

**CONSENT AGREEMENT
BETWEEN
CATHERINE LYNN MARTELL, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between CATHERINE LYNN MARTELL, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

CATHERINE LYNN MARTELL, M.D., enters into this CONSENT AGREEMENT being fully informed of her rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(19), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "inability to practice according to acceptable standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptual skills."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(19), Ohio Revised Code, as set forth in Paragraph(s) D and E below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. CATHERINE LYNN MARTELL, M.D, is licensed to practice medicine and surgery in the State of Ohio.
- D. CATHERINE LYNN MARTELL, M.D., ADMITS that she was ordered by THE STATE MEDICAL BOARD OF OHIO to be examined by Tom H. Pepper, M.D., by way of a letter dated April 24, 1997, for potential violations of Sections 4731.22(B)(19) and 4731.22(B)(26), Ohio Revised Code based upon:
 - i. Her psychiatric care from February 1, 1986 through at least December 16, 1988, and from August 28, 1990 through at least December 11, 1995;
 - ii. The termination of her provisional appointment at The Christ Hospital in Cincinnati, Ohio on or about September 15, 1991, based

FEB 27 PM 4:26

STATE MEDICAL BOARD

upon "(her) unavailability, difficult relationships with physician and nursing staffs, difficult relationship with patients and patients' families, and questionable professional judgment and conduct;"

- iii. The revocation of her clinical privileges by Bethesda Hospital in Cincinnati, Ohio, on or about September 21, 1994, based upon her "(l)ack of clinical competence and judgment and disruptive and unprofessional behavior;"
 - iv. Her admissions to the arresting officer, in connection with the arrest referenced in paragraph D.v. below, that she is "manic depressive" and that she had taken her "supper and nighttime doses (of her psychiatric medications) together and that (was) why (she was) impaired." She also voluntarily handwrote a list of the drugs for the arresting officer reflecting the drugs that she had ingested on September 27, 1995, the day of her arrest. This list indicated that she had ingested Wellbutrin 75 #2, Xanax .5 mg, Ritalin, 10 mg, Lithium 900 mg, Loxitane 110 mg and Klonopin 1.0 mg.
 - v. Her arrest for and conviction of operating a motor vehicle while under the influence of an intoxicant, to wit: alcohol and/or drugs of abuse in violation of Section 4511.19(A)(1), Ohio Revised Code, said conviction occurring on or about February 12, 1997 in the Hamilton County Municipal Traffic Court, Hamilton, Ohio.
- E. CATHERINE LYNN MARTELL, M.D., also ADMITS that she was examined for a three day period beginning on June 2, 1997, and that Tom Pepper, M.D. concluded, based upon that examination, that she suffers from bipolar affective disorder, anxiety disorder, attention deficit disorder, and panic attacks, and that these psychiatric difficulties have seriously affected her ability to practice medicine and surgery to the point that she cannot engage in the longitudinal care of patients.
- F. CATHERINE LYNN MARTELL, M.D., further ADMITS that she has not practiced medicine in Ohio since November, 1995.

98 FEB 27 4:26

RECEIVED

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, CATHERINE LYNN MARTELL, M.D., knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

- 1. DOCTOR MARTELL, shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;

2. DOCTOR MARTELL, shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. The first quarterly declaration must be received in the BOARD's offices on the first day of the third month following the month in which the consent agreement becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the BOARD's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD's offices on or before the first day of every third month;
3. DOCTOR MARTELL, shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness she is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR MARTELL written notification of scheduled appearances, it is DOCTOR MARTELL's responsibility to know when personal appearances will occur. If she does not receive written notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR MARTELL shall immediately submit to the BOARD a written request to be notified of her next scheduled appearance;

4. In the event that DOCTOR MARTELL should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR MARTELL must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;
5. DOCTOR MARTELL shall not practice medicine or surgery in the State of Ohio until she has provided proof acceptable to the Board that she has taken and passed the SPEX (Special Purpose Examination), or its equivalent as approved in advance by the BOARD.
6. In the event DOCTOR MARTELL is found by the Secretary of the BOARD to have failed to comply with any provision of this CONSENT

90 FEB 25 PM 4:22

11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR MARTELL shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which she currently holds a license to practice. DOCTOR MARTELL further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which she applies for licensure or reinstatement of licensure. Further, DOCTOR MARTELL shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt;
12. DOCTOR MARTELL AGREES that if any declaration or report required by this agreement is not received in the BOARD'S offices on or before its due date, DOCTOR MARTELL, M.D. shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code; and,
13. DOCTOR MARTELL AGREES that if, without prior permission from the BOARD, she fails to receive psychiatric treatment at least as frequently as required by Paragraph 15 of this CONSENT AGREEMENT, she shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed psychiatric treatment. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

This CONSENT AGREEMENT shall remain in force for a minimum of ten (10) years prior to any request for termination of said CONSENT AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR MARTELL appears to have violated or breached any term or condition of this CONSENT AGREEMENT, the BOARD reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR MARTELL has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR MARTELL agrees that the violation, as alleged, also constitutes clear and convincing evidence that her continued

STATE HOSPITAL
1111
98 FEB 25 PM 4:28
1111

