

LICENSE NO. D-9228

IN THE MATTER OF  
THE LICENSE OF  
CERVANDO MARTINEZ JR., M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER OF VOLUNTARY SURRENDER

On the 5 day of March, 2021, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Cervando Martinez Jr., M.D. (Respondent).

By Respondent's signature on this Order, Respondent waives the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to Section 164.004, Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code and Board Rule 187.18 and all rights pursuant to Section 2001.051 and 2001.054, Texas Government Code, including but not limited to, the right to notice and hearing. Instead, Respondent agrees to the entry of this Order to resolve matters addressed herein. Respondent was represented by Jon Porter. Johnathan Stone represented Board Staff.

FINDINGS

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. D-9228. Respondent was originally issued this license to practice medicine in Texas on June 14, 1972. Respondent is not licensed to practice in any other state.
3. Respondent is primarily engaged in the practice of Psychiatry. Respondent is

4. Respondent is 79 years of age.
5. A neuropsychological evaluation reported on April 6, 2020 found Respondent suffers from deficits in memory and recommended Respondent cease practicing.
6. Respondent voluntarily ceased practicing and retired from medicine on May 1, 2020.
7. Respondent was under investigation at the time of this Agreed Order for standard of care violations involving four patients. Respondent has retired from practice and has indicated his desire to voluntarily surrender his medical license. By Respondent's signature on this Agreed Order, Respondent requests that the voluntary surrender of his Texas License be accepted in lieu of further disciplinary proceedings and that the voluntary surrender of his Texas medical license be effective on the date of the entry of this Agreed Order.
8. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

#### CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.061 of the Act and 22 Tex. Admin. Code § 196.2 authorize the Board to accept the voluntary surrender of Respondent's Texas medical license.
3. This Order is based on Finding of Fact No. 5 and the specific authority of Section 164.051(a)(4)(D).
4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
5. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

#### ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that:

1. The voluntary t surrender of Respondent's Texas license should be, and is, accepted by the Board effective on the date this Order is signed by the President of the Board.

2. Respondent's Texas Medical License D-9228 is, therefore, canceled.

3. Respondent shall immediately cease practice in Texas. Respondent's practice after the date of entry of this Agreed Order shall constitute a violation of this Order, subjecting Respondent to disciplinary action by the Board or prosecution for practicing without a license in Texas.

4. By this voluntary and permanent surrender of Respondent's Texas medical license, Respondent resolves any complaints currently before the Board.


**RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.**

**THIS ORDER IS A PUBLIC RECORD.**

**[SIGNATURE PAGE(S) FOLLOW]**



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
5 day of March, 2021.

  
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Sherif Z. Zafran, M.D., President  
Texas Medical Board