

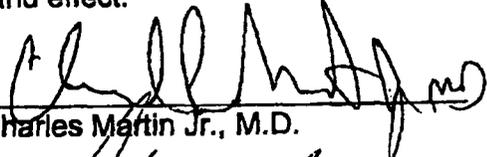


1 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
2 or made for any other use, such as in the context of another state or federal government  
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
4 any other state or federal court.

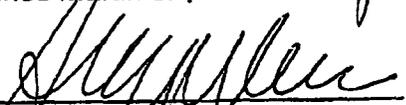
5 5. Respondent acknowledges and agrees that, although the Consent  
6 Agreement has not yet been accepted by the Board and issued by the Executive Director,  
7 upon signing this agreement, and returning this document (or a copy thereof) to the  
8 Board's Executive Director, Respondent may not revoke his acceptance of the Consent  
9 Agreement and Order. Respondent may not make any modifications to the document.  
10 Any modifications to this original document are ineffective and void unless mutually  
11 approved by the parties.

12 6. Respondent further understands that this Consent Agreement and Order,  
13 once approved and signed, shall constitute a public record document that may be publicly  
14 disseminated as a formal action of the Board.

15 7. If any part of the Consent Agreement and Order is later declared void or  
16 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force  
17 and effect.

18   
19 Charles Martin Jr., M.D.

Reviewed and accepted this 3rd  
day of October, 2001.

20   
21 Stephen Myers, Attorney at Law  
22 (Counsel For Dr. Charles Martin Jr.)

Reviewed and approved as to  
form this 3rd day of October 2001.

23  
24  
25

**FINDINGS OF FACT**

1  
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 23086 for the practice of  
5 allopathic medicine in the State of Arizona.

6           3.     The Board initiated case number MD-00-0335 upon receiving information on  
7 July 28, 2000, from an anonymous source alleging that Respondent fraudulently  
8 prescribed controlled substances for office staff and instructed staff to return the filled  
9 prescriptions to him for personal use. The complainant further alleged that Respondent  
10 also prescribed controlled substances to a personal friend, who in turn gave the filled  
11 prescriptions to Respondent for personal use.

12          4.     On August 28, 2000, a Drug Enforcement Administration Agent informed the  
13 Board that an Osco Drug Store near Respondent's office filled a prescription for Vicodin  
14 5/500 #30 and the prescription was made out to Respondent for office use.

15          5.     On March 9, 2001, the Board received a Chandler Police Report stating that  
16 Respondent prescribed controlled substances to a 22 year-old male he met at a pawn  
17 shop, who would in turn give the medication to Respondent. The report indicated that  
18 from June 14, 2000, to October 28, 2000, Respondent obtained approximately 819 pills,  
19 which included Vicodin, Lortab, Hydrocodone, and Acetaminophen/Codeine #4.

20          6.     During an investigational interview on March 30, 2001, Respondent admitted  
21 that he prescribed medications to the 22 year-old male and obtained the medication for  
22 himself to treat pain associated with a foot surgery. Respondent also admitted that he  
23 diverted Vicodin, prescribed for office use, for his personal use.

24  
25



1 violation of this order.

2 4. This Order is the final disposition of case number MD-00-0335.

3 5. Respondent is placed on probation for 5 years with the following terms and  
4 conditions.

5 a. Respondent shall practice medicine in either a solo practice or a  
6 group setting not to exceed more than 40 hours per week of patient contact. *"Patient*  
7 *contact"* means "contact between the respondent and a patient, including contact in an  
8 office visit, hospital visit, or telephone conference."

9 (1) If Respondent returns to solo practice, he shall submit notarized  
10 quarterly reports to the Board affirming that respondent has complied with the above  
11 condition. The reports shall be submitted on or before the 15<sup>th</sup> day of March, June,  
12 September and December of each year. Additionally, Respondent shall not prescribe,  
13 dispense, or possess any Schedule II, III, IV drugs. Respondent shall also obtain the  
14 services of a Board staff pre-approved Office Practice Management Consultant to conduct  
15 an evaluation of his office and record keeping practices within six months of the effective  
16 date of this Order. Respondent shall authorize the Office Practice Management  
17 Consultant to forward a copy of their evaluation with their findings and recommendation to  
18 the Board. Respondent shall provide the Office Practice Management Consultant with a  
19 copy of this order. Based upon the office review, the Board retains jurisdiction to take  
20 additional disciplinary or remedial action. After 12 months from the effective date of this  
21 Order, Respondent may submit a written request to the Executive Director requesting that  
22 the Board terminate the prescribing restriction and/or the restriction on the number of  
23 hours per week of patient contact and/or continuation of the requirement of an office  
24 practice management consultant. The Executive Director is authorized to grant or deny  
25 such request. In the event that one or more of such requests are denied by the Executive

1 Director, then the Executive Director shall in good faith place the denied requests as  
2 reasonably soon as possible on the Board's agenda.

3 (2) If Respondent practices in a group setting, Respondent shall instruct  
4 his group setting supervisor to submit quarterly written reports to the Board regarding the  
5 performance and compliance with the group setting practice requirement. The supervisor  
6 shall be pre-approved by Board staff. The reports shall be submitted on or before the 15<sup>th</sup>  
7 day of March, June, September and December of each year. For the purposes of this  
8 Order, the term "group setting" indicates that more than one licensed medical doctor is  
9 physically present on site at any one time. Additionally, Respondent shall not prescribe,  
10 dispense, or possess any Schedule II or III drugs. After 12 months, Respondent may  
11 submit a written request to the Executive Director requesting that the Board terminate the  
12 prescribing restriction.

13 b. If recommended by a Board contract addictionist, Respondent will  
14 submit to the administration of Naltrexone.

15 c. Respondent shall promptly enroll and participate in and comply with  
16 the Monitored Aftercare Program for the treatment and rehabilitation of physicians who are  
17 impaired by alcohol or drug abuse. The terms and conditions are as follows:

18 **TERMS:**

19 1. **Participation.** Respondent shall promptly enroll in and participate in the  
20 Board's confidential substance abuse treatment and rehabilitation program (the  
21 "program"). As part of the participation in the program, the Respondent shall cooperate  
22 with Board staff and contracting program supervisors. Respondent shall remain in the  
23 program for a period of five years from the effective date of the Order.

24 2. **Group Therapy.** Respondent shall attend the program's group therapy  
25 sessions one time per week for the duration of this Order, unless excused by the group

1 therapist for good cause such as illness or vacation. Respondent shall instruct the  
2 program group therapist to release to the Board, upon its request, all records relating to  
3 his treatment, and to submit monthly reports to the Board regarding attendance and  
4 progress. The reports shall be submitted on or before the 10th day of each month.

5           3.    **12 Step or Self-Help Group Meetings**

6           A.    Respondent shall attend ninety (90) 12-step meetings or other self-  
7 help group meetings appropriate for substance abuse and approved by the Board, for a  
8 period of ninety (90) days beginning not later than either (a) the first day following his  
9 discharge from chemical dependency treatment or (b) the effective date of this Order.

10           B.    Following completion of the ninety (90) meetings in ninety (90) days,  
11 Respondent shall participate in a 12-step recovery program or other self-help program  
12 appropriate for substance abuse as recommended by the group therapist and approved by  
13 the Board. Respondent shall attend a minimum of three (3) 12-step or other self-help  
14 program meetings per week.  
15

16           4.    **Board-Approved Primary Care Physician**

17           A.    Respondent shall promptly obtain a primary care physician and shall  
18 submit the name of the physician to Board staff in writing for approval.

19           B.    The Board-approved primary care physician shall be in charge of  
20 providing and coordinating Respondent's medical care and treatment. Except in an  
21 *Emergency*, Respondent shall obtain his medical care and treatment only from the Board-  
22 approved primary care physician and from health care providers to whom the Board-  
23 approved primary care physician refers Respondent from time to time. Respondent shall  
24 request that the Board-approved primary care physician document all referrals in the  
25 medical record.

          C.    Respondent shall promptly inform the Board-approved primary care

1 physician of his rehabilitation efforts and provide a copy of this Consent Agreement to that  
2 physician. Respondent shall also inform all other health care providers who provide  
3 medical care or treatment that he is participating in the Board's rehabilitation program.

4           **5. Medication**

5           A.       Except in an *Emergency*, Respondent shall take no *Medication* unless  
6 the *Medication* is prescribed by his Board-approved primary care physician or other health  
7 care provider to whom the Board-approved primary care physician makes referral.  
8 Respondent shall not self-prescribe any *Medication*.

9           B.       If a controlled substance is prescribed, dispensed, or is administered  
10 to Respondent by any person other than the Board-approved primary care physician,  
11 Respondent shall notify the Board-approved primary care physician in writing within 48  
12 hours. The notification shall contain all information required for the medication log entry  
13 specified below. Respondent shall request that the notification be made a part of the  
14 medical record.

15           **6. Medication Log**

16           A.       Respondent shall maintain a current legible log of all *Medication* taken  
17 by or administered to Respondent, and shall make the log available to the Board and its  
18 staff upon request. For *Medication* (other than controlled substances) taken on an on-  
19 going basis, Respondent may comply with this paragraph by logging the first and last  
20 administration of the *Medication* and all changes in dosage or frequency. The log, at a  
21 minimum, shall include the following:

- 22                   i.       Name and dosage of *Medication* taken or administered;
- 23                   ii.       Date taken or administered;
- 24                   iii.       Name of prescribing or administering physician;
- 25                   iv.       Reason *Medication* was prescribed or administered.

1           7. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol or  
2           any food/substance containing poppy seeds.

3           8. **Biological Fluid Collection**

4           A.     During all times that Respondent is physically present in the state of  
5           Arizona and such other times as board staff may direct, Respondent shall promptly comply  
6           with requests from Board staff, the group therapist, or the program director to submit to  
7           witnessed biological fluid collection. If Respondent is directed to contact an automated  
8           telephone message system to determine when to provide a specimen, he shall do so  
9           within the hours specified by Board staff. For the purposes of this paragraph, in the case  
10          of an in-person request, "promptly comply" means "immediately". In the case of a  
11          telephonic request, "promptly comply" means that, except for good cause shown,  
12          Respondent shall appear and submit to specimen collection not later than two hours after  
13          telephonic notice to appear is given. The Board in its sole discretion shall determine good  
14          cause.

15          B.     Respondent shall provide Board staff in writing with one telephone  
16          number which shall be used to contact Respondent on a 24 hours per day/seven days per  
17          week basis to submit to biological fluid collection. For the purposes of this section,  
18          telephonic notice shall be deemed given at the time a message to appear is left at the  
19          contact telephone number provided by Respondent. Respondent authorizes any person  
20          or organization conducting tests on the collected samples to provide testing results to the  
21          Board and the program director.

22          C.     Respondent shall cooperate with collection site personnel regarding  
23          biological fluid collection. Repeated complaints from collection site personnel regarding  
24          Respondent's lack of cooperation regarding collection may be grounds for termination from  
25          the program.

1           9. **Payment for Services.** Respondent shall pay for all costs, including  
2 personnel and contractor costs, associated with participating in the Monitored Aftercare  
3 Program (MAP) at time service is rendered, if required, or within 30 days of each invoice  
4 sent to him.

5           10. **Examination.** Respondent shall submit to mental, physical, and medical  
6 competency examinations at such times and under such conditions as directed by the  
7 Board to assist the Board in monitoring his ability to safely engage in the practice of  
8 medicine and compliance with the terms of this order.

9           11. **Treatment.** Respondent shall submit to all medical, substance abuse, and  
10 mental health care and treatment ordered by the Board, or recommended by the program  
11 director.

12           12. **Obey All Laws.** Respondent shall obey all federal, state and local laws, and  
13 all rules governing the practice of medicine in the State of Arizona.

14           13. **Interviews.** Respondent shall appear in person before the Board and its  
15 staff and committees for interviews upon request, upon reasonable notice.

16           14. **Address and Phone Changes, Notice.** Respondent shall immediately  
17 notify the Board in writing of any change in office or home addresses and telephone  
18 numbers. Respondent shall provide Board staff at least three business days advance  
19 written notice of any plans to be away from office or home for more than five (5)  
20 consecutive days. The notice shall state the reason for the intended absence from home  
21 or office, and shall provide a telephone number that may be used to contact Respondent.

22           15. **Relapse, Violation.** In the event that Respondent violates any term of this  
23 order, Respondent's license will automatically be summarily suspended. Alternatively,  
24 Respondent may request to Surrender of License. If Respondent's license is revoked  
25 Respondent shall be prohibited from reapplying for a license for five (5) years.

1           16. **Notice Requirements.**

2           A.     Respondent shall immediately provide a copy of this Order to all  
3 hospitals and free standing surgery centers at which Respondent has any privileges.  
4 Within 30 days of the effective date of this Order, Respondent shall provide the Board with  
5 a signed statement that Respondent has complied with this notification requirement.

6           B.     Respondent is further required to notify, in writing, all hospitals and  
7 free standing surgery centers at which Respondent has any privileges of a chemical  
8 dependency relapse, use of drugs or alcohol in violation of this Order and/or entry into a  
9 treatment program. Respondent shall provide the Board, within seven days of any of  
10 these events, written confirmation that Respondent has complied with this notification  
11 requirement.

12           17. **Public Record.** This order is a public record.

13           18. **Out-of State.** In the event Respondent resides or practices medicine in a  
14 state other than Arizona, Respondent shall participate in the physician rehabilitation  
15 program sponsored by that state's medical licensing authority or medical society.  
16 Respondent shall cause the other state's program to provide written reports to the Board  
17 regarding his attendance, participation, and monitoring. The reports shall be due on or  
18 before the 15th day of March and September of each year, until the Board terminates this  
19 requirement in writing.  
20

21           19. **Quarterly Declarations.** Respondent shall submit quarterly declarations  
22 under penalty of perjury on forms provided by the Board, stating whether there has been  
23 compliance with all the terms of this order. The declarations shall be submitted on or  
24 before the 15th of March, June, September and December of each year.

25           20. In the event Respondent should leave Arizona to reside or practice outside

1 the State or for any reason should Respondent stop practicing medicine in Arizona,  
2 Respondent shall notify the Executive Director in writing within ten days of departure and  
3 return or the dates of non-practice within Arizona. Non-practice is defined as any period of  
4 time exceeding thirty days in which Respondent is not engaging in the practice of  
5 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
6 non-practice within Arizona, will not apply to the reduction of the probationary period.

7 **DEFINITIONS:**

8 **"Medication"** means "prescription-only drug, controlled substance, and over-the  
9 counter preparation, other than plain aspirin and plain acetaminophen."

10 **"Emergency"** means "a serious accident or sudden illness that, if not treated  
11 immediately, may result in a long-term medical problem or loss of life."

12  
13 DATED AND EFFECTIVE this 12<sup>th</sup> day of October, 2001.

14  
15 (SEAL



16 BOARD OF MEDICAL EXAMINERS  
17 OF THE STATE OF ARIZONA

18 By

*Claudia Foutz*

19 CLAUDIA FOUTZ  
20 Executive Director  
21 TOM ADAMS  
22 Deputy Director

23 ORIGINAL of the foregoing filed this  
24 12 day of October, 2001 with:

25 The Arizona Board of Medical Examiners  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

1 EXECUTED COPY of the foregoing mailed by  
2 Certified Mail this 12 day of October 2001 to:

3 Stephen Myers  
4 Myers & Jenkins  
5 3003 Central Ave.  
6 Phoenix, Arizona 85012

7 EXECUTED COPY of the foregoing mailed by  
8 this 12 day of October 2001 to:

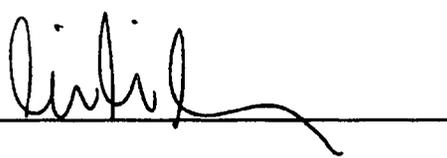
9 Charles Martin, M.D.  
10 797 N. Alma School Rd., Ste. 8  
11 Chandler, Arizona 85048

12 L.A. Lloyd, Executive Director  
13 4425 W. Olive Ave., Ste. 140  
14 Glendale, AZ 85302-3844

15 Barbara Roberts  
16 Drug Enforcement Administration  
17 3010 North 2<sup>nd</sup> Street, Ste. 301  
18 Phoenix, AZ 85012

19 EXECUTED COPY of the foregoing  
20 hand-delivered this 12 day of  
21 October, 2001, to:

22 Christine Cassetta, Assistant Attorney General  
23 Sandra Waitt, Management Analyst  
24 Lynda Mottram, Compliance Officer  
25 Lisa Maxie-Mullins, Legal Coordinator (Investigation File)  
c/o Arizona Board of Medical Examiners  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258



1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of

4 **CHARLES R. MARTIN, JR., M.D.**

5 Holder of License No. 23086  
6 For the Practice of Medicine  
7 In the State of Arizona.

**MD-00-0335**

**AMENDMENT TO ORDER OF  
PROBATION DATED  
OCTOBER 12, 2001**

8  
9 The Executive Director of the Arizona Medical Board was presented with the  
10 request of Charles R. Martin, Jr., M.D., ("Respondent") to amend an October 12, 2001  
11 Board Order for a Letter of Reprimand and Probation. Respondent requested that the  
12 Executive Director terminate the following requirements of Respondent's probation: (1)  
13 that Respondent practice medicine in either a solo practice or a group setting, not to  
14 exceed more than 40 hours per week of patient contact, (2) that Respondent not  
15 prescribe, dispense, or possess any Schedule II, III, IV drugs, and (3) that Respondent  
16 continue the services of the Board approved Office Practice Management Consultant.  
17 The terms and conditions of the aforementioned Board Order are incorporated herein by  
18 reference.

19 The Order provides that after 12 months from the effective date of the Order,  
20 Respondent may submit a written request to the Executive Director requesting that  
21 certain probation terms be removed. The Order provides that the Executive Director is  
22 authorized to grant or deny such a request. After due consideration of the facts and law  
23 applicable to this matter, the Executive Director amended the October 12, 2001 Order  
24 by issuing the following Order.

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ORDER

IT IS HEREBY ORDERED that:

1. Respondent is no longer required to practice medicine in either a solo practice or a group setting, not to exceed more than 40 hours per week of patient contact.

2. Respondent is no longer required to refrain from prescribing, dispensing or possessing any Schedule II, III, IV. drugs.

3. Respondent is no longer required to continue the services of the Board approved Office Practice Management Consultant.

DATED this 11<sup>th</sup> day of February 2003.

ARIZONA MEDICAL BOARD

[Seal]



By Barry A. Cassidy  
Barry A. Cassidy, Ph.D., P.A.-C  
Executive Director

ORIGINAL of the foregoing filed this 11<sup>th</sup> day of February 2003, with:

Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

Executed copy of the foregoing  
mailed by Certified Mail this 11<sup>th</sup> day of February 2003, to:

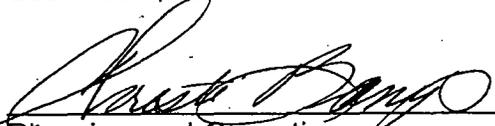
Charles Martin, Jr., M.D.  
1343 North Alma School Road, Suite 275  
Chandler, AZ 85224-5941

1 Executed copy of the foregoing  
mailed by Certified Mail this  
2 11<sup>th</sup> day of February 2003, to:

3 Myers & Jenkins, PC  
4 Stephen W. Myers  
3003 North Central, Suite 1900  
5 Phoenix, AZ 85012-2910

6 Copy of the foregoing hand-delivered this  
7 11<sup>th</sup> day of February 2003, to:

8 Christine Cassetta  
9 Assistant Attorney General  
Arizona Medical Board  
10 9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

11   
12 \_\_\_\_\_  
Planning and Operations

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