

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250



Telephone: (504) 524-6763
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

In The Matter of

DEBORAH D. MARTINEZ, M.D.
(Certificate No. 07494R)

No. 96-I-025

CONSENT ORDER

Deborah D. Martinez, M.D. ("Dr. Martinez ") is, and at all pertinent times has been, a physician licensed to practice medicine in the state of Louisiana, principally engaged in practice of psychiatry in and around New Orleans, Louisiana. Predicated upon apparently reliable information, the Board, through its Investigative Officer, undertook an investigation of Dr. Martinez's medical competency and clinical judgment with respect to her diagnosis, monitoring and treatment of a single patient, the medical indications for the amount of antidepressants and a thyroid hormone which she ordered and/or dispensed to such patient and the manner and method by which she issued prescriptions to the patient during the years 1994-1995. More particularly, such information indicated that Dr. Martinez prescribed Prozac for depression and the thyroid hormone, Synthroid, for hypothyroidism, at extremely high and/or non-therapeutic dosages; that these medications were often prescribed in the absence of appropriate laboratory and diagnostic testing; and Dr. Martinez issued prescriptions for amounts of Synthroid greater than that which she intended to be taken by the patient, in order to ensure that a third party payor would pay for a greater duration of the medication which she had prescribed.

Investigation of the captioned matter was assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Martinez, charging her with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §37:1285A(12), (13) and (14).¹

¹ La. Rev. Stat. Ann. §§37:1285A(12), (13) and (14). Pursuant to La. Rev. Stat. §37:1285A(12), the Board may take action against the license of a physician as the result of 'Professional or medical incompetency'; Pursuant to La. Rev. Stat. §37:1285A(14), the Board may take action against the license of a physician as the result of 'Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state'; and Pursuant to La. Rev. Stat. §37:1285A(13), the Board may take action against the license of a physician as the result of 'Unprofessional conduct.'

As evidenced by her subscription hereto, Dr. Martinez acknowledges the substantial accuracy of the foregoing information and, further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the revocation, suspension or imposition of such other terms and conditions upon Dr. Martinez's license to practice medicine in the state of Louisiana as the Board may deem appropriate.

Recognizing her right to have an administrative adjudication of such charges at which time Dr. Martinez would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §§49:955-965, Dr. Martinez, nonetheless, hereby waives her right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Martinez also acknowledges that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.*, or to which she otherwise may be afforded by any law to contest her agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By her subscription hereto, Dr. Martinez also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and she waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Martinez expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer, or his legal counsel, shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an administrative Complaint against her or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

On the basis of the information provided to and received by the Board and with Dr. Martinez's knowledge and consent, the Board is persuaded that she may maintain her license to practice medicine in the state of Louisiana, *provided, however*, that she strictly observes and complies with appropriate restrictions on and conditions to maintenance of such license. In consideration of this finding, accordingly, and on the recommendation of the Board's Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

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 the license of Deborah D. Martinez, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 07494R, as well as her continuing exercise of the rights and privileges thereunder shall be, and the same is hereby, placed **ON PROBATION**, subject to the general terms and conditions of probation heretofore adopted by the Board and to her acceptance of and strict compliance with the following terms, conditions and restrictions:

(a) **Term of Probation/Board Certification.** Unless and until the Board chooses in its sole and absolute unfettered discretion to amend this Order, Dr. Martinez's license shall remain on probation, subject to the terms, conditions and restrictions identified hereinafter, until and unless she submits written application to and receives a written order from the Board expressly relieving her thereof. As a prerequisite to

such a request, Dr. Martinez shall provide written confirmation that she has successfully passed all examinations and other requirements for Board certification in psychiatry by the American Board of Psychiatry.

(b) Restriction of Practice/Referral to Consultants. Dr. Martinez shall, through out the term of the probation imposed herein, limit her practice solely to her chosen specialty of psychiatry and the treatment of those psychiatric or mental diseases, conditions or disorders associated therewith ("psychiatric condition"). Pursuant to this restriction, Dr. Martinez shall not render treatment to any patient for hypothyroidism or for any other non-psychiatric condition, medical illness or disease unless she shall have first obtained a written consultation from an appropriate specialist confirming the medical indication for such treatment based upon such consultant's review of the patient's medical records and examination of the patient.

(c) Prescription Practices/Consultation. Dr. Martinez shall not, through out the term of the probation imposed herein, prescribe, dispense or administer any medication to any patient in excess of the maximum daily dosage recommended by the manufacturer of such drug, as reported in the then current edition of the Physician's Desk Reference (the "PDR"), unless she shall have first obtained the written concurrence of an appropriate specialist based upon such consultant's review of the patient's medical records and examination of the patient.

(d) Continuing Medical Education. During each year of the term of probation ordered herein, Dr. Martinez shall obtain not less than fifty (50) credit hours of continuing medical education ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association. Dr. Martinez shall cause to be submitted to the Board written certification of the CME programs and credits completed by her in December of each year of her probation.

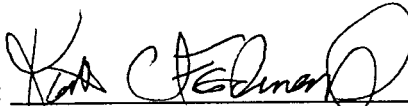
(e) Cooperation with Board's Probation and Compliance Officer. Dr. Martinez shall immediately notify the Board's Probation and Compliance Officer of any change in her current home and professional addresses and telephone numbers, and she shall direct all matters required pursuant to this Consent Order, including evidence of her attendance and successful completion of the CME credits referred to hereinabove, to the attention of the Probation and Compliance Officer, with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions of this Consent Order.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions and restrictions of this Order as set forth hereinabove, shall be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation of the medical license of Deborah D. Martinez, M.D., or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

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

Signed in New Orleans, Louisiana, and effective on this 23 day of July 1997.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**


BY: 
Keith C. Ferdinand, M.D.
President

**ACKNOWLEDGMENT
AND CONSENT**

I, DEBORAH D. MARTINEZ, M.D., HEREBY ACKNOWLEDGE, APPROVE, ACCEPT AND CONSENT to entry of the above and foregoing Order, this 17th day of July, 1997.


DEBORAH D. MARTINEZ, M.D.

APPROVED AS TO FORM:



F. L. DESALVO, ESQ.
Foster & Desalvo
1003 Whitney Avenue
Gretna, Louisiana 70053
Telephone: (504) 368-3200
Attorney for Deborah D. Martinez, M.D.