



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Richard F. Daines, M.D.
Commissioner
NYS Department of Health

Keith W. Servis
Director
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

Public

July 30, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Duane G. Martin, M.D.
1089 South Justine Court
Gilbert, AZ 85296

Re: License No. 152927

Dear Dr. Martin:

Enclosed is a copy of Order #BPMC 07-157 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 6, 2007.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Paul J. Gianocola, Esq.
Snell & Wilmer, LLP
One Arizona Center
400 E. Van Buren Street
Phoenix, AZ 85004

IN THE MATTER

OF

DUANE G. MARTIN, M.D.

CONSENT

ORDER

BPMC No. #07-157

Upon the application of (Respondent), **DUANE G. MARTIN, M.D.** in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 7-27-07



KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
DUANE G. MARTIN, M.D.
CO-07-02-0617-A

CONSENT
AGREEMENT
AND ORDER

DUANE G. MARTIN, M.D., representing that all of the following statements are true, deposes and says:

That on or about January 7, 1983, I was licensed to practice as a physician in the State of New York, and issued License No. 152927 by the New York State Education Department.

My current address is 1089 South Justine Court, Gilbert, AZ 85296.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one (1) Specification of professional misconduct, based solely upon the Arizona Medical Board, October 13, 2006, Findings of Fact, Conclusions of Law and Order.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand and two (2) years probation and the requirement that I maintain active registration of my medical license. I have not, however, practiced medicine in the State of New York in over 23 years and I do not intend to return to the practice of medicine in the State of New York.

I do not, therefore, contest the one (1) Specification, in full satisfaction of the charges against me, and agree, therefore, to the following penalty in lieu of the settlement originally offered to me by the State of New York:

I agree:

to never activate my registration to practice medicine in New York state
or seek to reapply for a license to practice medicine in New York state.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

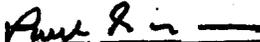
AFFIRMED:

DATED: 7/10/07

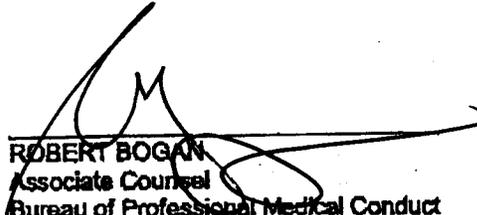

DUANE G. MARTIN, M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

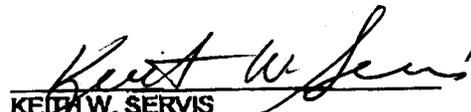
DATE: 7/11/07


PAUL GIANCOLA
Attorney for Respondent

DATE: 13 July 2007


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 7/26


KEITH W. SERVIS
Director
Office of Professional Medical Conduct

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
DUANE G. MARTIN, M.D.
CO-07-02-0617-A

AMENDED
STATEMENT
OF
CHARGES

DUANE G. MARTIN, M.D., Respondent, was authorized to practice medicine in New York state on January 7, 1983, by the issuance of license number 152927 by the New York State Education Department.

FACTUAL ALLEGATIONS

A On or about October 13, 2006, the Arizona Medical Board (hereinafter "Arizona Board"), by a Findings of Fact, Conclusions of Law and Order (hereinafter "Arizona Order"), issued Respondent a Letter of Reprimand, based on failing to recognize signs and symptoms of myocardial origin and failure to obtain an EKG depriving a patient of the chance for earlier intervention.

B. The conduct resulting in the Arizona Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(4) (gross negligence).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

DATED: *July 20*, 2007
Albany, New York

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct