determining the scope of the practicing monitoring. The practice monitor shall review a representative sample of Respondent's medical charts for patients treated by Respondent under his Iowa medical license and provide regular and rapid feedback regarding Respondent's practice. The practice monitor shall visit one of Respondent's practice locations in Iowa at least one day every two weeks to review a representative sample of medical

charts for patients treated under Respondent's Iowa medical license. Respondent shall meet regularly with the practice monitor to review cases and documentation, discuss decisions related to those cases, review specific topics and engage in a quality improvement processes. The worksite monitor shall agree to inform the Board immediately if there is evidence of improper medical care, a violation of the terms of this Settlement Agreement or any violation of the laws and rules governing the practice of medicine. The monitor shall agree to submit written quarterly reports to the Board concerning Respondent's progress not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

- 2) **Continuing Medical Education and/or Self-Study:**
Respondent shall successfully complete Board-approved continuing medical education courses and self-study which include, but are not limited to the areas of demonstrated need as determined by the Board-approved evaluation program.
- 3) **Remediation costs:** All costs associated with the remediation shall be Respondent's responsibility.

- E. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms and conditions of this Settlement Agreement. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year for the duration of this Order.
- F. **Board Appearances:** Respondent shall appear before the Board annually or upon request of the Board for the duration of the period of probation. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 12.6(6)(d).
- G. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board no later than the 15th of the month three months after the date of this order and every quarter thereafter. The monitoring fee shall be sent to: Coordinator of Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medical Examiners. The monitoring fee shall be considered repayment receipts as defined in Iowa Code section 8.2.

12. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

13. In the event Respondent violates or fails to comply with any of the terms of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

14. Only periods of time that Respondent continually practices under his Iowa medical license shall apply to duration of this Order. Respondent shall notify the Board within thirty days of any change in practice location.

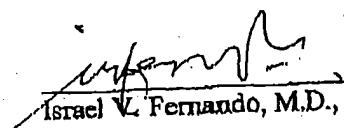
15. This Order constitutes the resolution of a contested case proceeding.

16. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

17. This Order is voluntarily submitted to the Board for consideration.

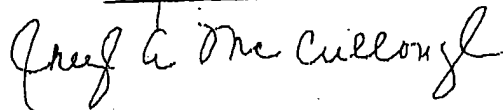
18. This Order is subject to approval of the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

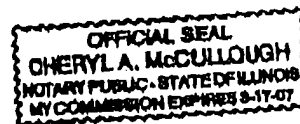
19. The Board's approval of this Order shall constitute a Final Order of the Board.


Israel V. Fernando, M.D., Respondent

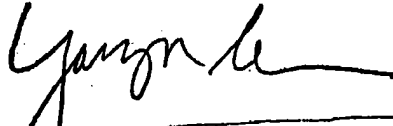
Subscribed and sworn to before me on 15 August, 2006.

Notary Public, State of Illinois





This Order is approved by the Board on September 14, 2006.



Yashn Lee, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE
STATEMENT OF CHARGES AGAINST

ISREAL V. FERNANDO, M.D.

Respondent.

)
) DIA NO. 05DPHMB023
) CASE NOS. 02-04-067 & 02-04-259
)
) RULING ON MOTION TO
) AMEND STATEMENT OF CHARGES
)
) 08-08-06P02:26 RCVD

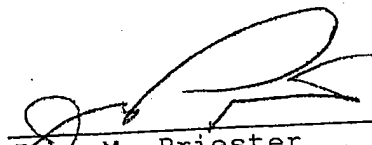
The above-captioned matter is set for hearing on August 18th 2006 before the State of Iowa Board of Medical Examiners. The Administrative Law Judge assigned to assist in the matter is unavailable to address the instant motion prior to the hearing. For that reason the undersigned shall rule on the motion.

The State filed the Motion to Amend Statement of Charges on July 14, 2006. The Motion was based upon investigative information that was provided to the Respondent on July 5, 2006. The Respondent has not filed a resistance to the Motion.

The undersigned finds that the Motion to Amend Statement of Charges shall be GRANTED. The Respondent was apprised of the information in the amendment nearly a month and a half before the hearing. The Respondent has had plenty of time to prepare of the information in the amendment. Additionally, the amendment does not add any new charges, it merely adds another allegation of misconduct under one of the original counts.

The State's Motion to Amend Statement of Charges is hereby GRANTED.

Dated this 7th day of August 2006.


John M. Priester
Administrative Law Judge
Division of Administrative Hearings
Department of Inspections and Appeals
Lucas State Office Building
Des Moines IA 50319

cc: Theresa O'Connell Weeg, AAG

DIA No. C5PHMB023

Page 2

Randall H. Stefani, Attorney
Ahlers & Cooney
100 Court Ave., Suite 600
Des Moines IA 50309
Iowa Board of Medical Examiners
400 S.W. 8th Street, Suite C
Des Moines IA 50309

Margaret LaMarche, DIA
Administrative Law Judge

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ISRAEL V. FERNANDO, M.D., RESPONDENT

FILE Nos. 02-04-067 & 02-04-259

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medical Examiners (the Board), on August 25, 2005, and files this Statement of Charges against Israel V. Fernando, M.D., (Respondent), a physician licensed pursuant to Iowa Code Chapter 147 (2005) and alleges:

1. Respondent was issued license number 32910 to practice medicine and surgery in Iowa on May 20, 1999.
2. Respondent's Iowa medical license is active and will next expire on March 1, 2006.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged with professional incompetency pursuant to Iowa Code section 147.55(2), 148.6(2)(g), and (i), and 272C.10(2) (2005), and 653 IAC sections 12.4(2)(a), (b), (c), and (d), by demonstrating one or more of the following:

- A. A substantial lack of knowledge or ability to discharge professional obligations within the scope of the physician's or surgeon's practice;
- B. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;
- C. A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances; and
- D. A willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery in the state of Iowa.

COUNT II

5. Respondent is charged under Iowa Code section 147.55(3) (2005) and 653 Iowa Administrative Code section 12.4(3) with engaging in practice harmful or detrimental to the public.

CIRCUMSTANCES

6. Respondent practices dermatology in several locations in eastern Iowa.

7. The Board received information which raised serious concerns that Respondent engaged in a pattern of professional incompetency in the practice of dermatology.

8. The Board appointed a peer review committee to review Respondent's dermatology practice. On July 28, 2005, the Board reviewed the peer review report and concluded that Respondent demonstrated a pattern of professional incompetency in his dermatology practice. The Board also concluded that Respondent engaged in practice harmful and/or detrimental to the public. The Board found a pattern of professional incompetency and practice harmful and/or detrimental to the public, including but not limited to the following:

Histopathologic Interpretations:

- A. Respondent is not appropriately qualified to perform histopathologic interpretations under CMS Guidelines:
1. He has no formal training in histopathologic interpretations.
 2. He has not completed residency training in dermatology or dermapathology.
 3. He is not board certified in dermatology or dermapathology.

- B. Respondent has demonstrated an inability to perform histopathologic interpretations. Respondent inappropriately failed to differentiate melanocytic nevus cells from keratinocytes.
- C. Respondent demonstrated evidence of inappropriately up-grading histopathologic interpretations of dermatologic lesions, resulting in an increased risk of complications and significantly increased financial expense.

Practice Setting:

Respondent inappropriately practices in numerous practice locations which are significant distances apart increasing the risk that he is unable to appropriately address serious complications and emergencies.

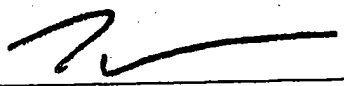
Patient #1 (D.D.):

- A. Respondent inappropriately misdiagnosed two separate specimens (biopsy and excised tissue) for Patient #1 leading to inappropriate treatment, an unnecessarily complex procedure, increased scarring, increased future risk of skin cancer and significantly increased financial expense.
- B. Respondent performed a rhombic flap, an unnecessarily complex procedure, when it was not appropriate given the size and nature of Patient #1's lesion.

Patient #2 (S.K.):

- A. Respondent inappropriately failed to obtain an appropriate medical history for Patient #2.
- B. Respondent inappropriately performed a procedure on Patient #2 without adequately explaining the nature and the risks of the procedure.
- C. Respondent inappropriately treated Patient #2 with a medication with which Patient #2 had a known allergy.

On this the 25th day of August, 2005, the Iowa Board of Medical Examiners finds cause to file this Statement of Charges.



Bruce L. Hughes, M.D., Chairperson
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