



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

December 9, 1994

Manuel T. Martin, M.D.
P.O. Box 60009
Pittsburgh, PA 15211

Dear Doctor Martin:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on December 7, 1994.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Carla S. O'Day, M.D.
Secretary

CSO:cm
Enclosures

CERTIFIED MAIL RECEIPT NO. P 348 888 126
RETURN RECEIPT REQUESTED

Mailed 12-9-94



STATE MEDICAL BOARD OF OHIO

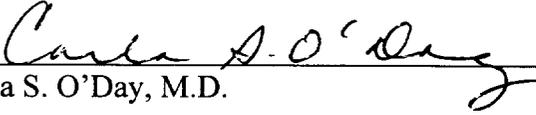
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on December 7, 1994, constitute a true and complete copy of the Findings, Order and Journal Entry in the matter of Manuel T. Martin, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)



Carla S. O'Day, M.D.
Secretary

12/07/94

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

MANUEL T. MARTIN, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated August 10, 1994, notice was given to Manuel T. Martin, M.D., that the State Medical Board intended to consider disciplinary action against his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.09, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the last known address of Manuel T. Martin, M.D., that being P.O. Box 60009, Pittsburgh, PA, 15211-0609.

Manuel T. Martin, M.D., responded to the Board's notice, but did not request a hearing. More than thirty (30) days have now elapsed since the mailing of the aforesaid notice.

WHEREFORE, for the reasons outlined in the August 10, 1994 letter of notice, which is attached hereto and incorporated herein, it is hereby ORDERED:

1. That the license of Manuel T. Martin, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite terms, which shall last a minimum of thirty (30) days.
2. Further, that the State Medical Board of Ohio shall not consider reinstatement of Dr. Martin's certificate unless and until all of the following minimum requirements are met:
 - A. Manuel T. Martin, M.D., shall apply for reinstatement and shall submit all accompanying fees.
 - B. Manuel T. Martin, M.D., shall provide documentation acceptable to the Board of his satisfactory completion of 75 hours of Continuing Medical Education credits for the January 1, 1991 - September 30, 1992 registration period, at least thirty (30) hours of which shall be in Category I. Further, Manuel T. Martin, M.D., shall provide acceptable documentation of his satisfactory completion of 100 hours of Continuing Medical Education credits for the October 1, 1992-September 30, 1994 registration period, at least forty (40) hours of which shall be in Category I. It shall be Dr. Martin's responsibility to work with appropriate Board staff to ascertain what will be considered as satisfactory documentation and to obtain same.
 - C. Manuel T. Martin, M.D., shall supply documentation acceptable to the Board of satisfactory completion of 100 hours of approved Continuing Medical Education, at least forty (40) hours of which shall be in Category I, for each complete biennium, if any, during which his certificate remains suspended after the 1992-1994 biennium.

- D. In the event that Manuel T. Martin, M.D., has not been engaged in the active practice of medicine for a period of more than two (2) years prior to his application for reinstatement, Manuel T. Martin, M.D., shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess his clinical competency.
3. Subsequent to reinstatement of his certificate, Manuel T. Martin, M.D. shall remain on probation for three (3) additional biennial registration periods and shall submit documentation acceptable to the Board of satisfactory completion of requisite hours of Continuing Medical Education for each biennium. Such documentation shall be due in the Board's offices within thirty (30) days of reregistration for each biennium.
4. Upon successful completion of probation, Dr. Martin's certificate will be fully restored.

This ORDER shall become effective immediately upon mailing of notification of approval by the State Medical Board of Ohio.

This ORDER is hereby entered upon the Journal of the State Medical Board of Ohio for the 7th day of December, 1994, and the original thereof shall be kept with said Journal.

(SEAL)

Carla S. O'Day
Carla S. O'Day, M.D.
Secretary

12/7/94
Date

AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the records of the Board pertaining to Manuel T. Martin, M.D.;
- 5) That based on such examination, I have found the last known address of record of Manuel T. Martin, M.D., to be:

P.O. Box 60009
Pittsburgh, PA 15211

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Lauren Ludow, Notary
Public, this 22nd day of November, 1994.



Notary Public

LAUREN LUDOW, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

August 10, 1994

Manuel T. Martin, M.D.
PO Box 60009
Pittsburgh, PA 15211-0609

Dear Doctor Martin:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) In applying for registration of your certificate to practice medicine and surgery for the current registration period, you certified that you had completed during the last registration period (January 1, 1991 - September 30, 1992) the requisite hours of Continuing Medical Education (CME) as required by Section 4731.281, Ohio Revised Code.
- (2) On or about May 3, 1993, your agent signed for the certified letter from the State Medical Board which informed you that you were required to complete a log listing your CME for the January 1, 1991 to September 30, 1992, registration period and to provide documentation that you had actually completed at least thirty (30) hours of Category I CME credits. You failed to respond to this letter.

By certified letter dated December 2, 1993, for which your agent signed on or about December 6, 1993, the State Medical Board again requested that you submit documentation of your CME credits for the registration period January 1, 1991, to September 30, 1992. You responded to this letter by submitting an unsigned certification log and documentation of only one hour of Category I CME for the correct audit period. You provided additional documentation for CME taken in another audit period.

By certified letter dated March 10, 1994, which your agent signed for on or about March 28, 1994, the State Medical Board again requested the above information. You failed to respond to this request.

Mailed 8/11/94

August 10, 1994

By certified letter dated June 30, 1994, mailed July 1, 1994, for which your agent signed on or about July 7, 1994, you were informed specifically of your failure to provide a signed certification log for continuing medical education during the audit period of January 1, 1991-September 30, 1992. This letter informed you that your certification log and other documentation previously submitted provided for recognition of one credit of Category I CME and 0 credit of Category II CME. You were informed that you had ten (10) days from the date of that letter to provide the above to the State Medical Board. You failed to respond to this request.

- (3) Your lack of response to the notices as detailed in paragraph (2) above, rebuts the presumption that you did complete the requisite hours of Continuing Medical Education, and/or demonstrates that you failed to keep detailed records of CME taken.

Your acts in certifying to the State Medical Board that you had completed the statutorily required Continuing Medical Education, as set forth in paragraph (1) above, when you had not, in fact, done so, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, such failure to obtain the requisite Continuing Medical Education and submit documentation of same, as alleged in paragraphs (2) and (3) above, constitutes "(v)iolating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code, and Rules 4731-10-03 and 4731-10-08, Ohio Administrative Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

August 10, 1994

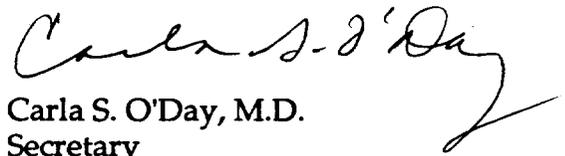
Manuel T. Martin, M.D.
Page 3

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Carla S. O'Day, M.D.
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 057
RETURN RECEIPT REQUESTED

6/92

(2) Applicants shall keep detailed records of CME hours taken. Records of all CME undertaken shall be retained by the applicant for one year after the end of the registration period. At a minimum, the following information must be retained:

- (a) Description of the CME activity;
- (b) The category of CME, if applicable;
- (c) The location of the CME activity;
- (d) The dates of attendance;
- (e) The hours of each CME activity; and
- (f) Any available documentation of the completion of the CME activity.

All records of CME activity shall be kept available for agents of the board for review.

(B) Failure to maintain records rebuts the presumption established in paragraph (A) of this rule that the CME requirements have been completed.

(C) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.

Eff. 5-16-83

4731-10-09 Reduction of continuing medical education hours

Reduction of hours can be granted on an individual basis only to those who have been ill for more than six consecutive months or out of the United States for more than six consecutive months during the registration period upon application to the board. The applicant will have the burden of establishing that his illness or absence affected his reasonable opportunity to participate in continuing medical education activities. Five hours will be subtracted from the continuing medical education requirement for each month which is approved for reduction of hours. Applications for reduction of hours are available upon written request to the state medical board. Applications should be completed by the applicant and submitted to the board at least sixty days prior to the end of the registration period.

Eff. 7-22-83

4731-10-06 Retired or non-working licensees

Licensees who are not working in the medical profession or who are retired from practice are not exempt from the continuing medical education requirements of section 4731.281 of the Revised Code and this chapter of the Administrative Code.

Eff. 5-16-83

4731-10-07 Internships, residencies, and fellowships

(A) Continuing medical education requirements may contain provisions authorizing continuing medical education credit for licensees in internships, residencies, or fellowships in an accredited program approved by the state medical board. The training must have been taken during the registration period. Any training received prior to initial licensure or license restoration may not be utilized for continuing medical education credit.

(B) Interns, residents, and fellows holding full licenses to practice must make application for renewal and comply with continuing medical education requirements under section 4731.281 of the Revised Code and Chapter 4731-10 of the Administrative Code.

Eff. 7-22-83

4731-10-08 Evidence of continuing medical education

(A) Each applicant for license registration or license reinstatement shall certify that he has completed the requisite hours of continuing medical education (hereinafter "CME") since the start of the registration period. This certification shall be evidence of completion of the CME requirement as set forth in section 4731.281 of the Revised Code, provided that:

(1) The board may randomly select applications for verification that all CME requirements have been met. Licensees whose applications are selected shall submit additional documentation of compliance with CME requirements as the board may require.

6/92

(D) If an individual has not completed the requisite hours of CME, he is not eligible for license registration or license reinstatement until such time as they have been completed. Any CME undertaken after the end of a registration period and utilized for purposes of registering or reinstating a suspended license cannot also be utilized to meet the CME requirement for the current registration period.

Eff. 5-16-83

4731-10-04 Continuing medical education requirements for restoration of a license

(A) "License restoration" is defined in paragraph (A)(5) of rule 4731-10-01 of the Administrative Code.

(B) Any application for license restoration will invoke the provisions of section 4731.222 of the Revised Code. The authority of the board to impose terms and conditions includes the following:

- (1) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;
- (2) Restricting or limiting the extent, scope, or type of practice of the applicant.

Eff. 5-16-83

4731-10-05 Out-of-state licensees

Those individuals residing or practicing out of the state who wish to register or reinstate their licenses to practice medicine or surgery, osteopathic medicine and surgery, or podiatry in Ohio must complete the required continuing medical education within the registration period even though not currently residing or practicing in Ohio.

Eff. 5-16-83

(4) "License reinstatement" is the return of a license which has lapsed or been in a suspended or inactive status for two years or less for any reason including a failure to comply with section 4731.281 of the Revised Code and this chapter of the Administrative Code.

(5) "License restoration" is the return of a license which has lapsed or been in a suspended or inactive status for more than two years for any reason.

(6) An "applicant" is one who seeks to attain a certificate of registration from the board.

(7) A "licensee" is a person who holds a current and valid license to practice medicine or surgery, osteopathic medicine and surgery, or podiatry in Ohio.

(8) A "registration period" is a period of two years in which every doctor of medicine, osteopathic doctor, and doctor of podiatric medicine licensed in Ohio must attain one hundred hours of continuing medical education to register their certificate as current and valid pursuant to section 4731.281 of the Revised Code and this chapter of the Administrative Code.

(B) Action by the board refusing "license restoration" as that phrase is used in this chapter shall be deemed refusal to "register" or "reinstate" as such words are used in section 4731.22 of the Revised Code.

Eff. 5-16-83

4731-10-03 Continuing medical education requirements for registration or reinstatement of a license

(A) "License registration" is defined in paragraph (A)(3) of rule 4731-10-01 of the Administrative Code.

(B) "License reinstatement" is defined in paragraph (A)(4) of rule 4731-10-01 of the Administrative Code.

(C) All applicants who file for license registration or license reinstatement must meet the one-hundred-hour continuing medical education (hereinafter "CME") requirement less any reduction in hours allowed by the board under the provisions of rules 4731-10-09 and 4731-10-10 of the Administrative Code.

[§ 4731.28.1] § 4731.281 Continuing medical education; application for registration with board.

On or before July 1, 1992, each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatry shall certify to the state medical board that in the preceding eighteen months he has completed seventy-five hours of continuing medical education. On or before the first day of July of every even-numbered year thereafter, each such person shall certify to the board that in the preceding two years he has completed one hundred hours of continuing medical education. Such certification shall be made upon the application for registration furnished by the board pursuant to this section. For purposes of meeting this requirement, all continuing medical education taken by persons holding a certificate to practice medicine and surgery shall be certified by the Ohio state medical association and approved by the board; all continuing medical education taken by persons holding a certificate to practice osteopathic medicine and surgery shall be certified by the Ohio osteopathic association and approved by the board; and all continuing medical education taken by persons holding a certificate to practice podiatry shall be certified by the Ohio podiatric medical association and approved by the board. The board shall adopt rules providing for pro rata reductions by month of the hours of continuing education required by this section for persons who are in their first registration period, who have been disabled due to illness or accident, or who have been absent from the country. Each person holding a certificate to practice under this chapter shall be given sufficient choice of continuing education programs to ensure that he has had a reasonable opportunity to participate in continuing education programs that are relevant to his medical practice in terms of subject matter and level. The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.

Every person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatry shall, on or before July 1, 1992, and on or before the first day of July of every even-numbered year thereafter, apply to the state medical board for a certificate of registration with the board upon an application which shall be furnished by the board, and shall pay at such time a fee of one hundred sixty dollars to the board. Except for the registration occurring in 1992, the board shall assess a penalty of twenty-five dollars for late applications.

The board, on or before the first day of March of each year of registration, shall mail or cause to be mailed to every person registered to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, an application for registration addressed to the last known post-office address of such person or may cause such application to be sent to such person through the secretary of any recognized medical, osteopathic, or podiatric society. Failure of such person to receive an application from the board shall not excuse him from the requirements contained in this section. The applica-

tion shall contain proper spaces for the applicant's signature and the insertion of the required information including a statement that he has fulfilled the continuing education requirements imposed by this section.

The applicant shall write or cause to be written upon the application so furnished his full name, principal practice address and residence address, the number of his certificate to practice, and such other facts for the identification of the applicant as a person holding a certificate to practice under this chapter as the board considers necessary, and shall execute and deliver it to the board by mail or in person. Every person registered under this section shall give written notice to the board of any change of principal practice address or residence address within thirty days of the change.

The applicant shall report any criminal offenses that constitutes grounds for refusal of registration under section 4731.22 of the Revised Code of which he has been found guilty or to which he has entered a plea of guilty or no contest since the signing of his latest preceding application for a certificate to practice medicine or surgery.

The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, upon his application and qualification therefor in accordance with this section, a certificate of registration under the seal of the board. Such certificate shall be valid for a two-year period, commencing on the first day of October and expiring on the thirtieth day of September of the second year following.

On the first day of November in the year of registration, or as soon as practicable thereafter, the board shall publish and cause to be mailed to each person registered under this section, upon request, a printed list of the persons so registered.

Failure of any certificate holder to register and comply with this section shall operate automatically to suspend his certificate to practice on the first day of October in the year registration is required, and the continued practice after the suspension of the certificate to practice shall be considered as practicing without a license. A certificate to practice suspended for less than two years for failure to register shall be reinstated by the board upon submission of the current and delinquent registration fees, the twenty-five-dollar penalty for late applications, and certification by signature of the applicant that the applicant has completed the requisite continuing medical education.

The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a certificate to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code.

*HISTORY: 143 v R 111 (EFF 7-1-88); 144 v R 454. EFF 4-30-88.