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9/15/86

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel
STATE BOARD OF MEDICAL
EXAMINERS,

Plaintiff

vs.

JIMMY CHARLES MARTIN, M.D.,)
Medical License No. 10534,)
)

Defendant

FINAL ORDER

This cause comes on for hearing before the Oklahoma Board of Medical Examiners en banc on September 5, 1986, at 5104 North Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff, and the Defendant, Jimmy Charles Martin, M.D., appeared in person and announced he wanted to proceed without counsel and waived his right to representation by legal counsel.

The Board of Medical Examiners en banc heard the testimony and reviewed the exhibits, and being fully advised in the premises, the Board of Medical Examiners therefore finds as follows:

FINDINGS OF FACT

1. That Jimmy Charles Martin, M.D., holds Oklahoma Medical License No. 10534.

2. That the Board of Medical Examiners en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That on or around 10:00 p.m. on June 18, 1986, Defendant obtained one ampule of 1cc Demerol 100 mg. from Snider's Pharmacy for patient S.M. The prescription was written by the Defendant and pre-signed by Dr. Dennis R. Coventon, D.O. The Demerol was immediately injected into the patient's arm to control pain. The patient and her husband immediately left the Defendant's clinic.

4. On or around 11:00 p.m. on the same date, June 18, 1986, Defendant then prepared a second prescription for one ampule of 1cc Demerol 100 mg. in the name of the same patient, S.M. However, said drug was for the Defendant's own use and not for the use of patient S.M., or any other patient. The second prescription was written by the Defendant and pre-signed by Dr. Coventon, D.O., and the medication obtained by the Defendant at Snider's Pharmacy. Defendant told the pharmacist that the first shot had not relieved the pain of the patient and he needed to administer a second injection.

5. Around 11:05 p.m. on the same date, June 18, 1986, Defendant told the pharmacist he broke the second ampule of Demerol and that he therefore needed a third ampule. Defendant picked up a third ampule without a prescription. Defendant injected the third ampule of Demerol into his left hip and did not give any portion of the Demerol to the patient S.M. On the following day, the Defendant did procure a prescription for patient S.M., written by the Defendant and signed by Michael J. Babb, M.D., and the Defendant delivered the prescription to Snider's Pharmacy.

6. Further, Defendant falsely and knowingly made entries in medical records of patient S.M., as follows:

"6-19-86 J.C.M. -- seen in the clinic last evening and had a severe tendonitis, right elbow. Given injection of Decadron and Xylocaine into this area. Had severe pain and was given injection of Demerol 100 mg. and Phenergan 50 mg. I.M. Later in the evening it was necessary to repeat the injection because of severe pain and nausea."

7. That Demerol is a controlled drug under Oklahoma law and a narcotic drug declared by the laws of Oklahoma to be controlled.

CONCLUSION OF LAW

1. That Jimmy Charles Martin, M.D., holding Oklahoma Medical License No. 10534, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 11, 12 and 14, to-wit:

"11. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs."

The writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of Oklahoma to be controlled or narcotic drugs."

The violation, or attempted violation, direct or indirect, of any of the provisions of this act, either as a principal, accessory or accomplice."

ORDER

IT IS THEREFORE ORDERED BY THE Board of Medical Examiners of Oklahoma as follows:

1. That the Defendant, Jimmy Charles Martin, M.D., holding Oklahoma Medical License 10534, be formally reprimanded as a matter of record for the conduct set forth above concerning his actions on and around June 18, 1986 and his entries in the medical record of patient S.M.

2. That this reprimand of record is the extent of the sanction of the State Board of Medical Examiners in this case and that the Defendant's medical license is not revoked, suspended or placed under any form of probation or limitation.

3. That the Board acknowledges and accepts the voluntary offer of the Defendant to continue receiving psychiatric counseling with Dr. Boyd Lester, M.D., Psychiatrist, with periodic reports being sent to the Board and of the Defendant to

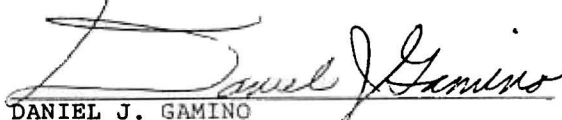
voluntarily submit bodily fluids for analysis at his own expense whenever requested by an investigator or representative of the Board. That the Defendant take no medication except as authorized by a treating physician. That the Defendant meet with the Board or any representative thereof on a voluntary basis whenever requested to do so.

DATED this 6th day of October, 1986.



MARK R. JOHNSON, M.D., Secretary
State Board of Medical Examiners

APPROVED AS TO FORM:



DANIEL J. GAMINO
Daniel J. Gamino & Associates, P.C
3315 Northwest 63rd Street
Oklahoma City, Oklahoma 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of October, 1986, I deposited in the U. S. Mails, postage prepaid, a true and correct copy of the above and foregoing Final Order addressed to:

Jimmy Charles Martin, M.D.
Bassett Clinic
1030 E. Cherry
Cushing, Oklahoma 74023


DANIEL J. GAMINO