

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: MARTIN H. STEIN, M.D.
License Number: 0101-030679
Case Number: 173345

MODIFIED ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Medicine (“Board”) held an informal conference on September 27, 2017, in Henrico County, Virginia, to receive and act upon the petition of Martin H. Stein, M.D., for reinstatement of his license to practice medicine and surgery in the Commonwealth of Virginia.

Martin H. Stein, M.D. appeared at this proceeding and was represented by Michael L. Goodman, Esquire, and Eileen Talamante, Esquire.

Following entry of the Board’s Order on October 17, 2017, Dr. Stein requested modification of Finding of Fact #7 to clarify a point he made during the informal conference. This Modified Order has been entered to reflect this change.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Martin H. Stein, M.D., was issued License Number 0101-030679 to practice medicine and surgery on April 2, 1979, which was surrendered for suspension on October 11, 2002.
2. By Consent Order, entered October 11, 2002, the Board accepted the voluntary surrender for suspension of Dr. Stein’s license for not less than one year. By Order of the Board, entered February 7, 2008, the Board denied Dr. Stein’s application for reinstatement of his license.
3. As the petitioner, Dr. Stein had the burden to demonstrate to the Board that he is safe and competent to practice medicine and surgery in the Commonwealth of Virginia.

4. Dr. Stein violated Virginia Code § 54.1-2915.A(4) in that he is not competent to practice medicine, as evidenced by the following:

a. Dr. Stein has not practiced medicine since the suspension of his license on October 11, 2002.

b. In 2005 and 2006, Dr. Stein settled 13 medical malpractice lawsuits brought against him by patients alleging that Dr. Stein's inappropriate and excessive prescription of medications caused them to develop cognitive deficits or other significant adverse effects.

5. Dr. Stein violated Virginia Code § 54.1-2915.A(4) and (14) in that he is unable to practice medicine with reasonable skill and safety based on the following:

a. The results of a neuropsychological evaluation performed on or about August 2, 2013 concluded that Dr. Stein exhibited "consistent and significant difficulties on measures of short-term memory and executive functions." Moreover, this testing revealed that Dr. Stein "struggled on tests that involved novel problem-solving skills, organization, planning and mental flexibility... Difficulties with executive functions can be predictive of day-to-day performance." The evaluation concluded that "[o]bviously, these types of issues would need to be considered and addressed ...if he [Dr. Stein] were to attempt to work in a professional capacity."

b. Dr. Stein informed the Board's Investigator ("Investigator") that he suffers from a long-standing mental illness (i.e., bipolar disorder), which requires ongoing monitoring and management.

c. Dr. Stein disputed the neuropsychological findings, but failed to follow any of the recommendations in a timely manner. Dr. Stein stated that he relied on the opinion of his treating neurologist.

d. The Board noted that there has not been any subsequent neuropsychological testing.

e. Dr. Stein stated he continues with monthly monitoring of his mental illness by his treating providers, and believes that would provide the monitoring necessary should his license be reinstated.

6. In an interview conducted on or about June 6, 2016, Dr. Stein informed the Investigator that he had followed up on the neuropsychological evaluator's recommendation to obtain a brain MRI, which he reported was "fine." However, when the Investigator subsequently attempted to obtain copies of this imaging study, Dr. Stein admitted that he had not obtained an MRI in follow up on this recommendation and, in fact, had not undergone an MRI since 2010, when he presented to the ER with intense vertigo and there were concerns he may have suffered a stroke. Dr. Stein stated that when he answered the Investigator's questions, he assumed that the 2010 MRI would be sufficient to address the issue raised in the 2013 neuropsychological assessment.

7. Dr. Stein stated that his prior unprofessional conduct occurred at the height of his illness. Dr. Stein explained that he was overcome by his illness at the time of those events and did not have the ability to control his actions, but he is now on medication and under active treatment for his mental illness.

8. Dr. Stein stated he has continued to be active in attending medical conferences and completes continuing education. Approximately three years ago, Dr. Stein spent three (3) months at St. Elizabeth's Hospital, Washington, D.C., completing an observership. Dr. Stein also has volunteered for the Medical Society of the District of Columbia.

9. Dr. Stein stated that he has attended a support group for bipolar disorder/depression for twelve (12) years.

10. Dr. Stein stated he began seeing Frederick K. Goodwin, M.D., in 2007, who adjusted his medications and implemented lifestyle modifications that have allowed Dr. Stein to control his bipolar disorder.

11. The Committee heard from Dr. Goodwin, who recently retired after 50 years of psychiatric practice and treated Dr. Stein since May 2007. Dr. Goodwin stated that he believes Dr. Stein is safe to return to the practice of medicine, contingent upon some type of formal and continuous practice supervision and compliance with treatment.

12. See the Confidential Exhibit.

13. The Committee recognized the significant progress Dr. Stein has made with regard to his mental health; however, based on his years of absence from practice, the depth and scope of his past unprofessional conduct, and the lack of objective evidence that he is safe and competent to practice medicine, the Committee finds that Dr. Stein did not meet the necessary burden of proof.

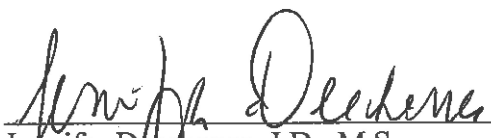
14. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Dr. Stein's health records or health services.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that the application of Martin H. Stein, M.D., for reinstatement of his license to practice medicine and surgery is DENIED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

ENTERED: 10/26/2017
Nunc Pro Tunc: October 17, 2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Dr. Stein may, not later than 5:00 p.m., on **November 21, 2017**, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on **November 21, 2017**, unless a request for a formal administrative hearing is received as described above.