

IN THE MATTER OF
MARTHA MADRID, M.D.
Applicant

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* CASE NO: 2218-0275A

CONSENT ORDER

On September 19, 2018, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”), notified **MARTHA MADRID, M.D.**, (the “Applicant”), of its intent to deny her Application for an Initial Medical License (the “Application”) pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.).

Panel A based its intent to deny on the following provisions:

Health Occ. § 14-307. Qualification of Applicants.

...

(b) *Moral Character.* – The applicant should be of good moral character.

Health Occ. § 14-205 (b) provides in pertinent part:

Additional Powers. –

...

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant or, if an applicant has failed to renew the applicant’s license, refuse to renew or reinstate an applicant’s license for:

(i) Any of the reasons that are grounds for action under § 14-404 of this title[.]

Health Occ. §14-404. Denials, reprimands, probations, suspensions, and revocation – Grounds.

(a) *In general.* - Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

...

(3) Is guilty of:

...

(ii) Unprofessional conduct in the practice of medicine;

...

(27) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes[.]

On January 16, 2019, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

I. FINDINGS OF FACT

Panel A finds:

BACKGROUND

1. On or about October 27, 2017,¹ the Applicant filed an initial Application for licensure with the Board (hereinafter, the “Application”).

2. The Applicant holds an active medical license in California, under license number G75760.

¹ The Board received the completed application and fee on or about December 7, 2017.

3. The Applicant practices in the specialty of anesthesiology. At all times relevant to this Notice of Intent to Deny, the Applicant was employed as an anesthesiologist by a surgery center located in California (“Facility A”).²

4. The Applicant answered “yes” to Questions 16c, 16e, and 16o on her Application which asked:

...

(16c) Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in armed services, or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

...

(16e) Has a hospital, related health care institution, HMO, or alternative health care system ever investigated you or brought charges against you?

...

(16o) Have you ever voluntarily resigned or terminated a contact with any hospital, HMO, other health care facility, health care provider, institution, armed services, or the Veterans Administration while under investigation by that institution for disciplinary reasons?

5. The Applicant provided to the Board a written explanation, dated November 12, 2017, stating that she was being investigated by the California Board of Medicine (the “California Board”) for an “inventory discrepancy relating to pain medication I provided to my spouse for a brief period of time in September 2017.” Additionally, the Applicant provided a copy of a complaint that had been filed with the California Board by Facility A that led to her resignation from Facility A as a result of being notified of Facility A’s investigation.

² In order to maintain confidentiality, identification of facilities will not be used in this document.

6. Based on the Applicant's affirmative responses to questions on her Application, and her representation that the California Board was conducting an investigation, the Maryland Board initiated an investigation.

FACILITY A's INVESTIGATION

7. On or about October 22, 2017, the Regional Director for Facility A filed a complaint with the California Board notifying the California Board of the Applicant's resignation and surrender of clinical privileges "as a result of being notified of a possible investigation and disciplinary action initiated for a medical disciplinary cause or action."³ Facility A's letter described that in September 2017, Facility A had discovered a discrepancy in the Fentanyl counts. An internal investigation revealed:

Dr. Madrid was suspected of falsifying her charts to divert Fentanyl from [Facility A] for personal purposes. Upon further inquiry, the missing vials of Fentanyl were discovered in Dr. Madrid's personal belongings at the facility, with the intention of being removed from the premises.

8. In the Applicant's written response to the Board, she acknowledged the following:

...While under the care of a pain management specialist, my husband was unable to obtain control of his pain and I exercised poor judgment in trying to help him (he was not habituated). I can only state that, because of ...spousal pressure, I acted in a fashion inconsistent with my duties as a physician, for which I take full responsibility[.]

II. CONCLUSIONS OF LAW

Based on the Findings of Fact, Panel A denies the Applicant's application for an initial medical license as Panel A concludes as a matter of law that the Applicant's conduct

³ This information was obtained from a letter provided by the Applicant to the Maryland Board.

constitutes evidence that she is not of good moral character as required for licensure under Health Occ. § 14-307(b); and that pursuant to Health Occ. §14-205(b)(3) she is guilty of unprofessional conduct in the practice of medicine in violation of Health Occ. §14-404(a)(3ii); and that she sold, prescribed, gave away, or administered drugs for illegal or illegitimate medical purposes in violation of Health Occ. §14-404(a)(27).

III. ORDER

It is thus by Panel A, hereby:

ORDERED that the Applicant's initial application for a Maryland medical license is **DENIED**; and it is further

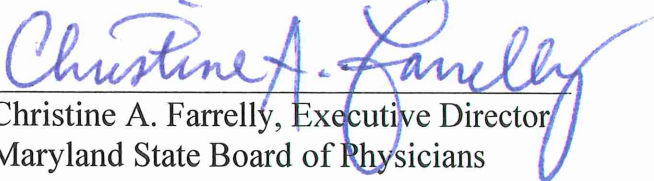
ORDERED that the Applicant may file another application for a Maryland medical license only after the California Medical Board has completed its investigation and all related proceedings arising from the complaint filed by Facility A have been resolved; and it is further

ORDERED that the Applicant is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

02/08/2019
Date


Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

CONSENT

I, Martha Madrid, M.D., assert that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending notice of intent to deny. I waive these rights and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on their behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest

the Findings of Fact and Conclusions of Law and Order set out in the Consent Order.

I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

2/4/19
Date

Signature on File
Martha Madrid, M.D.

STATE/ DISTRICT OF _____

CITY/COUNTY OF:

~~I HEREBY CERTIFY that on this ___ day of _____, 2019, before me, a Notary Public of the State/District and County aforesaid, personally appeared Martha Madrid, M.D., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.~~

~~AS WITNESS, my hand and Notary Seal.~~

Notary Public

*Please see attached
GA Notary Certificate*

My commission expires:

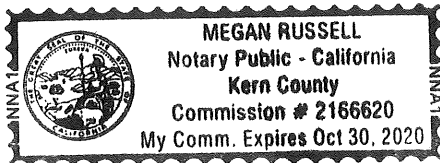
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Kern)
On 2/4/2019 before me, Megan Russell, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Martha Madrid
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Megan Russell
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Consent Order

Document Date: 2/4/19

Number of Pages: 7

Capacity(ies) Claimed by Signer(s)
Signer's Name: Martha Madrid
[] Corporate Officer — Title(s):
[] Partner — [] Limited [] General
[X] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing:

Signer's Name:
[] Corporate Officer — Title(s):
[] Partner — [] Limited [] General
[X] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing: