BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **CORWIN D. MARTIN, M.D.** Holder of License No. 29085 For the Practice of Medicine In the State of Arizona.	Case No. MD-02-0784 **CONSENT AGREEMENT FOR LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Corwin D. Martin, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. Respondent acknowledges and understands that this Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

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

6. Respondent further understands that this Consent Agreement, once approved and signed, is a public record that may be publicly disseminated as a formal action of the Board and will be reported to the National Practitioner Data Bank and to the Arizona Medical Board's website.

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

Corwin D. Martin, M.D. DATED: 5/16/03

Robert J. Milligan
Attorney for Respondent
Approved as to Form DATED: _____

regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

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

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Corwin D. Martin, M.D.

DATED: _____

Robert J. Milligan
Attorney for Respondent
Approved as to Form

DATED: 5/16/03

FINDINGS OF FACT

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

2. Respondent is the holder of license number 29085 for the practice of allopathic medicine in the State of Arizona.

3. On December 3, 2002, the Board initiated case number MD-02-0784 after receiving a letter from Respondent in which he reported that he may have engaged in unprofessional conduct. Respondent knew his behavior was inappropriate but did not realize, until recently, that it constituted unprofessional conduct.

4. In April 2001, Respondent was in fellowship training in Texas. During Respondent's fellowship training, he performed cosmetic surgery on a patient ("J.L."). J.L. had also been an assistant to one of the physicians Respondent worked with during his fellowship training.

6. After Respondent completed his fellowship training in facial, aesthetic and reconstructive surgery, he came to Arizona and formed a partnership ("Partnership") with two other physicians in the practice of oral and maxillofacial surgery.

7. In March 2002, the Partnership needed an office manager and Respondent highly recommended J.L. to fill this position.

8. In June 2002, J.L. was recruited to work for the Partnership in the Phoenix area. The Partnership provided health insurance to all employees, but the managed care plan required an eligibility period of 60 days before the health insurance would take effect.

9. In mid-June, J.L. told Respondent that she needed refills on some prescriptions she had been getting from her physicians in Texas. J.L. showed Respondent her prescription bottles with the labels intact. Respondent was aware that J.L. did not have health insurance yet due to the 60-day eligibility period required by the managed care plan.

10. J.L. reported to Respondent that she had a past medical history, that included bulimia, and that she had a grand mal seizure as recently as May 2002.

11. On June 19, 2002, Respondent wrote J.L. two prescriptions for Celexa and Loestrin, the same medications that had previously been prescribed by her physicians when she lived in Texas. Respondent prescribed enough to get J.L through the insurance eligibility period.

12. Several weeks later, J.L. approached Respondent to request that he write a prescription for Wellbutrin and, again, she showed Respondent her prescription bottle with the label intact. J.L. also requested a new prescription for Meridian. Respondent wrote the prescriptions for J.L., but told her that any further requests would have to be directed to the physicians she selected once her insurance benefits vested.

13. In deference to J.L.'s privacy interests, Respondent did not open a patient chart for her at the Partnership. Respondent has admitted this decision compounded his mistakes.

14. On August 12, 2002, Respondent's prescription writing for J.L. came to the attention of the Partnership when a pharmacist called to clarify a prescription written by Respondent. Another physician member the Partnership had taken the message and immediately approached Respondent about his concerns regarding the prescriptions written for J.L.

15. Respondent admits he was wrong in writing prescriptions for J.L.

16. A Board Medical Consultant reviewed that case and opined that Respondent did not meet the standard of care. Specifically, Respondent failed to perform a complete history and physical to determine indication and contra-indications of medical therapy. Some of the medications given to J.L., such as Meridian containing Ionamin, were inappropriate for weight loss because J.L. was not overweight. Respondent had written a prescription to J.L. for Wellbutrin, which is an antidepressant. Wellbutrin is contraindicated

in individuals with a seizure disorder, such as J.L. The Medical Consultant also opined that Respondent committed unprofessional conduct because he did not maintain a chart or medical records of his prescribing to J.L.

17. The standard of care required Respondent to perform complete history and physical to determine indications and contra-indications of medical therapy.

18. Respondent failed to meet the accepted standard of care because he did not perform a complete history and physical to determine indications and contra-indication of medication therapy.

19. There was a potential for harm to J.L. because Respondent prescribed Meridian to an already thin person with a history of bulimia and Wellbutrin, which enhances grand mal seizures and lowers seizure threshold in an individual with a history of grand mal seizures.

CONCLUSIONS OF LAW

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

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(24)(q) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public;") and 32-1401(24)(e)("[f]ailing or refusing to maintain adequate records on a patient.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for his failure to perform a complete history and physical to determine indications and contra-indications of

medication therapy that may have been harmful to the health of the patient and for his failure to maintain adequate records.

This Order is the final disposition of case number MD-02-0784.

DATED AND EFFECTIVE this 11th day of June, 2003.

ARIZONA MEDICAL BOARD

By Barry A. Cassidy
BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

ORIGINAL of the foregoing filed this 11th day of JUNE, 2003 with:

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

EXECUTED COPY of the foregoing mailed by Certified Mail this 11th day of JUNE, 2003 to:

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