

HEARING CONDUCTED BY THE  
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS  
SOAH DOCKET NO. 503-20-2038.MD  
TEXAS MEDICAL LICENSE NO. C-5088

IN THE MATTER OF THE  
COMPLAINT AGAINST  
MANUEL HERNANDEZ, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

**DEFAULT ORDER**

During open meeting at Austin, Texas, the Texas Medical Board (“Board”) considered Board Staff’s request for Determination of Default and Issuance of Order of Default (“Motion”) against Manuel Hernandez, M.D. (“Respondent”).

**I. FINDINGS**

1. Respondent is a Texas physician and holds Texas Medical License No. C-5088, issued on August 20, 1955. Respondent was licensed to practice as a physician at all times material and relevant to this Order.
2. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN., Title 3, Subtitle B, the Medical Practice Act (“Act”).
3. Respondent received all notice that may be required by law and by the rules of the Board.
4. A Complaint was filed by the Board on December 14, 2019, with the State Office of Administrative Hearings (“SOAH”), alleging that Respondent violated the Act and was subject to disciplinary action by the Board.
5. On or about December 14, 2019, the Board served Respondent with a copy of the Complaint via United States Postal Service (USPS) by certified mail/return receipt requested at Respondent’s mailing address of record on file with the Board.
6. A hearing on the merits was set for March 9, 2020, at SOAH. Notice of that hearing was sent to the last known address for Respondent on February 14, 2020. That notice contained the following: **NOTICE: PURSUANT TO SOAH RULE §155.501, UPON**

**FAILURE TO APPEAR AT THE HEARING, THE FACTUAL ALLEGATIONS IN THE NOTICE AND COMPLAINT WILL BE DEEMED ADMITTED AS TRUE, AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.**

7. No answer or responsive pleading was ever filed by Respondent.
8. Respondent failed to appear at the hearing on March 9, 2020.
9. The court issued its Order No. One Conditional Order of Default Dismissal and Remand on March 12, 2020.
10. Pursuant to 22 TEX. ADMIN. CODE §187.27, the Board finds that this Determination of Default is meritorious, and satisfies all jurisdictional and legal requirements. The Board further finds that the issuance of a Default Order is warranted.

**II. CONCLUSIONS OF LAW**

Based on the above Findings, the Board concludes the following:

1. Violations of the Act: The actions of Respondent as specified in the Complaint violate one or more of the following provisions of the Act:
  - a. Section 164.051(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based upon his inability to practice medicine with reasonable skill and safety to patients because of (A) illness or (D) a mental or physical condition.
  - b. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public as provided by Section 164.053 of the Act, or injure the public; and as further defined by Board Rule 190.8(2)(B), failure to respond to a board request for information; and 190.8(2)(D), failure to cooperate with board staff.
2. Aggravating Factors: Board Rule 190.14 provides that the Board may impose more restrictive sanctions when there are multiple violations of the Act. Board Rule 190.15 provides that the Board may consider aggravating factors that warrant more severe or restrictive disciplinary action. This case includes the aggravating factor of: increased potential for harm to the public and other relevant circumstances increasing the seriousness of the misconduct.

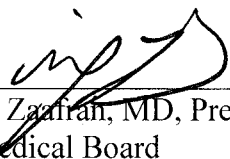
**III. ORDER**

IT IS THEREFORE the Board's finding, having reviewed the administrative record, that this Determination of Default is meritorious.

Based on the above finding that Determination of Default is meritorious, the Board ORDERS that:

1. All allegations set forth in the Complaint filed in SOAH No. 503-20-2038.MD are deemed true.
2. Respondent's Texas Physician License No. C-5088 is hereby REVOKED.

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 12 day of June, 2020.

  
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Sherif Z. Zafran, MD, President  
Texas Medical Board