

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT	:	
AND STATEMENT OF CHARGES AGAINST	:	FINDINGS OF FACT
FREDERICK A. MARTIN, D.O.,	:	CONCLUSIONS OF LAW
RESPONDENT.	:	AND DECISION

The above entitled matter came on for hearing before the Board of Medical Examiners on June 14, 1984 in the conference room of the Iowa Medical Society, West Des Moines, Iowa.

The hearing was a disciplinary hearing concerning the license of the Respondent, Frederick A. Martin, D.O. to practice as an osteopathic physician in the State of Iowa. A Complaint and Statement of Charges dated April 12, 1984 by the Executive Director of the Iowa State Board of Medical Examiners initiated the action.

Board members in attendance were: Dr. Joseph Baker, Dr. William Bliss, Marian Bourek, Dr. Richard Carruthers, Dr. John Garred, Dr. Dorothy Gildea, Dr. Reid Motley, and Dr. Hormoz Rassekh.

The State of Iowa was represented by Julie F. Pottorff, Assistant Attorney General. The Respondent did not appear and was not represented by legal counsel.

Pursuant to the authority of Iowa Code section 17A.12(3) and Iowa Administrative Code subrule 135.301(20), the hearing was conducted in the absence of the Respondent.

The Board, having considered the testimony and evidence, issues the following findings of fact, conclusions of law, and decision:

FINDINGS OF FACT

1. At all times pertinent, the Respondent was licensed to practice as an osteopathic physician in the State of Iowa as the holder of license Number 00714.

2. The Chief Investigator for the Board testified that the Executive Director of the Iowa State Board of Medical Examiners filed a Complaint and Statement of Charges against the Respondent which was received by the Respondent along with the Original Notice and Order for Hearing by restricted certified mail.

3. The Respondent on May 26, 1983 was convicted in Arizona of two counts of sexual abuse, which is a class 5 felony. The Respondent was sentenced to a prison term of 2.5 years. The victims of the sexual abuse were under the Respondent's care as a psychiatrist. At least one of the victims of sexual abuse had psychological trauma which has resulted in suicidal tendencies and involuntary hospitalization.

4. The Arizona Board of Osteopathic Examiners in Medicine and Surgery permanently revoked the Respondent's license to practice osteopathic medicine in Arizona in an Order dated July 20, 1983. (Exhibit 2). Michael Archibald, Chief Investigator, testified Respondent did not report the action of the Arizona Board to the Iowa Board of Medical Examiners.

CONCLUSIONS OF LAW

1. Section 148.6(1)(c) of the Iowa Code provides as grounds for suspension or revocation of license:

"Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine."

2. Section 148.6(d) of the Iowa Code provides as grounds for suspension or revocation of license:

"Having his license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory or country. A certified copy of the record or of other suspension, revocation or disciplinary action is conclusive evidence of such action."

3. Subrule 135.204(10) of the Iowa Administrative Code provides as grounds for discipline:

"Failure to report a license revocation, suspension or other disciplinary action taken by the licensing authority of another state, territory or country within thirty days of the final action by such licensing authority."

The Respondent was convicted of two crimes of sexual abuse, a class 5 felony under Arizona law. The victims of the sexual abuse were psychiatric patients of the Respondent. The violations are directly relating to the Respondent's practice of osteopathic medicine. The Respondent was a psychiatrist, and his actions were a breach of the trust relationship between a patient and psychiatrist. The violations were grounds for suspension or revocation under Iowa Code section 148.6(1)(c).

The Respondent's license was revoked by the Arizona Board of Osteopathic Examiners in Medicine and Surgery which provides grounds for suspension or revocation of the Iowa license under the authority of Iowa Code section 148.6(d).

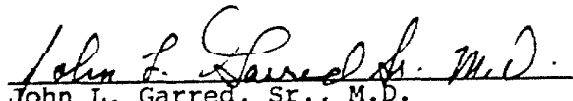
The Respondent failed to report the revocation by the Arizona Board of Osteopathic Examiners to the Iowa Board of Medical Examiners which is additional grounds for discipline under Iowa Administrative Code subrule 135.204(10).

DECISION

It is ordered that the license of Frederick A. Martin, D.O. license number 00714, to practice as an osteopathic physician is hereby permanently revoked.

Dated this 13th day of September, 1984.

THE IOWA BOARD OF MEDICAL EXAMINERS


John L. Garred, Sr., M.D.
Chairperson
Iowa State Board of Medical Examiners
for and on behalf of the Board

COPIES TO:

Frederick A. Martin, D.O.

OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : COMPLAINT AND STATEMENT
FREDERICK A. MARTIN, D.O., : OF CHARGES
RESPONDENT. :

COMES NOW Ronald V. Saf, Executive Director of the Iowa State Board of Medical Examiners on the 12th day of APRIL, 1984, and files this Complaint and Statement of Charges against Frederick A. Martin, D.O., an osteopathic physician licensed pursuant to Chapter 147, Code of Iowa, and alleges:

1. That Norman L. Pawlewski is the duly appointed, qualified and acting Commissioner of Public Health of the state of Iowa.

2. That Reid E. Motley, M.D., Chairman, John L. Garred, M.D., Vice-Chairman, Kathryn E. Gammack, Secretary, Alyce M. Fanslow, Ph.D., Joseph B. Baker, D.O., Richard L. Carruthers, D.O., William R. Bliss, M.D., Dorothy J. Gildea, M.D., and Hormoz Rassekh, M.D., are the duly appointed, qualified and acting officers and members of the Iowa State Board of Medical Examiners.

3. That the Respondent is a resident of Tucson, Arizona and was issued license number 00714 to practice osteopathic medicine and surgery in the state of Iowa on August 27, 1947, as recorded in Book A, Page 50 of the permanent records in the office of the Iowa Board of Medical Examiners.

4. That the Respondent's license is current until July 31, 1984.

5. That on May 8, 1982, the Respondent committed a crime of sexual abuse, a class five felony in the state of Arizona.

6. That in or about June or July of 1982, the Respondent committed a crime of sexual abuse, a class five felony in the state of Arizona.

7. That on May 26, 1983, the Respondent was convicted of two counts of sexual abuse, a class five felony in the state of Arizona and was sentenced to two and one-half years in the custody of the Arizona Department of Corrections.

8. That on July 20, 1983, the Arizona Board of Osteopathic Examiners in Medicine and Surgery permanently revoked the Arizona license to practice medicine

and surgery.

9. That the Respondent has not reported the Arizona disciplinary action to the Iowa Board of Medical Examiners.

10. That the Respondent is guilty of a violation of Sections 147.55(5), 148.6(1)(b), and 148.6(1)(d) of the Code of Iowa.

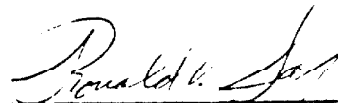
11. That the Respondent is guilty of a violation of Rules 470-135.204(5), 470-135.204(10) and 470-135.204(27) of the Iowa Administrative Code.

12. That paragraphs 10 and 11 constitute grounds for which the license issued to the Respondent, Frederick A. Martin, D.O., on the 27th day of August, 1947, as evidenced by certificate number 00714 which is recorded in Book A, Page 50 of the Iowa State Board of Medical Examiners, may be suspended or revoked.

WHEREFORE, the undersigned charges that Frederick A. Martin, D.O., has violated Sections 147.55(5), 148.6(1)(b) and 148.6(1)(d) of the Code of Iowa, and Rules 470-135.204(5), (10) and (27) of the Iowa Administrative Code and prays that the Board enter an order fixing a time and place of hearing on the Complaint and Statement of Charges filed herein.

The undersigned further prays that upon final hearing the Board enter its Findings of Fact and Decision to suspend or revoke the license to practice osteopathic medicine and surgery issued to Frederick A. Martin, D.O., on the 27th day of August, 1947 and for such other and further relief as the Board deems just in the premises.

IOWA STATE BOARD OF MEDICAL EXAMINERS



Ronald V. Saf, Executive Director
Iowa State Board of Medical Examiners
State Capitol Complex
Executive Hills West
Des Moines, Iowa 50319