COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Board of Registration in Medicine

Adjudicatory Case No. 2019-051

)

In the Matter of )

)

FERNANDO J. CHECO, M.D. )

)

)

**STIPULATION**

Fernando J. Checo, M.D. (Respondent), counsel for the Respondent, and Complaint Counsel agree that this stipulation shall be filed with the Administrative Magistrate for the Division of Administrative Law Appeals (DALA) as a resolution of questions of material fact and law as set forth by the Statement of Allegations in the above-captioned matter. Execution of this stipulation does not constitute an admission or denial of any allegations set forth in the Statement of Allegations. The Respondent admits to the Stipulated Facts described below and agrees that the Administrative Magistrate and the Board of Registration in Medicine (Board) may make the Conclusions of Law as set forth below.

**BACKGROUND**

1. The Respondent was born on July 12, 1975. He is a 2006 graduate of the Meharry Medical College. He obtained a license to practice medicine in Massachusetts on January 19, 2011 under certificate number 246433, but that license lapsed on July 12, 2013 due to his failure to renew it. He is Board-certified in Orthopedic Surgery. The Respondent also holds a license to practice medicine in the State of New York.

**STIPULATED FACTS**

2. On or about September 15, 2017, the Respondent pleaded guilty in New York state court to the crime of Driving While Intoxicated. The New York court ordered that he pay a $500 fine and assessed charges of $395.

3. The State of New York: Department of Health State Board for Professional Medical Conduct (New York Board) censured and reprimanded the Respondent’s license to practice medicine as a result of his conviction for Driving While Intoxicated.

4. A copy of the Consent Order that the Respondent signed is attached hereto and incorporated herein by reference as Attachment 1.

**CONCLUSIONS OF LAW**

A. The Respondent has violated G.L. c. 112, §5, tenth par. (g) because he has been convicted of a criminal offense which reasonably calls into question his ability to practice medicine.

B. The Respondent has violated 243 CMR 1.03(5)(a)7 because he has been convicted of a crime.

C. The Respondent has violated 243 CMR 1.03(5)(a)12 because he has been disciplined in another jurisdiction by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, § 5 or 243 C.M.R. 1.03(5).

D. The Respondent has engaged in conduct that places his moral character into question and undermines the public confidence in the integrity of the medical profession. See Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979); Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982).

**SANCTIONS**

The Respondent, the Respondent’s attorney, and Complaint Counsel expressly acknowledge that the Board may impose sanctions against the Respondent based on the above Stipulated Facts and Conclusions of Law. The Respondent, the Respondent’s attorney, and Complaint Counsel jointly agree to recommend to the Board that it impose the sanction set forth below. It is understood that this recommendation for sanctions is not binding on the Board, and that the Board may wish to seek an alternative resolution.

If the Board decides against accepting this recommendation, the Respondent will be given the opportunity to proceed to a hearing on the merits in accordance with the adjudicatory process as provided in General Laws chapter 30A and 801 CMR 1.00 et seq.

The undersigned recommend the following:

The Respondent’s inchoate right to renew his license to practice medicine in the Commonwealth of Massachusetts is hereby Reprimanded.

**EXECUTION OF THIS STIPULATION**

It is agreed that the approval of this Stipulation is left to the discretion of the Administrative Magistrate and the Board. As to any matter this Stipulation leaves to the discretion of the Administrative Magistrate or the Board, neither the Respondent, nor anyone else acting on his behalf has received any promises or representations regarding the same.

The signature of the Respondent, his attorney, and Complaint Counsel are expressly conditioned on the Administrative Magistrate and the Board accepting this Stipulation.

If the Administrative Magistrate rejects any provision contained in this Stipulation, the entire document shall be null and void and the matter will be scheduled for a hearing pursuant to General Laws c. 30A and 801 CMR 1.00 et seq.

If the Board rejects any provision in this Stipulation, the entire document shall be null and void and the matter will be recommitted to DALA for a hearing pursuant to General Laws c. 30A and 801 CMR 1.00 et seq.

Neither of the parties nor anyone else may rely on the Stipulation in these proceedings or in any appeal therefrom.

Signed by Fernando J. Checo, M.D. 3/29/2021

Fernando J. Checo, M.D. Date

Respondent

/s/ Curtis B. Dooling March 29, 2021

Curtis B. Dooling, Esq. Date

Attorney for Respondent

/e/ Stephen C. Hoctor\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ March 16, 2021\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Stephen C. Hoctor, Esq. Date

Complaint Counsel

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at <https://www.fsmb.org/contact-a-state-medica-board/>. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at <https://www.mass.gov/board-of-registration-in-medicine-public-records>.