

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **ALEXANDER VILLARES, M.D.**

4 Holder of License No. 32704  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona

Case No. MD-07-0374A

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND AND  
PROBATION**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board  
9 (“Board”) and Alexander Villares, M.D. (“Respondent”), the parties agreed to the following  
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the  
12 stipulated Findings of Fact, Conclusions of Law and Order (“Consent Agreement”).  
13 Respondent acknowledges that he has the right to consult with legal counsel regarding  
14 this matter.

15 2. By entering into this Consent Agreement, Respondent voluntarily  
16 relinquishes any rights to a hearing or judicial review in state or federal court on the  
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
18 Board, and waives any other cause of action related thereto or arising from said Consent  
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and  
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This  
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary  
24 action against Respondent.

25 5. This Consent Agreement does not constitute a dismissal or resolution of other  
matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other  
2 pending or future investigation, action or proceeding. The acceptance of this Consent  
3 Agreement does not preclude any other agency, subdivision or officer of this State from  
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject  
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this  
7 matter and any subsequent related administrative proceedings or civil litigation involving  
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
9 or made for any other use, such as in the context of another state or federal government  
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to  
13 the Board's Executive Director, Respondent may not revoke the acceptance of the  
14 Consent Agreement. Respondent may not make any modifications to the document. Any  
15 modifications to this original document are ineffective and void unless mutually approved  
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will  
21 be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

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11. Any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.



ALEXANDER VILLARES, M.D.

DATED: 5/7/08

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 32704 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-07-0374A after receiving notification  
7 from hospital that Respondent resigned from the medical staff due his care and treatment  
8 of a fifty-eight year-old female patient ("JD") and a sixty-two year-old male patient ("JS").

9 **PATIENT JD**

10 4. On March 6, 2007, JD was admitted by hospital staff with abdominal pain  
11 and vomiting. A surgical consultation was ordered with Respondent. Respondent made  
12 progress notes on March 7, 2007, March 8, 2007 and March 9, 2007, indicating he saw JD  
13 and examined her. Respondent's note on March 9, 2007 stated that an x-ray did not  
14 support small bowel obstruction. However, the computed tomography (CT) scan ordered  
15 by the hospitalist on March 8, 2007 revealed findings compatible with either an ileus or  
16 small bowel obstruction.

17 5. JD continued to complain of abdominal pain and was seen emergently by  
18 another surgeon who diagnosed her with small bowel obstruction. An emergency  
19 laparotomy was performed that revealed 4.5 feet of necrotic small intestine with  
20 perforation, severe hemorrhagic peritonitis and abscesses. JD recovered and was  
21 discharged on March 18, 2007.

22 6. During an investigational interview on September 13, 2007 with Board Staff,  
23 Respondent admitted that he never saw JD or examined her on March 7, 2007 even  
24 though he documented that he did in her medical record.  
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1 12. During an investigational interview with Board Staff, Respondent denied the  
2 consultation with the ER physician on February 2, 2007 regarding JS's condition.  
3 Respondent stated he was in the operating room all day and does not take calls while  
4 operating. Respondent maintained he was not aware of JS's diminished state until 11:30  
5 p.m. on that date when contacted by the hospitalist. Respondent stated the hospitalist told  
6 him that JS was not a surgical candidate and indicated he did not need to see him that  
7 night.

8 13. The standard of care requires prompt evaluation by a surgeon of a patient  
9 with small bowel obstruction.

10 14. Respondent deviated from the standard of care because he did not promptly  
11 see and evaluate JS.

12 15. Although it is unlikely JS's outcome would have been different JS may have  
13 survived had he been promptly evaluated and treated by Respondent.

14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter hereof and over  
16 Respondent.

17 2. The conduct and circumstances described above constitute unprofessional  
18 conduct pursuant to A.R.S. § 32-1401(27)(q) (“[a]ny conduct or practice that is or might be  
19 harmful or dangerous to the health of the patient or the public.”) and A.R.S. § 32-1401  
20 (27)(t) (“[k]nowingly making any false statement, written or oral, in connection with the  
21 practice of medicine or if applying for privileges or renewing an application for privileges at  
22 a healthcare institution.”).

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent is issued a Letter of Reprimand for failure to timely see two  
4 patients with small bowel obstructions and for documenting a physical examination that he  
5 did not perform.

6 2. Respondent is placed on probation for **five years** with the following terms  
7 and conditions:

8 A. Continuing Medical Education

9 Respondent shall within **one year** of the effective date of this Order obtain **20**  
10 **hours** of Board Staff pre-approved Category I Continuing Medical Education (CME) in  
11 **ethics**. Respondent shall provide Board Staff with satisfactory proof of attendance. The  
12 CME hours shall be in addition to the hours required for the biennial renewal of medical  
13 license. The probation shall terminate upon successful completion of the CME.

14 B. Chart Reviews

15 Board Staff or its agents shall conduct random chart reviews. Based upon  
16 the chart review, the Board retains jurisdiction to take additional disciplinary or remedial  
17 action.

18 C. Respondent shall obey all state, federal and local laws, all rules  
19 governing the practice of medicine in Arizona, and remain in full compliance with any court  
20 ordered criminal probation, payments and other orders.

21 D. In the event Respondent should leave Arizona to reside or practice  
22 outside the State or for any reason should Respondent stop practicing medicine in  
23 Arizona, Respondent shall notify the Executive Director in writing within ten days of  
24 departure and return or the dates of non-practice within Arizona. Non-practice is defined  
25 as any period of time exceeding thirty days during which Respondent is not engaging in

1 the practice of medicine. Periods of temporary or permanent residence or practice outside  
2 Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary  
3 period.

4 3. This Order is the final disposition of case number MD-07-0374A.

5 DATED AND EFFECTIVE this 5<sup>TH</sup> day of JUNE, 2008.

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7  
8 (SEAL)

ARIZONA MEDICAL BOARD

9  
10 By  \_\_\_\_\_

Lisa S. Wynn  
Executive Director

11 ORIGINAL of the foregoing filed  
12 this 5<sup>th</sup> day of June 2008 with:

13 Arizona Medical Board  
14 9545 E. Doubletree Ranch Road  
15 Scottsdale, AZ 85258

16 EXECUTED COPY of the foregoing mailed  
17 this 5<sup>th</sup> day of June 2008 to:

18 Alexander Villares, M.D.  
19 Address of Record

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25 Investigational Review