

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **MARTIN S. CHATTMAN, M.D.**

4 License No. 7618
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-08-0787A

**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 Martin S. Chattman, M.D. ("Respondent"), the parties agree 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

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

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

5 12. Respondent has read and understands the conditions of probation.

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8 MARTIN S. CHATTMAN, M.D.

DATED: 5-6-04

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2 **FINDINGS OF FACT**

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

5 2. Respondent is the holder of license number 7618 for the practice of
6 allopathic medicine in the State of Arizona.

7 3. The Board initiated case number MD-08-0787A after receiving a complaint
8 regarding Respondent's care and treatment of a forty-four year-old male patient ("TW").

9 4. From January 2005 through July 2008, Respondent treated TW, who
10 reestablished care with Respondent after a 15-year hiatus, for chronic pain. Respondent
11 documented in TW's record numerous complaints of chronic pain, a diagnosis of Hepatitis
12 C, neurologic impairments, and several injuries from motor vehicle accidents. During that
13 time, Respondent prescribed escalating dosages and quantities of Xanax and Soma with
14 multiple early refills without the appropriate documentation. Additionally, over a two-year
15 period, Respondent prescribed excessive dosages of Tramadol with multiple early refills,
16 in combination with central nervous system (CNS) depressants without the appropriate
17 documentation.

18 5. In 2005, 2007 and 2008, Respondent wrote letters to the FAA stating that
19 TW, a commercial pilot, was in good health and treated for only minor problems. However,
20 as noted above, Respondent documented in TW's record numerous complaints of chronic
21 pain, a diagnosis of Hepatitis C, and several injuries from motor vehicle accidents.

22 6. During the Board's investigation, Board Staff obtained pharmacy surveys that
23 identified eighteen other physicians who simultaneously prescribed similar medications to
24 TW from January 2006 through July 2008. Additionally, the complainant notified Board
25 Staff that Respondent had provided a copy of his notice letter and the complaint to a family

1 member. In response to the investigation, Respondent stated that he shared the complaint
2 to determine whether TW received medications from other providers.

3 7. Respondent referred TW for diagnostic studies and physical therapy, and to
4 specialists in orthopedics, pain management, gastroenterology, and neurology. However,
5 TW did not follow-up with multiple recommendations from Respondent for additional
6 diagnostic studies and pain management.

7 8. In response to the Board's investigation, Respondent indicated that he no
8 longer treats patients requiring opiates long term and chronic pain patients in his private
9 and urgent care practice.

10 9. Respondent represents that he has enrolled in and prepaid for the July 13 -
11 15, 2009 Physician Assessment and Clinical Education Program prescribing course. This
12 course includes modules on pain medications, how they interact, the requirements for
13 prescribing of scheduled drugs, compliance, monitoring, documentation, and treating
14 difficult patients.

15 10. The standard of care requires a physician who is prescribing opioids, muscle
16 relaxants, benzodiazepines, sedative hypnotics, and CNS stimulants to identify diagnosis
17 for the medication; to follow the recommended ceiling dosages of Ultram to avoid known
18 toxicity of excessive dosages; to write prescription quantities and allowed refills that are
19 appropriate for the clinical situation; and to closely monitor for, recognize and follow up on
20 problems suggestive of noncompliance and/or aberrant drug seeking.

21 11. Respondent deviated from the standard of care because he did not identify a
22 diagnosis for the medications he prescribed; he did not follow the recommended ceiling
23 dosages for prescribing and refilling Tramadol products for TW because he exceeded the
24 maximum daily dosages; he did not write prescription quantities and refills that were
25

1 appropriate for TW; and he did not recognize or act upon multiple red flags suggestive of
2 possible substance abuse, addiction and/or diversion.

3 12. Respondents' prescribing perpetuated TW's drug addiction and/or diversion
4 and there was potential for overdose, aspiration, serotonin syndrome, coma, CNS and
5 respiratory depression, seizures, hepatic failure or death due to multiple high dose CNS
6 depressants. There was also a danger to the public for providing false reports to the FAA
7 regarding TW's medical condition as it related to flying commercial aircraft.

8 CONCLUSIONS OF LAW

9 1. The Board possesses jurisdiction over the subject matter hereof and over
10 Respondent.

11 2. The conduct and circumstances described above constitute unprofessional
12 conduct pursuant to A.R.S. § 32-1401(27)(a) (“{v}iolating any federal or state laws or rules
13 and regulations applicable to the practice of medicine.”). The corresponding statute
14 violated by Respondent is A.R.S. § 32-1451.01(C) ([p]atient records, including clinical
15 records, medical reports, laboratory statements and reports, any file, film, other report or
16 oral statement relating to diagnostic findings or treatment of patients, any information from
17 which a patient or the patient's family might be identified or any information received and
18 records or reports kept by the board as a result of the investigation procedure outlined in
19 this chapter are not available to the public.”). Additionally, the conduct and circumstances
20 described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e)
21 (“[f]ailing or refusing to maintain adequate records on a patient.”) and A.R.S. § 32-
22 1401(27)(q) (“[a]ny conduct that is or might be harmful or dangerous to the health of the
23 patient or the public.”).

24 ORDER

25 IT IS HEREBY ORDERED THAT:

1 1. Respondent is issued a Letter of Reprimand.

2 2. Respondent is placed on probation for **one year** with the following terms and
3 conditions:

4 a. Chart Reviews

5 Board Staff or its agents shall conduct periodic chart reviews. Based upon
6 the chart review, the Board retains jurisdiction to take additional disciplinary or remedial
7 action.

8 b. Respondent maintains that he will complete the July 13 - 15, 2009
9 prescribing course given by the Physician Assessment and Clinical Education Program
10 and that he will provide Board Staff with a certificate of satisfactory completion within six
11 months of completion.

12 c. Respondent shall not act as a supervising physician for a physician
13 assistant while his probation is in effect. A.R.S. § 32-2533(E)(2) (“[i]n order to act as a
14 supervising physician or a supervising physician's agent, a physician shall: hold a license
15 pursuant to chapter 13 or 17 of this title and not hold a license under probation, restriction
16 or suspension unrelated to rehabilitation.”).

17 d. Obey All Laws

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

21 e. Tolling

22 In the event Respondent should leave Arizona to reside or practice outside
23 the State or for any reason should Respondent stop practicing medicine in Arizona,
24 Respondent shall notify the Executive Director in writing within ten days of departure and
25 return or the dates of non-practice within Arizona. Non-practice is defined as any period of

1 time exceeding thirty days during which Respondent is not engaging in the practice of
2 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
3 non-practice within Arizona, will not apply to the reduction of the probationary period.

4 3. This Order is the final disposition of case number MD-08-0787A.

5 DATED AND EFFECTIVE this 4th day of June, 2009.



6 ARIZONA MEDICAL BOARD

7
8 By Amade Bell
9 Lisa S. Wynn
10 Executive Director

11 ORIGINAL of the foregoing filed
this 4th day of June, 2009 with:

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

15 EXECUTED COPY of the foregoing mailed
this 4th day of June, 2009 to:

16 Paul Giancola
17 Snell & Wilmer
18 400 E. Van Buren
19 Phoenix, Arizona 85004-2202

20 EXECUTED COPY of the foregoing mailed
this 4th day of June, 2009 to:

21 Martin S. Chattman, M.D.
22 Address of Record

23 Korinda Corley
24 Investigational Review
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