

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
Michelle Martin, MD,) NOTICE OF CHARGES
Respondent.) AND ALLEGATIONS;
) NOTICE OF HEARING
)

The North Carolina Medical Board (hereinafter Board) has preferred and does hereby prefer the following charges and allegations:

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. The Board first issued Michelle Martin, MD (hereinafter "Dr. Martin") a license to practice medicine on November 23, 1996, license number 9601667.

3. At all time relevant herein, Dr. Martin practiced medicine in Statesville, North Carolina.

FIRST CLAIM - PATIENT A

4. Paragraphs one through three are re-alleged and incorporated herein by reference.

5. Dr. Martin began treating Patient A in approximately 1999.

6. Between April 2003 and July 2006, Dr. Martin engaged in an intimate personal relationship with Patient A, but did not terminate their pre-existing patient-physician relationship.

7. Between April 2003 and July 2006, while engaged in an intimate personal relationship with Patient A, Dr. Martin continued providing medical care and treatment to Patient A, including prescribing medications. Dr. Martin's prescriptions included the following medications: OxyContin®, a Schedule II controlled substance, Percocet, a Schedule II controlled substance, Trazodone, an anti-depressant, and Ambien®.

8. Dr. Martin's conduct of prescribing medications for Patient A, as described above, constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to suspend, revoke, condition, or limit Dr. Martin's license to practice medicine and surgery issued by the Board or to deny any application she might make in the future.

SECOND CLAIM - PATIENT B

9. Paragraphs one through three are re-alleged and incorporated herein by reference.

10. On five occasions between January 1999 and February 2002, and perhaps on other occasions yet to come to the attention of the Board, Dr. Martin wrote prescriptions for Patient B, a family member, for medications including the following: Prometha, Augmentin®, SOD (Superoxide dismutase), Zithromax®, and Orapred® (prednisolone).

11. Dr. Martin's practice of prescribing medications for Patient B, as described above, constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to suspend, revoke, or limit Dr. Martin's license to practice medicine issued by the Board or to deny any application she might make in the future.

Notice to Dr. Martin

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and Allegations will be held before the Board at 8:00 a.m. on Wednesday, June 20, 2007, or as soon thereafter as the Board may hear it, at the offices of the Board at 1203 Front Street, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen. Stat. §§ 150B-40, 41, and 42, and N.C. Gen. Stat. §§ 90-

14.2, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and allegations preferred against you within 30 days after the service of this notice.

The identity of Patients A and B is being withheld from public disclosure pursuant to N.C. Gen. Stat. § 90-8. However, this information will be provided to you upon your request.

This the 16th day of April, 2007.

NORTH CAROLINA MEDICAL BOARD

By:



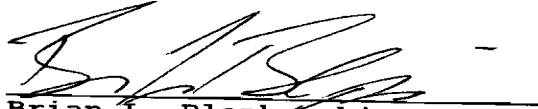
H. Arthur McCulloch, MD
President

CERTIFICATE OF SERVICE

The undersigned attorney for the Medical Board hereby certifies that on this date he served the foregoing Notice of Charges and Allegations to the Respondent Michelle Martin, MD, by depositing a copy thereof in the United States mail, postage prepaid, and addressed as follows:

Michelle Martin, MD
Coolidge Ave.
Statesville, NC 28677

This the 16th day of April, 2007.



Brian L. Blankenship
Board Attorney
North Carolina Medical Board
1203 Front Street
Raleigh, NC 27609
(919) 326-1109 ext. 239

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
Michelle Martin, M.D.,)
Respondent.)
AFFIDAVIT OF SERVICE

Brian Blankenship first being duly sworn, deposes and says as follows:

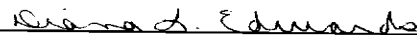
1. That a copy of the Notice of Charges and Allegations; Notice of Hearing in the above-captioned contested case was deposited in the post office for mailing to Respondent by certified mail.

2. That it was in fact received as evidenced by the attached copy of the Delivery Notice/Reminder/Receipt (PS Form 3811).



Brian Blankenship

Sworn to and subscribed before me,
this the 23rd day of April, 2007.



Notary Public

(Seal)

My Commission expires: 11-14-09

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: 07 APR 20 AM 10:29

Michelle Martin, M.D.
414 ~~Cowdige~~ Avenue
Statesville NC 28677-9114

Legal - NOC, NOH
BLB-COH

2. Article Number
(Transfer from service label)

7006 2760 0005 1125 7087

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
[Signature] Addressee

B. Received by (Printed Name) C. Date of Delivery
M. MARTIN 4-18-07

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
Michele Martin, MD,) CONSENT ORDER
Respondent.)

This matter is before the North Carolina Medical Board (hereinafter Board) on information that Michele Martin, M.D. (hereinafter Dr. Martin), committed unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6). Dr. Martin admits, and the Board finds and concludes, that:

Whereas the Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes, and

Whereas the Board first issued Michele Martin, MD (hereinafter "Dr. Martin") a license to practice medicine on November 23, 1996, license number 9601667, and

Whereas at all time relevant herein, Dr. Martin practiced medicine in Statesville, North Carolina, and

Whereas Dr. Martin began treating Patient A in approximately 1999, and

Whereas between April 2003 and July 2006, Dr. Martin engaged in an intimate personal relationship with Patient A, but did not terminate their pre-existing patient-physician relationship, and

Whereas between April 2003 and July 2006, while engaged in an intimate personal relationship with Patient A, Dr. Martin continued providing medical care and treatment to Patient A, including prescribing medications. Dr. Martin's prescriptions included the following medications: OxyContin®, a Schedule II controlled substance, Percocet, a Schedule II controlled substance, Trazodone, an anti-depressant, and Ambien®, and

Whereas on five occasions between January 1999 and February 2002, and perhaps on other occasions yet to come to the attention of the Board, Dr. Martin wrote prescriptions for Patient B, a family member, for medications including the following: Prometha, Augmentin®, SOD (Superoxide dismutase), Zithromax®, and Orapred® (prednisolone), and

Whereas Dr. Martin's practice of prescribing medications for Patients A and B, as described above, constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the

Board to suspend, revoke, or limit Dr. Martin's license to practice medicine issued by the Board or to deny any application she might make in the future, and

Whereas, Dr. Martin would like to resolve this matter without the need for more formal proceedings, and

Whereas, the Board has determined that it is in the public interest to resolve this case as set forth below;

Now, therefore, with Dr. Martin's consent, it is ORDERED that:

1. Dr. Martin's license to practice medicine is hereby SUSPENDED FOR SIX (6) MONTHS; however, the period of suspension is STAYED IMMEDIATELY subject to the following PROBATIONARY terms and conditions.

- a. Within months (12) months of the date of this consent order, Dr. Martin shall attend the Prescribing Controlled Substances continuing medical education course offered at The Center for Professional Health, Vanderbilt University Medical Center. Dr. Martin shall provide proof of satisfactory completion of the course to the Compliance Department, North Carolina Medical Board, within thirty (30) days of completing the course.
- b. Within months (12) months of the date of this consent order, Dr. Martin shall attend the Maintaining Proper Boundaries continuing medical education course offered at The Center for Professional Health, Vanderbilt University Medical Center. Dr. Martin shall provide proof of satisfactory completion of the course to the Compliance Department,

- c. Dr. Martin shall maintain a contract with NCPHP and abide by its terms, including the timely payment of any fees required by NCPHP. Dr. Martin shall comply with all recommendations made by NCPHP.
- d. Dr. Martin shall perform one hundred (100) hours of community service by August 2008, such community service to be approved in advance by the Board President.
- e. Dr. Martin shall appear before the Board at its January 2009 meeting and at such other times as requested by the Board.

2. Dr. Martin shall notify the Board in writing of any change in her residence or practice addresses within ten (10) days of the change.

3. Dr. Martin shall obey all laws. Likewise, she shall obey all rules or regulations involving the practice of medicine.

4. This Consent Order shall take effect immediately upon its execution by both Dr. Martin and the Board.

5. Dr. Martin hereby waives any requirement under any law or rule that this Consent Order be served on her.

6. If Dr. Martin fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen.

Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, or revoke her license to practice medicine and surgery and to deny any application she might make in the future or then have pending for a license.

7. Upon execution by Dr. Martin and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities as required by and permitted by law.

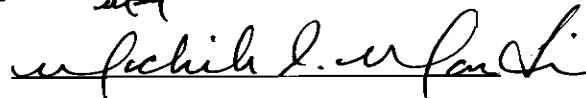
This the 19th day of June, 2007.

NORTH CAROLINA MEDICAL BOARD

By:


H. Arthur McCulloch, M.D.
President

Consented to this the 8th day of ^{June}~~May~~ 2007.


Michele Martin, M.D.

State of North Carolina

Forsyth County

I, Boyd West, a Notary Public for the above named County and State, do hereby certify that Michele Martin, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

This the 09 day of ~~May~~, 2007.

June

