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6 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.: 16-2009-201528

11 **Alex Abelardo Sarmiento Fider, M.D.**  
12 2819 Black Stallion Court  
13 Murfreesboro, TN 37130

**STIPULATED SURRENDER OF  
LICENSE**

14 Physician's and Surgeon's Certificate No. A51631

15 Respondent

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

18 1. Linda K. Whitney is the Executive Director of the Medical Board of  
19 California and the Complainant herein. This action has at all times been brought and maintained  
20 solely in official capacity of the Board's Executive Director, who is represented in this matter by  
21 Edmund G. Brown Jr., Attorney General of the State of California, by Jane Zack Simon, Deputy  
22 Attorney General.

23 2. Alex Abelardo Sarmiento Fider, M.D. (Respondent) is represented in this  
24 proceeding by Jason R. Reeves, The Reeves Law Firm, 704 N. Jefferson Street, P.O. Box 910,  
25 Shelbyville, TN 37162.

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1                   3.       Respondent has received, read, discussed with counsel and understands the  
2 Accusation which is presently on file and pending in case number 16-2009-201528 (the  
3 “Accusation”) a copy of which is attached as Exhibit A.

4                   4.       Respondent has carefully read, discussed with counsel and understands the  
5 charges and allegations in Accusation No. 16-2009-201528. Respondent also has carefully read,  
6 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 Tennessee Board  
17 of Medical Examiners as alleged in the Accusation, cause exists to discipline his California  
18 physician’s and surgeon’s certificate pursuant to Business and Professions Code sections 141 and  
19 2305. Respondent has elected to surrender his California license at this time.

20                   8.       Pursuant to section 2224(b) of the Business and Professions Code, this  
21 Stipulation for Surrender of License shall be subject to the approval of the Board. Respondent  
22 understands and agrees that the Medical Board’s staff and counsel for complainant may  
23 communicate directly with the Board regarding this stipulation and settlement, without notice to  
24 or participation by Respondent or his counsel. By signing this stipulation, Respondent  
25 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
26 prior to the time the Board considers and acts upon it. In the event that this stipulation is rejected  
27 for any reason by the Board, it will be of no force or effect for either party. The Board will not be  
28 disqualified from further action in this matter by virtue of its consideration of this stipulation.



1 California and I also will cause to be delivered to the Board any license and wallet certificate in  
2 my possession before the effective date of the decision.

3 DATED: 7/14/2010.

4   
5 **ALEX ABELARDO SARMIENTO FIDER, M.D.**

6 Respondent

7 **APPROVAL**

8 I have fully discussed with Respondent Alex Abelardo Sarmiento Fider, M.D. the  
9 terms and conditions and other matters contained in the above Stipulated Surrender of License  
10 and approve its form and content.

11 DATED: 7/14/10

12   
13 **JASON R. REEVES**  
14 The Reeves Law Firm

15 Attorney for Respondent

16 **ENDORSEMENT**

17 The foregoing Stipulated Surrender of License is hereby respectfully submitted for  
18 consideration by the Medical Board of California.

19 DATED: 7/16/2010

20  
21 EDMUND G. BROWN JR., Attorney General  
22 of the State of California

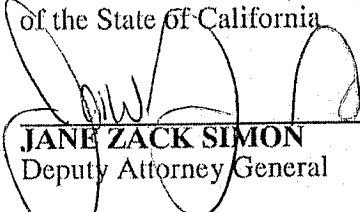
23   
24 **JANE ZACK SIMON**  
25 Deputy Attorney General  
26 Attorneys for Complainant

Exhibit A

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JOSÉ R. GUERRERO  
Supervising Deputy Attorney General  
3 JANE ZACK SIMON  
Deputy Attorney General  
4 State Bar No. 116564  
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5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5544  
6 Fax: (415) 703-5480  
E-mail: Janezack.simon@doj.ca.gov  
7 *Attorneys for Complainant*  
*Medical Board of California*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO November 2, 2009  
BY Valerie Moran ANALYST

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

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13 In the Matter of the Accusation Against:

Case No. 16-2009-201528

14 **Alex Abelardo Sarmiento Fider, M.D.,**  
2819 Black Stallion Court  
Murfreesboro, TN 37130

ACCUSATION

15 Physician's and Surgeon's  
16 Certificate No. A51631

17 Respondent.

18  
19  
20 The Complainant alleges:

21 1. Complainant Barbara Johnston is the Executive Director of the Medical  
22 Board of California, Department of Consumer Affairs, and brings this Accusation solely in her  
23 official capacity.

24 2. On or about February 16, 1993, Physician's and Surgeon's Certificate No.  
25 A51631 was issued by the Medical Board of California to Alex Abelardo Sarmiento Fider, M.D.  
26 (hereinafter "respondent.") Said certificate is renewed and current with an expiration date of  
27 December 31, 2010.

28 //

1 **JURISDICTION**

2  
3 3. This Accusation is brought before the Medical Board of California<sup>1</sup>,  
4 (hereinafter the "Board") under the authority of the following sections of the California Business  
5 and Professions Code (hereinafter "Code") and/or other relevant statutory enactment:

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

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

24 "(b) Nothing in this section shall preclude a board from applying  
25 a specific statutory provision in the licensing act administered by the board that  
26 provides for discipline based upon a disciplinary action taken against the licensee  
27 by another state, an agency of the federal government, or another country."  
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27 <sup>1</sup>. As used herein, the term "Board" means the Medical Board of California. As used  
28 herein, "Division of Medical Quality" shall also be deemed to refer to the Board.



1 **FIRST CAUSE FOR DISCIPLINE**

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

3 4. On or about May 20, 2009, the Tennessee Board of Medical Examiners  
4 issued a Consent Order regarding respondent's license to practice medicine in Tennessee. The  
5 Consent Order contained factual findings that on March 10, 2009, respondent entered a guilty  
6 plea to a charge of reckless aggravated assault, a felony, relating to a road rage incident wherein  
7 respondent fired a gun striking another vehicle which contained some children. The Tennessee  
8 Board of Medical Examiners placed respondent's license on probation for three years, with terms  
9 and conditions including enrollment in and completion of the Living Centered Program  
10 recommended by the Vanderbilt Comprehensive Assessment Program; he must undergo  
11 psychotherapy and pay a civil penalty. A true and correct copy of the Consent Order issued by  
12 the Tennessee Board of Medical Examiners is attached hereto as Exhibit A.

13  
14 5. Respondent's conduct and the action of the Tennessee Board of Medical  
15 Examiners as set forth in paragraph 4, above, constitute unprofessional conduct within the  
16 meaning of section 2305 and conduct subject to discipline within the meaning of section 141(a).

17 **PRAYER**

18 **WHEREFORE**, the complainant requests that a hearing be held on the matters  
19 herein alleged, and that following the hearing, the Board issue a decision:

20 1. Revoking or suspending Physician's and Surgeon's Certificate Number  
21 A51631 heretofore issued to respondent Alex Abelardo Sarmiento Fider, M.D.;

22 2. Revoking, suspending or denying approval of the respondent's authority to  
23 supervise physician assistants;

24 3. Ordering respondent, if placed on probation, to pay the costs probation  
25 monitoring; and

26 4. Taking such other and further action as the Board deems necessary and  
27 proper.  
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DATED: November 2, 2009



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**BARBARA JOHNSTON**  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

Complainant

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# **Exhibit A**

STATE OF TENNESSEE  
DEPARTMENT OF HEALTH

IN THE MATTER OF:	)	BEFORE THE TENNESSEE BOARD
	)	OF MEDICAL EXAMINERS
ALEX A. S. FIDER, M.D.	)	
RESPONDENT	)	CASE NO: 2008019861
	)	
MURFREESBORO, TENNESSEE	)	
TENNESSEE LICENSE NO. 25776	)	

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CONSENT ORDER

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Comes now the Division of Health Related Boards of the Tennessee Department of Health (hereinafter the "Division"), by and through the Office of General Counsel, and Respondent Alex A. S. Fider, M.D. (hereinafter "Respondent"), who would respectfully move the Tennessee Board of Medical Examiners (hereinafter the "Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. See Tennessee Medical Practice Act, Tennessee Code Annotated Section (hereinafter "TENN. CODE ANN. §") 63-6-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining medical doctors who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the Official Compilation Rules and Regulations of the State of Tennessee (hereinafter "TENN. COMP. R. & REGS.").

Respondent Alex A. S. Fider, M.D., by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and/ or similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

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## I. STIPULATIONS OF FACT

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1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the State of Tennessee, having been granted Tennessee medical license number 25776 by the Board on July 28, 1994.
2. On or about March 10, 2008, Respondent entered a plea of guilty to a charge of Reckless Aggravated Assault (a Class D Felony) in the Criminal Court of Marion County,

Tennessee, related to a road rage incident wherein Respondent fired a gun striking another vehicle which contained some children. Pursuant to Respondent's plea of guilty, Respondent was approved for judicial diversion and placed on three (3) years probation.

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## II. GROUNDS FOR DISCIPLINE

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The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

3. The facts stipulated in paragraphs 1 through 3, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(1):

Unprofessional, dishonorable or unethical conduct.

4. The facts stipulated in paragraphs 1 through 3, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(10):

Conviction of a felony, conviction of any offense under state or federal drug laws, or conviction of any offense involving moral turpitude.

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## III. POLICY STATEMENT

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The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety and welfare of the citizens of the State of Tennessee.

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#### IV. ORDER

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**NOW THEREFORE**, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

5. The Tennessee medical license of Alex A. S. Fider, M.D., license number 25776; is hereby placed on **PROBATION** for a period of three (3) years, commencing the date of ratification of this Consent Order
6. Within twelve (12) months of the date of ratification of this Consent Order, Respondent shall enroll in and complete the Living Centered Program offered by Onsite Therapeutic Workshops, as recommended by the Vanderbilt Comprehensive Assessment Program. Respondent shall ensure that, upon completion, a report of his attendance, evaluation and prognosis be submitted by the program to Dr. Larry Arnold, Medical Director, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, TN 37243.
7. During the term of the probation required herein, Respondent shall submit to the therapeutic services of a treating psychologist or psychiatrist and shall ensure that quarterly reports of his progress are submitted to Dr. Larry Arnold, Medical Director, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, TN 37243.
8. Respondent shall pay one (1) Type A civil penalty in the amount of one-thousand dollars (\$1,000.00), representing a penalty for one violation of the Tennessee Medical Practice Act.

9. Respondent must pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the Official Compilation Rules and Regulations of the State of Tennessee, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be two thousand dollars (\$2,000.00).
10. Respondent understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency.

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#### V. NOTICE

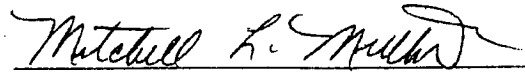
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11. Any and all civil penalties shall be paid in full within thirty (30) days upon ratification of this Consent Order by submitting a **certified check, cashier's check, or money order** payable to the **State of Tennessee**, which shall be mailed or delivered to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, Tennessee 37243**. A notation shall be placed on said check that it is payable for the civil penalties of Alex A. S. Fider, M.D.
12. Any and all costs shall be paid in full within thirty (30) days from the issuance of the Affidavit of Costs by submitting a **certified check, cashier's check, or money order** payable to the **State of Tennessee**, which shall be mailed or delivered to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 227 French Landing, Suite 300, Heritage Place Metro Center, Nashville,**

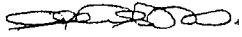


Tennessee 37243. A notation shall be placed on said check that it is payable for the costs of Alex A. S. Fider, M.D.

This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 20<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
Chairperson  
Tennessee Board of Medical Examiners

**APPROVED FOR ENTRY:**



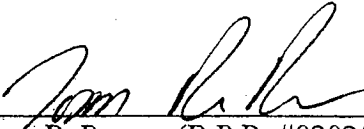
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Alex A. S. Fider, M.D.  
Respondent  
Tennessee License Number 25776  
2819 Black Stallion Court  
Murfreesboro, Tennessee 37130

4/22/09

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DATE



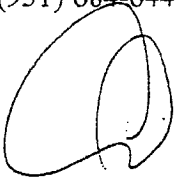
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Jason R. Reeves (B.P.R. #020256)  
117 S. Main Street  
P.O. Box 910  
Shelbyville, Tennessee 37160  
(931) 684-6444

4/21/09

---

DATE



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Andrea Huddleston (B.P.R. #016155)  
Assistant General Counsel  
Office of General Counsel  
Tennessee Department of Health  
Plaza 1, Suite 210  
220 Athens Way  
Nashville, Tennessee 37243  
(615) 741-1611

4-28-09

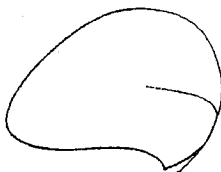
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DATE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Alex A.S. Fider, M.D., through Respondent's attorney, Jason R. Reeves, Esq., 117 S. Main Street, P.O. Box 910, Shelbyville, Tennessee 37160, by delivering same in the United States First Class Mail, Postage Pre-Paid, with sufficient postage thereon to reach its destination.

This the 20<sup>th</sup> day of May, 2009.



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Andrea Huddleston  
Assistant General Counsel  
Tennessee Department of Health