

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Renato C. Mendoza, M.D.)	AGREEMENT
Complaint No. CR09-144)	

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the former temporary Maine medical license to practice as a physician in the State of Maine held by Renato C. Mendoza, M.D. The parties to the Consent Agreement are: Renato C. Mendoza, M.D. ("Dr. Mendoza"), the State of Maine Board of Licensure in Medicine ("the Board"), and the State of Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. At all times relevant to the complaint, Dr. Mendoza was an applicant or licensee of the Board.
2. On or about May 27, 2008, the Board received an application dated May 22, 2008, from Dr. Mendoza for a temporary Maine medical license. On that application, Dr. Mendoza executed an affidavit under oath and subject to penalties of perjury that all of his answers to questions of the application were "true and correct."

3. On the application for a temporary Maine medical license, Dr. Mendoza answered "No" to the question 6(2), which asked the following:

Have you EVER been notified of the existence of allegations involving you, filed with or by ANY licensing authority, which allegations remain open as of the date of this application?

4. On July 28, 2008, based upon Dr. Mendoza's representations on the application for a temporary medical license, the Board issued Dr. Mendoza a temporary Maine medical license. Dr. Mendoza's temporary Maine medical license was effective from July 28, 2008 to July 27, 2009.

5. On or about October 29, 2008, the Board received an application dated October 14, 2008, from Dr. Mendoza for a permanent medical license. On that application, Dr. Mendoza executed an affidavit under oath and subject to penalties of perjury that all of his answers to questions of the application were "true and correct."

6. Question 6(1) of the permanent medical license application, in relevant part, asked the following:

Have you EVER had ANY licensing authority... take any disciplinary action against the license issued to you in that jurisdiction, including but not limited to warning, reprimand, fine, suspension, revocation, restrictions in permitted practice, probation with or without monitoring?

Although Dr. Mendoza answered "yes" to question 6(1), the only explanation that he provided for this positive response was discipline imposed by the Board of Registration in Medicine of the Commonwealth of Massachusetts in 1987.

7. On the application for a permanent medical license, Dr. Mendoza also answered "No" to the question 6(2) of the temporary medical license application, which asked the following:

Have you EVER been notified of the existence of allegations involving you, filed with or by ANY licensing authority, which allegations remain open as of the date of this application?

8. The Board staff subsequently received information from the Commonwealth of Massachusetts Board of Registration in Medicine that:

a. On April 27, 2006, the Board had mailed Dr. Mendoza a letter notifying him of an open complaint investigation against his Massachusetts medical license regarding his medication prescribing practices, and directing him "to file a response to this complaint within 30 days." In addition, the information indicated that Dr. Dr. Mendoza signed the certified mail receipt on April 29, 2006; and

b. On or about September 26, 2008, Dr. Mendoza had signed a "Consent Order" with the Commonwealth of Massachusetts Board of Registration in Medicine for "Adjudicatory No. 2008-052" regarding his improper prescription of schedule II controlled substances. In the consent order, Dr. Mendoza admitted to findings of fact, including his issuing prescriptions for schedule II controlled drugs from March 2006 to July 2006, knowing that he did not possess a valid federal DEA license, and that "he was prohibited from writing prescriptions for Schedules II through V." In the consent order, Dr. Mendoza admitted that he violated the Board's regulations and accepted a "reprimand." This consent order was approved by the Commonwealth of Massachusetts Board of Registration in Medicine on December 17, 2008.

9. On April 14, 2009, the Board reviewed the foregoing information and, pursuant to 32 M.R.S. § 3282-A, voted to issue a complaint against Dr. Mendoza for alleged fraud or deceit in obtaining his temporary Maine medical

license and for alleged fraud or deceit in attempting to obtain a permanent Maine medical license. The Board docketed that complaint as CR09-144.

10. On June 30, 2009, the Board received a written response from Dr. Mendoza to complaint CR09-144. In his response, Dr. Mendoza admitted that he had been notified in April 2006 of the Massachusetts complaint regarding his issuance of prescriptions for controlled substances writing without possessing a valid federal DEA license. Dr. Mendoza asserted that in May 2007 he believed that the "Massachusetts Board's investigation was complete" and that he expected to receive a "reprimand." Dr. Mendoza asserted that he "mistakenly considered the matter to be closed because the investigation had been completed." According to Dr. Mendoza, he did not consider the matter to be "open" because he had "participated in the investigation process in Massachusetts and admitted [his] mistake." Dr. Mendoza apologized for his misinterpretation of the term "open" on his license applications.

11. On April 14, 2009, the Board reviewed complaint CR09-144, including Dr. Mendoza's response to the complaint, and voted to schedule complaint CR09-144 for an adjudicatory hearing. In addition, it authorized its legal counsel to negotiate a consent agreement with Dr. Mendoza in order to resolve complaint CR09-144 without an adjudicatory hearing.

12. This Consent Agreement has been negotiated by legal counsel for Dr. Mendoza and legal counsel for the Board in order to resolve this matter without an adjudicatory hearing. Absent Dr. Mendoza's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it

to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before September 18, 2009, the Board will resolve this matter by holding an adjudicatory hearing.

13. By signing this Consent Agreement, Dr. Mendoza waives any and all objections to, and hereby consents to allow the Board's legal counsel to present this proposed Consent Agreement to the Board for possible ratification. Dr. Mendoza also forever waives any arguments of bias or otherwise against any of the Board members in the event that the Board fails to ratify this proposed Consent Agreement.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Dr. Mendoza agrees to the following:

14. Dr. Mendoza neither admits nor denies the basis of complaint CR09-144. However, Dr. Mendoza concedes that the Board has evidence from which it could conclude by the preponderance of the evidence that the alleged conduct occurred and could constitute fraud or deceit in obtaining a license and/or attempting to obtain a license, and grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(A).

15. As discipline for complaint CR09-144, Dr. Mendoza agrees to:

a. Accept a REPRIMAND. Dr. Mendoza is hereby reprimanded for the conduct described in this Consent Agreement, and the negative impact of the conduct upon physicians and the practice of medicine.

- b. Pay a civil penalty of three thousand dollars (\$3,000.00).

Payment of the fine shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 0433-0137. Payment of the fine shall occur on or before September 18, 2009.

c. Withdraw his pending application for a permanent Maine medical license¹, effective the date of the execution² of this Consent Agreement, and never again apply for medical licensure in the State of Maine.

16. Dr. Mendoza waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Mendoza agrees that this Consent Agreement and Order is a final order resolving the complaint CR09-144. This Consent Agreement is not appealable and is effective until or unless modified or rescinded in writing by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General.

¹ The Board has not yet acted upon Dr. Mendoza's pending application for a permanent Maine medical license. The parties agree that, in the event the Board preliminarily denied Dr. Mendoza's pending application, he would be entitled to appeal that preliminary decision and request a hearing before the Board. The parties also agree that, at that hearing, the Board could grant or deny the application based upon the allegations in complaint CR09-144.

² For the purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

17. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. Mendoza or any other matter relating to this Consent Agreement.

18. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408. This Consent Agreement is reportable to the Federation of State Medical Boards (FSMB), the National Practitioner Data Bank (NPDB), and the Healthcare Integrity and Protection Data Bank (HIPDB).

19. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

20. The Board and Dr. Mendoza agree that no further agency or legal action will be initiated against him by the Board based upon complaint CR09-144, except or unless he fails to comply with the terms and conditions of this Consent Agreement.

21. Dr. Mendoza acknowledges that, pursuant to Title 10 M.R.S. § 8003(5)(B), his failure to comply with any of the terms or conditions of this Consent Agreement shall constitute grounds for additional disciplinary action against his Maine medical license, including but not limited to an order, after hearing, imposing additional fines and costs.

22. Dr. Mendoza acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this

Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

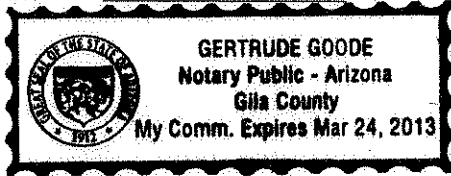
I, RENATO C. MENDOZA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: NOV. 2, 2009 Renato C. Mendoza
RENATO C. MENDOZA, M.D.

STATE OF Arizona
County of Gila, S.S.

Personally appeared before me the above-named Renato C. Mendoza, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 11/2/09 Gertrude Goode
NOTARY PUBLIC/ATTORNEY



MY COMMISSION ENDS:
03/24/2013

DATED: 11/16/2009 [Signature]
KENNETH L. LEHMAN, ESQ.
Attorney for Renato C. Mendoza, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 11/10/09

Sheridan R. Oldham, MD
SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED: 11/10/09

[Signature]
DENNIS E. SMITH
Assistant Attorney General

Effective Date: 11/10/09