

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

Composite State Board
of Medical Examiners

NOV 12 2004

IN THE MATTER OF:)

DONALD MARTIN, M.D.)
License No. 034509)

Respondent.)

DOCKET NUMBER
DOCKET NO. 20050070

CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners ("Georgia Board") and Donald Martin, M.D. ("Respondent"), the following disposition of this matter is entered pursuant to the provisions of O.C.G.A. § 50-13-13(a)(4).

FINDINGS OF FACT

1.

Respondent is licensed to practice medicine in the State of Georgia, and was so licensed at all times relevant to the matters stated herein. The Respondent is also licensed to practice medicine in the Commonwealth of Massachusetts, and was so licensed at all times relevant to the matters stated herein.

2.

On or about July 21, 2004, the Massachusetts Board of Registration of Medicine ("Massachusetts Board") entered an Order ("Massachusetts Order") sanctioning the Respondent's license to practice medicine in the Commonwealth of Massachusetts. In the Order, the Respondent admitted that he failed to properly disclose an arrest for driving under the influence that eventually resulted in a 2001 conviction for a traffic offense on his Physician Registration Renewal Application. The Massachusetts Order noted that Respondent was not practicing medicine.

3.

Under the terms of the July 2004 Massachusetts Order, the Respondent's license to practice medicine in the Commonwealth of Massachusetts was reprimanded and a fine of two thousand five hundred dollars (\$2500.00) imposed.

4.

Respondent admits to the above findings of fact and waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

Under O.C.G.A. § 43-34-37 and §43-1-19, the disciplinary action taken against Respondent's license to practice medicine in the Commonwealth of Massachusetts constitutes sufficient grounds for the imposition of sanctions upon his license to practice medicine in the State of Georgia. The Respondent hereby waives any further conclusions of law with regard to the above-styled matter.

ORDER

The Georgia Board, having considered the particular facts and circumstances of this case, hereby orders, and the Respondent hereby agrees, as follows:

1.

Respondent shall comply with and be subject to all conditions of the Massachusetts Order entered by the Massachusetts Board. All reports that Respondent must send to the Massachusetts Board pursuant to the terms of the Massachusetts Order must also be sent to the Georgia Board. Should the Massachusetts Board enter an Order suspending or revoking Respondent's license in Massachusetts for violation of the Massachusetts Order, then Respondent's license to practice medicine in Georgia shall stand automatically suspended, effective on the date of such order, pending proceedings for revocation, and if the license is revoked, the Georgia Board may determine that the license shall not be subject to restoration.

2.

Respondent shall submit to the Board a fine in the amount of five hundred dollars (\$500.00), to be paid in full by cashier's check or money order made payable to the Board. Respondent shall pay the fine within thirty (30) days of the docketing of this Consent Order. Failure to pay the entire amount by the thirtieth day shall be considered a violation of this Order, and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

3.

This Consent Order shall be considered a public order by the Board and may be disseminated as such.

4.

The Respondent shall advise the Georgia Board of any change in Respondent's residence and/or office address.

5.

The Respondent shall abide by all State and Federal laws regulating the practice of medicine in the State of Georgia, the Rules and Regulations of the Georgia Board, the terms of this Consent Order. If the Respondent shall fail to abide by such laws, rules or terms, his license may be revoked, upon substantiation thereof.

6.

Because a fine alone is being imposed upon Respondent, this Consent Order does not constitute an adverse licensure action under 42 U.S.C. § 11132 and 45 C.F.R. § 60.8 that must be reported to the National Practitioner Data Bank, nor does this Consent Order constitute a final adverse action under 42 U.S.C. §1320a-7e and 45

C.F.R. § 61.7 that must be reported to the Healthcare Integrity and Protection Data Bank. Furthermore, although a fine is not one of the specific actions enumerated in O.C.G.A. § 43-34-37(b) that is reportable in a physician profile pursuant to the Georgia Patient Right to Know Act of 2001, O.C.G.A. T. 43, Ch. 34A, it is the position of the Board that all public orders will be made available for viewing by the general public on the Board's website.

7.

The Respondent acknowledges that Respondent has read this Consent Order and understands its contents. Respondent understands that the Respondent has the right to a hearing in this matter and freely, knowingly and voluntarily waives that right by entering into this Consent Order. Respondent understands and agrees that a representative of the Department of Law may be present during the Board's consideration of this Consent Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order will not become effective until approved and docketed by the Composite State Board of Medical Examiners.

Respondent understands that this Consent Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board.

However, if this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent hereby consents to the terms and sanctions contained herein.

This 27th day of October, 2004.

COMPOSITE STATE BOARD OF MEDICAL
EXAMINERS

BY: *Roland S. Summers, M.D.*
ROLAND S. SUMMERS, M.D.
Chairperson

ATTEST: *Lasharn Hughes*
LASHARN HUGHES
Executive Director

(BOARD SEAL)

CONSENTED TO:

Donald Martin, M.D.
DONALD MARTIN, M.D.
Respondent

AS TO THE SIGNATURE OF DONALD MARTIN, M.D.
Sworn to and subscribed
before me this 27th day
of Oct, 2004.

Susan T. Thompson
NOTARY PUBLIC
My commission expires:

