

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



830 Union Street, Suite 100  
Telephone: (504) 524-6763  
New Orleans, LA 70112-1499

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<b>In The Matter Of</b>	:	
	:	
<b>JOSEPH P. MARTINEZ, III, M.D.</b>	:	<b>CONSENT</b>
(Certificate No. 06609),	:	<b>ORDER</b>
	:	_____
<i>Respondent.</i>	:	

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By Administrative Complaint filed herein on August 17, 1989, Joseph P. Martinez, III, M.D., Opelousas, Louisiana, was charged, in three counts, with multiple violations of the Louisiana Medical Practice Act (the "Act"),<sup>1</sup> allegedly providing lawful cause for the suspension or revocation of Respondent's license to practice medicine in the state of Louisiana, to-wit: "[f]raud, deceit, or perjury in obtaining any . . . license or permit," La. Rev. Stat. § 37:1285(A)(3); "[m]aking or submitting false, deceptive or unfounded claims reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value," La. Rev. Stat. § 37:1285(A)(11); "[p]rofessional or medical incompetency," La. Rev. Stat. § 37:1285(A)(12); and "[c]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state," La. Rev. Stat. § 37:1285(A)(14). The complaint was docketed by the Louisiana State Board of Medical Examiners ("Board") and noticed for evidentiary hearing and administrative adjudication on the date hereof.

Without admitting any of the charges or allegations of the Administrative Complaint or any other violation of the Act and recognizing his right to evidentiary hearing on such charges and allegations, to a decision thereon by the Board upon written findings of fact and conclusions of law, and to judicial review of the Board's decision, as provided by La. Rev. Stat. § 49:955-965, as evidenced by his subscription hereto, Dr. Martinez nonetheless hereby waives each and all of such rights and any other rights accorded by the Administrative Procedure Act,<sup>2</sup> and, pursuant to La. Rev. Stat. § 49:955(D), hereby acknowledges, accepts and consents to the Board's entry of the orders set forth hereinafter.

<sup>1</sup>LA. REV. STAT. ANN. §§ 37:1261-1292 (West 1988 & Supp. 1990).

<sup>2</sup>LA. REV. STAT. ANN. §§ 49:950-971 (West 1987 & Supp. 1990).

Upon consideration of the allegations of the Administrative Complaint, the terms, conditions and provisions of the within orders, and the recommendation of the Investigating Officer designated with respect to this proceeding, and being fully advised in the premises, the Board has satisfied itself and determined that the public health, welfare and safety will be properly protected by entry of the following orders, by consent of the Respondent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:955(D);

**IT IS ORDERED** that, effective on and as of November 21, 1990, Joseph P. Martinez, III, M.D. ("Dr. Martinez") shall retire and withdraw from the practice of medicine and, effective as of such date, his license to practice medicine in the state of Louisiana, as evidenced by certificate no. 06609, shall be, and shall be deemed to be, SURRENDERED AND CANCELLED, and he shall not thereafter at any time have any right, entitlement or privilege to engage in the practice of medicine in the state of Louisiana or to seek or obtain reinstatement, renewal, issuance or reissuance of medical licensure or other relief from or modification of the orders set forth herein.

**IT IS FURTHER ORDERED** that, within 15 days from the date of entry of this Order, Dr. Martinez shall pay to the Board, in cash, the sum of Nine Thousand Six Hundred Nineteen and 97/100 Dollars (\$9,619.97), constituting a fine of \$5,000 and partial reimbursement of costs incurred by the Board in the investigation and prosecution of this proceeding in the amount of \$4,619.97.

**IT IS FURTHER ORDERED** that, from the date hereof until November 21, 1990, Dr. Martinez shall not engage in the practice of medicine in the state of Louisiana other than in strict compliance with the following limitations, restrictions, terms and conditions:

(a) *Restrictions Applicable for 30 Days.* For a period of 30 days from the date hereof, or until July 21, 1990, Dr. Martinez shall not perform or undertake to perform any surgical procedure with respect to any patient, at any institution or location, inpatient or outpatient, other than such surgical procedures which the physician was personally committed to perform and had been firmly scheduled prior to June 21, 1990, provided that no such surgical procedure shall be performed, documented or reported on in a manner which violates any provision of the Louisiana Medical Practice Act or any other applicable State and Federal laws and regulations.

(b) *Restrictions Applicable July 21-November 21, 1990.* As of and after July 21, 1990, through November 21, 1990, Dr. Martinez shall not perform or undertake to perform or participate in the performance of any surgical procedure whatsoever, without regard to when such procedure was originally scheduled, and his practice of medicine during such period shall be limited exclusively to non-surgical office practice.

**IT IS FURTHER ORDERED** that:

(a) *Deposit as Security.* Within 15 days of the date hereof, Dr. Martinez shall deposit with the Board, in addition to and separately from the fines and costs ordered hereinabove, the sum of Ten Thousand and No/100 Dollars (\$10,000.00), said sum to be deposited by the Board and held in escrow, without interest, to be refunded in full to Dr. Martinez by December 1, 1990, provided that, from the entry of this Order through November 21, 1990, Dr. Martinez has timely and fully complied in all respects with the limitations, restrictions, terms and conditions stipulated herein, and provided further that in the event of any violation or failure of strict and timely compliance by Dr. Martinez or with any of such limitations, restrictions, terms and conditions, such amount shall be forfeited in full to the Board.

(b) *Monitoring of Compliance with Restrictions.* Within seven (7) days from the date hereof, Dr. Martinez shall furnish to the Board in writing a list of all surgical procedures which the physician is committed to perform and may perform pursuant to the second order set forth herein and which had been firmly scheduled prior to the date hereof, and Dr. Martinez shall authorize any hospital, outpatient surgical facility or other institution at which he may hold clinical surgical privileges to provide and disclose to the Board records and documentation evidencing surgical procedures scheduled, performed or sought to be performed by Dr. Martinez from the date hereof through November 21, 1990.

**IT IS FURTHER ORDERED** that upon any violation or failure of strict and timely compliance by Dr. Martinez of or with any of the limitations, restrictions, terms or conditions set forth herein, including the timely payment of all fines and costs, the license of Dr. Martinez to practice medicine in the state of Louisiana shall be deemed immediately surrendered and cancelled.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

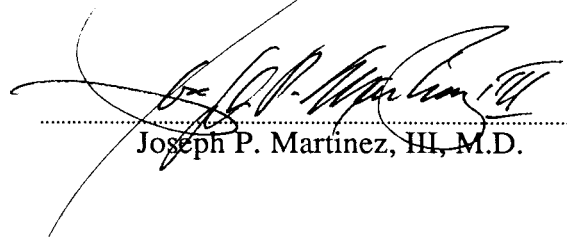
New Orleans, Louisiana, this 21st day of June, 1990.

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

By: Ike Muslow M.D.  
Ike Muslow, M.D.  
President

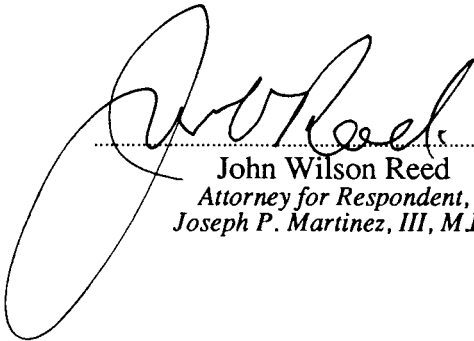
**ACKNOWLEDGEMENT  
AND CONSENT**

I, JOSEPH P. MARTINEZ, III, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 21st day of June, 1990.



.....  
Joseph P. Martinez, III, M.D.

*Approved as to Form:*



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John Wilson Reed  
*Attorney for Respondent,  
Joseph P. Martinez, III, M.D.*