

STATE OF TENNESSEE
DEPARTMENT OF HEALTH

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD
)	OF MEDICAL EXAMINERS
ALEX ABELARDO SARMIENTO)	
FIDER, M.D.)	
RESPONDENT)	CASE NO: 2017003521
)	
MURFREESBORO, TENNESSEE)	
TENNESSEE LICENSE NO.: 25776)	

CONSENT ORDER

Come 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 Abelardo Sarmiento 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, 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.

I. STIPULATIONS OF FACT

- 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, which has a current expiration date of December 31, 2017.

- 2) Throughout 2016, Respondent, a psychiatrist, repeatedly saw five patients in a public place, namely a Hardee's restaurant, for their appointments.

II. GROUNDS FOR DISCIPLINE

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 paragraph two (2), *supra*, constitute a violation of
TENN. CODE ANN. § 63-6-214 (b) (1):

Unprofessional, dishonorable or unethical conduct

III. POLICY STATEMENT

The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety and welfare of people in the State of Tennessee and ensure that the public confidence in the integrity of the medical profession is preserved.

IV. ORDER

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

- 4) The Tennessee medical license of Alex Abelardo Sarmiento Fider, M.D., license number 25776, is hereby **REPRIMANDED** effective the date of entry of this Order.

- 5) Respondent shall pay five (5) "Type B" civil penalties, in the amount of two hundred fifty dollars (\$250.00) each, representing the five patients as outlined in paragraph two (2) of the Stipulations of Fact, *supra*; for a total amount of one thousand two hundred and fifty dollars (\$1,250.00). Any and all civil penalties shall be paid within thirty (30) days of the effective date of this Consent Order and shall be paid by certified check, cashier's check, or money order payable to the address listed below. A notation shall be placed on said check that it is payable for the civil penalty of Alex Abelardo Sarmiento Fider, Case No. 2017003521.
- 6) Respondent must pay, pursuant to TENN. CODE ANN. §§ 63-6-214 (k) and 63-1-144(a)(4), 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 Assessment of Costs prepared and filed by counsel for the Department. Said costs shall not exceed two thousand dollars (\$2,000.00).
- 7) Any and all costs shall be paid in full within sixty (60) days after the issuance of the Assessment of Costs unless Respondent makes arrangements for an extended payment plan for the assessed costs through the Disciplinary Coordinator of the Division of Health Related Boards. Payment shall be made by certified check, cashier's check, or money order, payable to the State of Tennessee, Department of Health. Any and all payments shall be forwarded to the **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, 2nd floor, Nashville, Tennessee 37243.** A notation shall be placed on said money order or such


check that it is payable for the costs of Alex Abelardo Sarmiento Fider, M.D., Case No. 2017003521.

- 8) Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB) and/or similar agency.


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 29 day of November, 2017.


 Chairperson
 Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:


 Alex Abelardo Sarmiento Fider, M.D.
 Respondent

11/20/17
 DATE

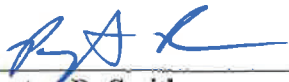

 Peyton B. Smith (B.P.R. #33550)
 Assistant General Counsel
 Tennessee Department of Health
 665 Mainstream Drive
 Nashville, Tennessee 37243
 (615) 741-1611

11/29/17
 DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Alex Abelardo Sarmiento Fider, M.D., 1276 St. Andrews Drive, Murfreesboro, Tennessee 37128 by delivering same in the United States Mail, Certified Number 7016 0600 0000 6507 0370, return receipt requested with sufficient postage thereon to reach its destination and via email at supremofider@aol.com.

This 30th day of November, 2017.



Peyton B. Smith
Assistant General Counsel