STATE OF IOWA
BEFORE THE BOARD OF PHYSICIAN ASSISTANTS

IN THE MATTER OF: David Hernandez, Applicant 4732 Sheridan Street Davenport, IA 52806	))))))	**CONSENT AGREEMENT AND ORDER**

The Iowa Board of Physician Assistants (Board) and David Hernandez (Applicant) enter into this Consent Agreement and Order (Agreement) pursuant to Iowa Code sections 17A.10(1) 147.3, 148C.3, 272C.3, and 645 Iowa Administrative Code rule 329.2.

1. Applicant applied for Iowa licensure by examination and meets the requirements for temporary licensure in Iowa.

2. Applicant answered "yes" to Question #10 of the application, which asked: *"Been convicted, found guilty of or entered a plea of guilty or no contest to a felony or misdemeanor crime (other than minor traffic violations with fines under $500)?"*

3. On or about April 3, 2006, the Applicant was found guilty of a DUI in the city of Oak Harbor Washington. He was required to comply with a chemical dependency assessment which he completed. He completed a substance abuse residential rehabilitation treatment program at the Jonathan M. Wainwright Memorial VA medial Center in Walla Walla, Washington. Recommendations were that he "remain involved in self help support group activities as well as regular substance abuse aftercare groups."

4. Upon approval of this Agreement by the Board, Applicant will be issued a physician assistant's temporary license subject to a twelve (12) month period of probation. The probationary period shall commence on the date the license is issued. During the probationary period, Applicant shall comply with the following terms:

a. Applicant shall fully comply with all relevant statutes and administrative rules in the course of his practice as a licensed physician assistant including compliance with all license renewal and continuing education requirements;

b. The applicant agrees to attend a minimum of two Alcoholics Anonymous meetings per week during the one year probation period and provide documentation of signed attendance at those meetings on a quarterly basis by April 1, 2009, July1, 2009, October 1, 2009 and January 1, 2010. The quarterly report shall indicate for each event the date of the meeting and a signature or initials of a person verifying attendance at the meeting. This can be done in the form of a log sheet listing with an accompanying letter indicating that the report is for the applicable quarterly report (ie. April, July, October, January).

c. Upon request of the Board, Applicant shall appear before the Board to report on the status of his practice as a physician assistant and to answer any questions or concerns the Board may have regarding his probation. The Board shall provide Applicant with reasonable notice of the date, time, and place for any requested appearance. Applicant agrees that any such appearance would be governed by 645 Iowa Administrative Code rule 9.7 and that he waives any and all objections to the members of the Board both participating in the appearance and later participating as decision makers in a contested case proceeding.

7. If the Applicant completes requirements for permanent licensure prior to the end of his probation period, the conditions of probation remain in effect until the end of the probation period.

8. Any failure by Applicant to comply with the terms and conditions of this Agreement shall subject Applicant to license disciplinary action which could be initiated by the Board through the filing of a statement of charges with a hearing to be held on the merits.

9. Upon full compliance with all terms and conditions of the probation prescribed by this Agreement, Applicant's license to practice as a physician assistant in the state of Iowa shall be restored to its full privilege free and clear of all probationary restrictions.

10. This Agreement is subject to approval by the Board. If the Board fails to approve this Agreement, it shall be of no force or effect on either party.

11. This Agreement is voluntarily submitted by Applicant to the Board for its

consideration.

12. This Agreement is a public record available for inspection and copying in accordance with Iowa Code section 272C.3(4).

13. This Agreement shall be part of the permanent record of Applicant and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

14. This Agreement shall not be binding as to any existing or new complaints received by the Board.

WHEREFORE, the terms of this Consent Agreement and Order are agreed to and accepted by the Iowa Board of Physician Assistants and Applicant.

This consent agreement and order is approved by the board on March 31, 2009.