

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**ANGEL S. MARTIN, M.D., RESPONDENT**

**FILE No. 02-09-364**

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**STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT  
(Combined)**

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COMES NOW the Iowa Board of Medicine (Board), and Angel S. Martin, M.D., (Respondent), on December 16, 2010, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this combined Statement of Charges and Settlement Agreement.

**STATEMENT OF CHARGES**

1. Respondent was issued Iowa medical license no. 20656 on July 1, 1977.
2. Respondent's Iowa medical license is active and will next expire on January 1, 2012.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

**COUNT I**

4. Respondent is charged pursuant to Iowa Code section 147.55(5) and 272C.10(5) with being convicted of a felony related to the practice of medicine.

## STATEMENT OF MATTERS ASSERTED

5. Respondent formerly practiced general surgery in Newton, Iowa.
6. On April 10, 2009, at the direction of the Board, Respondent completed a comprehensive competency evaluation at a nationally recognized assessment program. While the assessment program cautioned the Respondent about patient selection, the overall recommendation was that he was competent and qualified to practice general surgery.
7. On November 8, 2007, the Board had filed formal disciplinary charges against Respondent for professional incompetency and practice harmful or detrimental to the public in his surgical practice which was resolved following the evaluation pending completion of a probationary term which proceeded satisfactorily since August 6, 2009 and had moved into Phase II.
8. On August 6, 2009, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges.
9. Respondent was placed on probation subject to Board monitoring for a period of five years and he was required to fully comply with the recommendations of the nationally-recognized assessment program. Respondent was also issued a Citation and Warning and ordered to pay a \$7,500 Civil Penalty and maintain professional malpractice insurance with a minimum of \$1,000,000.00

in coverage at all times while practicing medicine which at time material hereto, the Respondent complied with.

10. On October 28, 2010, Respondent was sentenced to the statutory minimum of six months in prison after being convicted of 31 counts of health care fraud. The United States attorney's requests for enhancement were denied, the Court noting failure of proof.

11. The prospective terms of the sentencing included the non practice of medicine until probation was completed and the sentence is of such a limited duration that the matter of punishment would be over before an appeal of the matter could be reviewed by the Appellate Court.

12. **VOLUNTARY SURRENDER:** Hence, the Respondent is ceasing medical practice and surrenders his Iowa medical license to resolve the Board's charges in this matter, even though the enhancement rejected by the Court constituted a rejection of the same theory on which the fraud claim was based.

13. Respondent voluntarily submits this Order to the Board for consideration.

14. This Order constitutes the resolution of a contested case proceeding and the matter of the Settlement Agreement previously entered into with the Board is suspended. The balance of \$2,500.00 of the civil penalty included in the Suspended Agreement to be paid when the conviction is reversed or the sentence

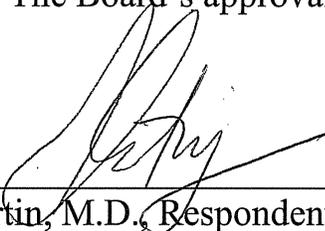
and probationary terms are complied with and re-qualification to practice is established.

15. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

16. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges on the fraud claims and waives any objections to the terms of this Order.

17. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

18. The Board's approval of this Order shall constitute a **Final Order** of the Board.



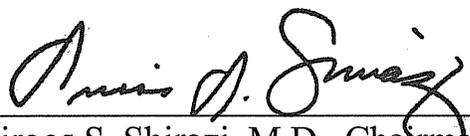
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Angel S. Martin, M.D., Respondent

Subscribed and sworn to before me on December 2, 2010.

Notary Public, State of Iowa  
My Commission Expires: 01-11-10

Mary M. Rethmeier  
(Mary M. Rethmeier)  
Notary Public, State of Iowa

This Order is approved by the Board on December 16, 2010.



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Siroos S. Shirazi, M.D., Chairman  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

