

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

**IN RE: ALFREDO CERVANTES, M.D.**  
**License No.: 0101-056973**

**CONSENT ORDER**

By letter dated February 4, 2015, the Board of Medicine noticed Alfredo Cervantes, M.D., for a formal administrative hearing. In lieu of proceeding to a formal hearing, the Board and Dr. Cervantes, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting Dr. Cervantes' license to practice medicine and surgery in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Board adopts the following findings of fact and conclusions of law in this matter:

1. Dr. Cervantes was issued license number 0101-056973 by the Board to practice medicine and surgery in the Commonwealth of Virginia on December 31, 1997. Said license was summarily suspended by Order of the Board entered February 4, 2015.

2. Dr. Cervantes violated Section 54.1-2915.A(3), (12), (18), and (19) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 85-20-100.A and .B of the Board's General Regulations in that, despite having treated Patient A since 2009 for various mental health conditions, including anxiety, depression, panic disorder, bipolar disorder, and borderline personality disorder with multiple psychiatric hospitalizations and suicide attempts, Dr. Cervantes, a psychiatrist, engaged in an inappropriate romantic/sexual relationship with Patient A from approximately March 2012 to February 2014 concurrent with and by virtue of their practitioner-patient relationship, or otherwise engaged in conduct of a sexual nature that a reasonable patient would consider lewd and offensive during his practitioner-patient relationship with Patient A, as

evidenced by the following:

- a. Patient A reports that she and Dr. Cervantes engaged in a romantic relationship from approximately March 2012 to February 2014, meeting frequently (initially about once a week) at a motel in Lebanon, Virginia (“Motel X”), where she and Dr. Cervantes engaged in sexual relations. Patient A also reports that she and Dr. Cervantes engaged in sexual intercourse during one of her office appointments and, on one occasion, at his office after normal business hours.
- b. During their sexual encounters at Motel X, Patient A reports that Dr. Cervantes usually brought Crown Whiskey with him, which they both consumed. Patient A often drank to the point of intoxication during these encounters and left the motel to drive home visibly impaired, yet Dr. Cervantes did not warn her against driving in that state nor did he caution her about consuming alcohol concurrently with the medications he was prescribing her (i.e., alprazolam, Ambien, Zyprexa, Klonopin, Robaxin, Prozac, Risperdone, Abilify, Trazadone, Wellbutrin XL, and Tegretol).
- c. Records from Motel X from March 1, 2012 to February 28, 2014 reveal that Dr. Cervantes registered and checked in for single night stays on March 20, 2012, April 2, 2012, May 17, 2012, June 19, 2012, July 17, 2012, and January 17, 2014, and for multiple days from April 12 to 15, 2012. These records also indicate that Patient A registered and checked in at Motel X for single night stays on October 23, 2013, November 16, 2013, and December 13, 2013. Further, the general manager at Motel X reported to a Department of Health Professions’ (“DHP”) Investigator that she recalled observing Dr. Cervantes and Patient A

checking in for single night stays during this interim.

d. Patient A reports that she often met Dr. Cervantes at a restaurant for lunch or dinner; that, on multiple occasions after these lunches, she and Dr. Cervantes kissed or “made out” in the back of Dr. Cervantes’ car; that Dr. Cervantes co-signed and paid for a rental car for her; that she and Dr. Cervantes constantly texted and “sexted” each other and communicated online at night; that Dr. Cervantes told her he loved her; and that Dr. Cervantes gave her jewelry and shopping money.

e. Phone records for the period October 15, 2013 to February 28, 2014 indicate that Patient A sent over 2900 text messages to Dr. Cervantes and that Dr. Cervantes sent over 2500 text messages to Patient A during that four-month period. On numerous dates, texts between Dr. Cervantes and Patient A exceeded 60 to 100 messages. Moreover, these records indicate that Patient A texted Dr. Cervantes 23 times, and Dr. Cervantes texted Patient A five times on February 18, 2014, the date on which Patient A attempted suicide at Motel X by overdosing on her medications, based on her perception that Dr. Cervantes was ignoring her and/or trying to distance himself from their relationship.

f. Patient A reported that Dr. Cervantes took her to a spa in Abingdon, Virginia and paid for her treatment. Documentation obtained from this spa indicates that both Patient A and Dr. Cervantes had consecutive spa appointments on December 6, 2013.

g. On or about February 10, 2014, Dr. Cervantes entered into a car leasing agreement with a car dealership, signing as a “co-renter” with Patient A.

h. Patient A reports that, subsequent to her arrest for driving under the influence on or

about the night of March 10, 2012 (after an assignation with Dr. Cervantes), he engaged and paid for an attorney to represent her on these charges. Further, said attorney reported to a DHP Investigator that, at the time of this representation, his secretary informed him that Patient A was referred to his office by Dr. Cervantes, who stated he was Patient A's uncle.

i. By Dr. Cervantes' own admission, he met Patient A for lunch on several occasions, co-signed for her to rent a car (as described above), and engaged in inappropriate texting and online communications with Patient A.

3. Dr. Cervantes violated Section 54.1-2915.A(3) of the Code in his psychiatric care and treatment of Patient A from approximately 2009 until February 2014. Specifically:

a. From approximately July 2013 to February 2014, Dr. Cervantes prescribed 6mg of clonazepam (C-IV) per day to Patient A, an amount in excess of the maximum safe recommended daily dosage of 4mg per day.

b. Notwithstanding the fact that Dr. Cervantes was aware Patient A had made three suicide attempts, including two (on or about November 7, 2009 and June 17, 2010) by medication overdose with alcohol while he was her treating psychiatrist, Dr. Cervantes continued to prescribe Patient A multiple medications with high abuse potential through February 2014 (Lunesta, Xanax, Ambien, Restoril, and Klonopin, all C-IV controlled substances) without adequately monitoring and managing the patient's use thereof. For example, although the Patient Treatment Contract executed by Patient A on or about July 22, 2013 expressly provided for random urine screens and blood alcohol level testing, there is no evidence in the patient's record that any such screening/testing was ever performed or

ordered by Dr. Cervantes.

c. In his letter to the Board dated September 21, 2014, Dr. Cervantes stated that “[o]ver the years it was clear that she [Patient A] also met a diagnosis of ... alcohol dependence.” Despite this diagnosis, Dr. Cervantes failed to evaluate or treat Patient A for, or refer her for evaluation and treatment of, substance (alcohol) abuse (or document same), nor did he discontinue prescribing Patient A a multitude of psychotropic medications (including anxiolytics, anti-depressants, and anti-psychotics) that posed a potential danger when taken concurrently with alcohol.

4. Dr. Cervantes violated Sections 54.1-2915.A(3) and (18) of the Code, and 18 VAC 85-20-26.C of the Board’s General Regulations in that he prescribed medications to Individual B, his office manager, and Individual C, her adult daughter, on multiple occasions from approximately 2007 to November 2013 without maintaining a medical record for these individuals or establishing a bona-fide physician-patient relationship with either of them. Specifically:

a. Without performing or documenting physical examinations, past medical histories, complaints and symptoms, assessments, diagnoses, or treatment plans for Individuals B or C, Dr. Cervantes prescribed or gave them samples of several medications, most of which were Schedule VI controlled substances.

b. Instead of Dr. Cervantes maintaining and documenting a record with respect to Individuals B and C, with his knowledge, Individual B (an individual not licensed by any health profession agency) kept notes in a folder entitled “Nursing Notes” (found in Dr. Cervantes office separate from patient records) documenting the prescriptions authorized for

her and her daughter along with Individual B's impression of relevant symptoms and her diagnoses of conditions, such as numbness and paralysis of leg, face and neck; possible pneumonia; possible Bells Palsey or Ramsay Hunt Syndrome; depression; dizziness; and elevated blood pressure. In addition, Individual B informed a DHP Investigator that, on one occasion when she asked him to do so, Dr. Cervantes prescribed medication to Individual C for complaints of irritable bowel syndrome while she was away at college (although Individual B did not document this in her "Nursing Notes").

### CONSENT

I, Alfredo Cervantes, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Randall C. Eads, Esquire;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
  - a. the right to a formal hearing before the Board;
  - b. the right to appear in person or by counsel, or other qualified representative before the agency; and
  - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing;
5. I neither admit nor deny the truth of the above Findings of Fact and Conclusions of

Law contained herein and agree not to contest the Findings of Fact, Conclusions of Law or any sanction in any future judicial or administrative proceedings where the Board is a party; and

6. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

**ORDER**

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Dr. Cervantes' license to practice medicine and surgery in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

It is further ORDERED that Dr. Cervantes shall not petition the Board for reinstatement of his license to practice medicine in the Commonwealth of Virginia for twenty-four (24) months from entry of this Consent Order. Should Dr. Cervantes seek reinstatement of his license, he shall be noticed to appear before the Board, in accordance with the Administrative Process Act. As petitioner, Dr. Cervantes will have the burden of proving his competency and fitness to practice medicine in a safe manner.

Upon entry of this Consent Order, the license of Alfredo Cervantes, M.D., will be recorded as SUSPENDED and no longer current.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

For William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

6/8/15  
ENTERED

SEEN AND AGREED TO:

Alfredo Cervantes  
Alfredo Cervantes, M.D.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Washington, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 5<sup>th</sup> day of June, 2015, by Alfredo Cervantes, M.D.



Sabrina Andra Shortridge  
Notary Public

Registration Number: 7013140

My commission expires: Jan. 31, 2018