

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)
)
PRAXEDES E. ALVAREZ SANTIAGO, M.D.,)
 an individual;)
DANIEL PÉREZ BRISEBOIS, M.D.,)
 an individual;)
JORGE GRILLASCA PALOU, M.D.,)
 an individual;)
RAFAEL GARCIA NIEVES, M.D.,) File No. 121-0098
 an individual;)
FRANCIS M. VÁZQUEZ ROURA, M.D.,)
 an individual;)
ANGEL B. RIVERA SANTOS, M.D.,)
 an individual;)
COSME D. SANTOS TORRES, M.D.)
 an individual;)
and)
JUAN L. VILARÓ CHARDÓN, M.D.,)
 an individual.)
)

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of Praxedes E. Alvarez Santiago, M.D., Daniel Pérez Brisebois, M.D., Jorge Grillasca Palou, M.D., Rafael Garcia Nieves, M.D., Francis M. Vázquez Roura, M.D., Angel B. Rivera Santos, M.D., Cosme D. Santos Torres, M.D., and Juan L. Vilaró Chardón, M.D., hereinafter sometimes referred to as “Proposed Respondents,” and it now appearing that Proposed Respondents are willing to enter into an Agreement Containing Consent Order to Cease and Desist (“Consent Agreement”) from certain acts and practices, and providing for other relief,

IT IS HEREBY AGREED by and between Proposed Respondents and their attorney, and counsel for the Commission that:

1. Proposed Respondent Praxedes E. Alvarez Santiago, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 2916 Avenue Emilio Fagot, Suite 1, Ponce, Puerto Rico 00716-3611.

2. Proposed Respondent Daniel Pérez Brissebois, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 3011 Avenue Emilio Fagot, Ponce, Puerto Rico 00716.
3. Proposed Respondent Jorge Grillasca Palou, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 302 Torre San Cristobal, Coto Laurel, Puerto Rico 00780.
4. Proposed Respondent Rafael Garcia Nieves, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 909 Avenue Tito Castro, Torre Medica San Lucas, Suite 723, Ponce, Puerto Rico 00716.
5. Respondent Francis M. Vázquez Roura, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 1203 Avenue Muñoz Rivero, Ponce, Puerto Rico 00717-0634.
6. Proposed Respondent Angel B. Rivera Santos, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of Caribbean Medical Centre, Suite 202-2275, Ponce By-Pass, Ponce, Puerto Rico 00731.
7. Proposed Respondent Cosme D. Santos Torres, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of 3011 Avenue Emilio Fagot, Ponce, Puerto Rico 00716.
8. Respondent Juan L. Vilaró Chardón, M.D., is an individual licensed to practice medicine in the Commonwealth of Puerto Rico and engaged in the business of providing nephrology services to patients for a fee with a business address of Mansiones del Sur, 49 Calle Vigía, Cotto Laurel, Puerto Rico 00780-2085. Proposed Respondents admit all the jurisdictional facts set forth in the draft Complaint here attached.
9. Proposed Respondents waive:
 - a. any further procedural steps;
 - b. the requirement that the Commission's Decision and Order, attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;
 - c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order entered pursuant to this Consent Agreement; and

- d. any claim under the Equal Access to Justice Act.
- 10. Not later than thirty (30) days after the date this Consent Agreement is signed by the Proposed Respondents, each Proposed Respondent shall submit an initial report, pursuant to Section 2.33 of the Commission's Rules, 16 C.F.R. § 2.33. Each Proposed Respondent shall also submit subsequent reports every thirty (30) days thereafter until the Decision and Order becomes final and effective, at which time the reporting obligations contained in the Decision and Order (other than the requirement to submit an initial report pursuant to this Consent Agreement) shall control. Such reports shall be signed by the Proposed Respondent and set forth in detail the manner in which the Proposed Respondent has complied and will comply with the Decision and Order. Such reports will not become part of the public record unless and until the Consent Agreement and Decision and Order are accepted by the Commission for public comment.
- 11. In each report described in Paragraph 10, each Proposed Respondent shall provide sufficient information and documentation to enable the Commission to determine independently whether the Proposed Respondent is in compliance with this Consent Agreement and the Decision and Order. All reports shall be verified by a notarized signature or sworn statement of the Proposed Respondent or self verified in the manner set forth in 28 U.S.C. §1746. Section 2.41(a) of the Commission's Rules of Practice requires that an original and two (2) copies of all compliance reports be filed with the Commission. Each Proposed Respondent shall file an original report and one (1) copy with the Secretary of the Commission, and shall send at least one (1) copy directly to the Bureau of Competition's Compliance Division.
- 12. This Consent Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission it, together with the draft Complaint contemplated thereby, will be placed on the public record for a period of thirty (30) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and so notify the Proposed Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and Decision and Order, in disposition of the proceeding.
- 13. This Consent Agreement is for settlement purposes only and does not constitute an admission by the Proposed Respondents that the law has been violated as alleged in the draft Complaint here attached, or that the facts as alleged in the draft Complaint, other than jurisdictional facts, are true.
- 14. This Consent Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission may, without further notice to the Proposed Respondents, (1) issue and serve its Complaint

corresponding in form and substance with the draft Complaint here attached and the Decision and Order in disposition of the proceeding; and (2) make information public with respect thereto. When so entered, the Decision and Order shall have the same force and effect, and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The Decision and Order shall become final upon service. Delivery of the Complaint and the Decision and Order to the Proposed Respondents by any means provided in Commission Rule 4.4(a), 16 C.F.R. § 4.4(a) – including, but not limited to, delivery to an office within the United States of Carlos A. Del Valle Cruz, Esq.; or of any other lawyer or law firm listed as Counsel for the Proposed Respondents on this Consent Agreement – shall constitute service as to the Proposed Respondents. Proposed Respondents waive any right they may have to any other manner of service.

15. The Complaint may be used in construing the terms of the Decision and Order, and no agreement, understanding, representation, or interpretation not contained in the Decision and Order or the Consent Agreement may be used to vary or contradict the terms of the Decision and Order.
16. By signing this Consent Agreement, each Proposed Respondent represents that the Proposed Respondent can accomplish the full relief contemplated by this Consent Agreement.
17. Each Proposed Respondent has read the draft Complaint and the Decision and Order contemplated hereby.
18. Each Proposed Respondent agrees to comply with the terms of the proposed Decision and Order from the date the Proposed Respondent signs this Consent Agreement. Each Proposed Respondent further understands that the Proposed Respondent may be liable for civil penalties in the amount provided by law for each violation of the Decision and Order after it becomes final and effective.

PROPOSED RESPONDENTS

Praxedes E. Alvarez, M.D.
Date: _____

Daniel Pérez Brisebois, M.D.
Date: _____

Jorge E. Grillasca Palou, M.D.
Date: _____

Rafael Garcia Nieves, M.D.
Date: _____

Francis M. Vázquez Roura, M.D.
Date: _____

Cosme D. Santos Torres, M.D.
Date: _____

Angel B. Rivera Santos, M.D.
Date: _____

Juan L. Vilaró Chardón, M.D.
Date: _____

Carlos A. Del Valle Cruz, Esq.
Counsel for Respondents
Date: _____

FEDERAL TRADE COMMISSION

By: _____
Garry R. Gibbs
Linda Blumenreich
Melea E. Greenfeld
Timothy Slattery
Attorneys
Health Care Division

APPROVED

By: _____
Saralisa Brau
Deputy Assistant Director
Health Care Division

Richard A. Feinstein
Director
Bureau of Competition