

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First Amended  
Accusation Against:

James Benjamin Martel, M.D.

Physician's and Surgeon's  
Certificate No. G 60544

Respondent.

Case No.: 800-2020-063898

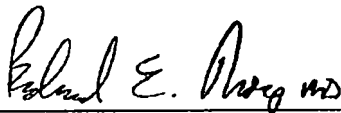
DECISION

The attached Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 16, 2024.

IT IS SO ORDERED: January 18, 2024.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, Chair  
Panel B

1 ROB BONTA  
Attorney General of California  
2 STEVE DIEHL  
Supervising Deputy Attorney General  
3 JADE WOLANSKY  
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8

9 **BEFORE THE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the First Amended Accusation  
Against:

14 **JAMES BENJAMIN MARTEL, M.D.**  
15 **P.O. Box 503**  
16 **Fair Oaks, CA 95628**

17 **Physician's and Surgeon's Certificate No.**  
**G 60544**

18 Respondent.

Case No. 800-2020-063898

OAH No. 2023040259

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of  
24 California (Board). He brought this action solely in his official capacity and is represented in this  
25 matter by Rob Bonta, Attorney General of the State of California, by Jade Wolansky, Deputy  
26 Attorney General.

27 ///

28 ///

1           2.     Respondent James Benjamin Martel, M.D. (Respondent) is represented in this  
2 proceeding by attorney Steven B. Plessner, whose address is 765 University Avenue, Sacramento,  
3 CA 95825.

4           3.     On or about July 6, 1987, the Board issued Physician’s and Surgeon’s Certificate No.  
5 G 60544 to James Benjamin Martel, M.D. (Respondent). The Physician’s and Surgeon’s  
6 Certificate was in full force and effect at all times relevant to the charges brought in First  
7 Amended Accusation No. 800-2020-063898, and will expire on October 31, 2024, unless  
8 renewed.

9                                                            **JURISDICTION**

10          4.     First Amended Accusation No. 800-2020-063898 was filed before the Board, and is  
11 currently pending against Respondent. The First Amended Accusation and all other statutorily  
12 required documents were properly served on Respondent on October 30, 2023. The First  
13 Amended Accusation was deemed controverted pursuant to Government Code Section 11507 in  
14 light of the fact that Respondent timely filed his Notice of Defense contesting the original  
15 Accusation No. 800-2020-063898.

16          5.     A copy of First Amended Accusation No. 800-2020-063898 is attached as **Exhibit A**  
17 and incorporated herein by reference.

18                                                           **ADVISEMENT AND WAIVERS**

19          6.     Respondent has carefully read, fully discussed with counsel, and understands the  
20 charges and allegations in First Amended Accusation No. 800-2020-063898. Respondent has  
21 also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated  
22 Settlement and Disciplinary Order.

23          7.     Respondent is fully aware of his legal rights in this matter, including the right to a  
24 hearing on the charges and allegations in the First Amended Accusation; the right to confront and  
25 cross-examine the witnesses against him; the right to present evidence and to testify on his own  
26 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
27 production of documents; the right to reconsideration and court review of an adverse decision;  
28

1 and all other rights accorded by the California Administrative Procedure Act and other applicable  
2 laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
4 every right set forth above.

5 **CULPABILITY**

6 9. Respondent does not contest that, at an administrative hearing, complainant could  
7 establish a prima facie case with respect to the charges and allegations contained in First  
8 Amended Accusation No. 800-2020-063898 and that he has thereby subjected his license to  
9 disciplinary action.

10 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
11 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
12 Disciplinary Order below.

13 **CONTINGENCY**

14 11. This stipulation shall be subject to approval by the Medical Board of California.  
15 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
16 Board of California may communicate directly with the Board regarding this stipulation and  
17 settlement, without notice to or participation by Respondent or his counsel. By signing the  
18 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
22 action between the parties, and the Board shall not be disqualified from further action by having  
23 considered this matter.

24 12. Respondent agrees that if he ever petitions for early termination or modification of  
25 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
26 Board, all of the charges and allegations contained in First Amended Accusation No. 800-2020-  
27 063898 shall be deemed true, correct and fully admitted by respondent for purposes of any such  
28 proceeding or any other licensing proceeding involving Respondent in the State of California.

1 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
2 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
3 signatures thereto, shall have the same force and effect as the originals.

4 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
5 the Board may, without further notice or opportunity to be heard by the Respondent, issue and  
6 enter the following Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 60544 issued,  
9 to Respondent James Benjamin Martel, M.D. is revoked. However, the revocation is stayed and  
10 Respondent is placed on probation for five (5) years on the following terms and conditions:

11 1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall  
12 abstain completely from the personal use or possession of controlled substances as defined in the  
13 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and  
14 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not  
15 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide  
16 illness or condition.

17 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent  
18 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone  
19 number; medication name, strength, and quantity; and issuing pharmacy name, address, and  
20 telephone number

21 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from  
22 the use of products or beverages containing alcohol.

23 3. PROFESSIONALISM PROGRAM (Ethics Course). Within 60 calendar days of  
24 the effective date of this decision, Respondent shall enroll in a professionalism program, that  
25 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
26 Respondent shall participate in and successfully complete that program. Respondent shall  
27 provide any information and documents that the program may deem pertinent. Respondent shall  
28 successfully complete the classroom component of the program not later than six (6) months after

1 Respondent's initial enrollment, and the longitudinal component of the program no later than the  
2 time specified by the program, but no later than one (1) year after attending the classroom  
3 component. The professionalism program shall be at the Respondent's expense and shall be in  
4 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

5 A professionalism program taken after the acts that gave rise to the charges in the First  
6 Amended Accusation No. 800-2020-063898, but prior to the effective date of the Decision may,  
7 in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this  
8 condition if the program would have been approved by the Board or its designee had the program  
9 been taken after the effective date of this Decision.

10 Respondent shall submit a certification of successful completion to the Board or its  
11 designee not later than 15 calendar days after successfully completing the program or not later  
12 than 15 calendar days after the effective date of the Decision, whichever is later.

13 4. CLINICAL DIAGNOSTIC EVALUATION. Within 30 calendar days of the  
14 effective date of this Decision, and on whatever periodic basis thereafter as may be required by  
15 the Board or its designee, Respondent shall undergo and complete a clinical diagnostic  
16 evaluation, including any and all testing deemed necessary, by a Board-appointed board certified  
17 physician and surgeon. The examiner shall consider any information provided by the Board or its  
18 designee and any other information he or she deems relevant, and shall furnish a written  
19 evaluation report to the Board or its designee.

20 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon  
21 who holds a valid, unrestricted license, has 3 years' experience in providing evaluations of  
22 physicians and surgeons with substance abuse disorders, and is approved by the Board or its  
23 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable  
24 professional standards for conducting substance abuse clinical diagnostic evaluations. The  
25 evaluator shall not have a current or former financial, personal, or business relationship with  
26 Respondent within the last 5 years. The evaluator shall provide an objective, unbiased, and  
27 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the evaluator's  
28 opinion, whether Respondent has a substance abuse problem, whether Respondent is a threat to

1 himself or others, and recommendations for substance abuse treatment, practice restrictions, or  
2 other recommendations related to Respondent's rehabilitation and ability to practice safely. If the  
3 evaluator determines during the evaluation process that Respondent is a threat to himself or  
4 others, the evaluator shall notify the Board within 24 hours of such a determination.

5 In formulating his or her opinion as to whether Respondent is safe to continue either part  
6 time or full-time practice and what restrictions or recommendations should be imposed, including  
7 participation in an inpatient or outpatient treatment program, the evaluator shall consider the  
8 following factors: Respondent's license type; Respondent's history; Respondent's documented  
9 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);  
10 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical  
11 history and current medical condition; the nature, duration and severity of Respondent's  
12 substance abuse problem or problems; and whether Respondent is a threat to himself or the  
13 public.

14 For all clinical diagnostic evaluations, a final written report shall be provided to the Board  
15 no later than 10 days from the date the evaluator is assigned the matter. If the evaluator requests  
16 additional information or time to complete the evaluation and report, an extension may be  
17 granted, but shall not exceed 30 days from the date the evaluator was originally assigned the  
18 matter.

19 The Board shall review the clinical diagnostic evaluation report within 5 business days of  
20 receipt to determine whether Respondent is safe to continue to practice either part-time or full-  
21 time and what restrictions or recommendations shall be imposed on Respondent based on the  
22 recommendations made by the evaluator.

23 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall  
24 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic  
25 evaluation, including any and all testing deemed necessary by the examiner, the Board or its  
26 designee, shall be borne by the licensee.

27 Respondent shall comply with all restrictions or conditions recommended by the examiner  
28 conducting the clinical diagnostic evaluation within 15 calendar days after being notified by the

1 Board or its designee.

2 5. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
3 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
4 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
5 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
6 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
7 Respondent's work status, performance, and monitoring.

8 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
9 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
10 privileges.

11 6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
12 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
13 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
14 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
15 make daily contact with the Board or its designee to determine whether biological fluid testing is  
16 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
17 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
18 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
19 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
20 basis. The cost of biological fluid testing shall be borne by the Respondent.

21 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
22 During the second year of probation and for the duration of the probationary term, up to five (5)  
23 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no  
24 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing  
25 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number  
26 of random tests to the first-year level of frequency for any reason.

27 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
28 approved in advance by the Board or its designee, that will conduct random, unannounced,



1 observed, biological fluid testing and meets all of the following standards:

2 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
3 Association or have completed the training required to serve as a collector for the United  
4 States Department of Transportation.

5 (b) Its specimen collectors conform to the current United States Department of  
6 Transportation Specimen Collection Guidelines.

7 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
8 by the United States Department of Transportation without regard to the type of test  
9 administered.

10 (d) Its specimen collectors observe the collection of testing specimens.

11 (e) Its laboratories are certified and accredited by the United States Department of Health  
12 and Human Services.

13 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
14 of receipt and all specimens collected shall be handled pursuant to chain of custody  
15 procedures. The laboratory shall process and analyze the specimens and provide legally  
16 defensible test results to the Board within seven (7) business days of receipt of the  
17 specimen. The Board will be notified of non-negative results within one (1) business day  
18 and will be notified of negative test results within seven (7) business days.

19 (g) Its testing locations possess all the materials, equipment, and technical expertise  
20 necessary in order to test Respondent on any day of the week.

21 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
22 for the detection of alcohol and illegal and controlled substances.

23 (i) It maintains testing sites located throughout California.

24 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
25 computer database that allows the Respondent to check in daily for testing.

26 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
27 access to drug test results and compliance reporting information that is available 24 hours a  
28 day.

1 (l) It employs or contracts with toxicologists that are licensed physicians and have  
2 knowledge of substance abuse disorders and the appropriate medical training to interpret  
3 and evaluate laboratory biological fluid test results, medical histories, and any other  
4 information relevant to biomedical information.

5 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
6 while practicing, even if the Respondent holds a valid prescription for the substance.

7 Prior to changing testing locations for any reason, including during vacation or other travel,  
8 alternative testing locations must be approved by the Board and meet the requirements above.

9 The contract shall require that the laboratory directly notify the Board or its designee of  
10 non-negative results within one (1) business day and negative test results within seven (7)  
11 business days of the results becoming available. Respondent shall maintain this laboratory or  
12 service contract during the period of probation.

13 A certified copy of any laboratory test result may be received in evidence in any  
14 proceedings between the Board and Respondent.

15 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
16 administered to himself or herself a prohibited substance, the Board shall order Respondent to  
17 cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
18 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
19 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
20 provide medical services while the cease-practice order is in effect.

21 A biological fluid test will not be considered negative if a positive result is obtained while  
22 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
23 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

24 After the issuance of a cease-practice order, the Board shall determine whether the positive  
25 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
26 specimen collector and the laboratory, communicating with the licensee, his or her treating  
27 physician(s), other health care provider, or group facilitator, as applicable.

28 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the

1 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

2 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
3 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
4 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
5 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

6 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
7 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
8 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
9 any other terms or conditions the Board determines are necessary for public protection or to  
10 enhance Respondent's rehabilitation.

11 7. GROUP SUPPORT MEETINGS. Within 30 days of the effective date of this  
12 Decision, Respondent shall submit to the Board or its designee, for its prior approval, the name of  
13 a substance abuse support group which he shall attend for the duration of probation. Respondent  
14 shall attend substance abuse support group meetings at least once per week, or as ordered by the  
15 Board or its designee. Respondent shall pay all substance abuse support group meeting costs.

16 The facilitator of the substance abuse support group meeting shall have a minimum of 3  
17 years' experience in the treatment and rehabilitation of substance abuse, and shall be licensed or  
18 certified by the state or nationally certified organizations. The facilitator shall not have a current  
19 or former financial, personal, or business relationship with Respondent within the last 5 years.  
20 Respondent's previous participation in a substance abuse group support meeting led by the same  
21 facilitator does not constitute a prohibited current or former financial, personal, or business  
22 relationship.

23 The facilitator shall provide a signed document to the Board or its designee showing  
24 Respondent's name, the group name, the date and location of the meeting, Respondent's  
25 attendance, and Respondent's level of participation and progress. The facilitator shall report any  
26 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
27 or its designee, within 24 hours of the unexcused absence.

28 8. WORKSITE MONITOR. Within 30 calendar days of the effective date of this

1 Decision, Respondent shall submit to the Board or its designee for prior approval as a worksite  
2 monitor, the name and qualifications of one or more licensed physicians and surgeons, other  
3 licensed health care professional if no physician and surgeon is available, or, as approved by the  
4 Board or its designee, a person in a position of authority who is capable of monitoring the  
5 Respondent at work.

6 The worksite monitor shall not have a current or former financial, personal, or familial  
7 relationship with Respondent, or any other relationship that could reasonably be expected to  
8 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
9 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
10 monitor, this requirement may be waived by the Board or its designee, however, under no  
11 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

12 The worksite monitor shall have an active unrestricted license with no disciplinary action  
13 within the last 5 years, and shall sign an affirmation that he or she has reviewed the terms and  
14 conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth by  
15 the Board or its designee.

16 Respondent shall pay all worksite monitoring costs.

17 The worksite monitor shall have face-to-face contact with Respondent in the work  
18 environment on as frequent a basis as determined by the Board or its designee, but not less than  
19 once per week; interview other staff in the office regarding Respondent's behavior, if requested  
20 by the Board or its designee; and review Respondent's work attendance.

21 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
22 Respondent's employer or supervisor within 1 business day of occurrence. If the suspected  
23 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
24 be made to the Board or its designee within 1 hour of the next business day. A written report that  
25 includes the date, time, and location of the suspected abuse; Respondent's actions; and any other  
26 information deemed important by the worksite monitor shall be submitted to the Board or its  
27 designee within 48 hours of the occurrence.

28 The worksite monitor shall complete and submit a written report monthly or as directed by

1 the Board or its designee which shall include the following: (1) Respondent's name and  
2 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature;  
3 (3) the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
4 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
5 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
6 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
7 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
8 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
9 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

10 If the worksite monitor resigns or is no longer available, Respondent shall, within 5  
11 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
12 approval, the name and qualifications of a replacement monitor who will be assuming that  
13 responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement  
14 monitor within 60 calendar days of the resignation or unavailability of the monitor, Respondent  
15 shall receive a notification from the Board or its designee to cease the practice of medicine within  
16 3 calendar days after being so notified. Respondent shall cease the practice of medicine until a  
17 replacement monitor is approved and assumes monitoring responsibility.

18 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
19 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
20 probation.

21 A. If Respondent commits a major violation of probation as defined by section  
22 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
23 one or more of the following actions:

24 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
25 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
26 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
27 order issued by the Board or its designee shall state that Respondent must test negative for at least  
28 a month of continuous biological fluid testing before being allowed to resume practice. For

1 purposes of determining the length of time a Respondent must test negative while undergoing  
2 continuous biological fluid testing following issuance of a cease-practice order, a month is  
3 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until  
4 notified in writing by the Board or its designee that he or she may do so.

5 (2) Increase the frequency of biological fluid testing.

6 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
7 other action as determined by the Board or its designee.

8 B. If Respondent commits a minor violation of probation as defined by section  
9 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
10 one or more of the following actions:

11 (1) Issue a cease-practice order;

12 (2) Order practice limitations;

13 (3) Order or increase supervision of Respondent;

14 (4) Order increased documentation;

15 (5) Issue a citation and fine, or a warning letter;

16 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
17 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
18 Regulations, at Respondent's expense;

19 (7) Take any other action as determined by the Board or its designee.

20 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
21 to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
22 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
23 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
24 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
25 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
26 is final, and the period of probation shall be extended until the matter is final.

27 10. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
28 Respondent shall provide a true copy of this Decision and First Amended Accusation No. 800-

1 2020-063898 to the Chief of Staff or the Chief Executive Officer at every hospital where  
2 privileges or membership are extended to Respondent, at any other facility where Respondent  
3 engages in the practice of medicine, including all physician and locum tenens registries or other  
4 similar agencies, and to the Chief Executive Officer at every insurance carrier which extends  
5 malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to  
6 the Board or its designee within 15 calendar days.

7 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

8 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
9 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
10 advanced practice nurses.

11 12. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
12 governing the practice of medicine in California and remain in full compliance with any court  
13 ordered criminal probation, payments, and other orders.

14 13. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
15 ordered to reimburse the Board its costs of investigation and enforcement, including, but not  
16 limited to, expert review, amended accusations, legal reviews, joint investigations, and subpoena  
17 enforcement, as applicable, in the amount of \$21,077.25 (twenty-one thousand and seventy-seven  
18 dollars and twenty-five cents). Costs shall be payable to the Medical Board of California. Failure  
19 to pay such costs shall be considered a violation of probation.

20 Payment must be made in full within 30 calendar days of the effective date of the Order, or  
21 by a payment plan approved by the Medical Board of California. Any and all requests for a  
22 payment plan shall be submitted in writing by Respondent to the Board. Failure to comply with  
23 the payment plan shall be considered a violation of probation.

24 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility  
25 to repay investigation and enforcement costs, including expert review costs (if applicable).

26 14. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
27 under penalty of perjury on forms provided by the Board, stating whether there has been  
28 compliance with all the conditions of probation.

1 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
2 of the preceding quarter.

3 15. GENERAL PROBATION REQUIREMENTS.

4 Compliance with Probation Unit

5 Respondent shall comply with the Board's probation unit.

6 Address Changes

7 Respondent shall, at all times, keep the Board informed of Respondent's business and  
8 residence addresses, email address (if available), and telephone number. Changes of such  
9 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
10 circumstances shall a post office box serve as an address of record, except as allowed by Business  
11 and Professions Code section 2021, subdivision (b).

12 Place of Practice

13 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
14 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
15 facility.

16 License Renewal

17 Respondent shall maintain a current and renewed California physician's and surgeon's  
18 license.

19 Travel or Residence Outside California

20 Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
21 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
22 (30) calendar days.

23 In the event Respondent should leave the State of California to reside or to practice  
24 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
25 departure and return.

26 16. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
27 available in person upon request for interviews either at Respondent's place of business or at the  
28 probation unit office, with or without prior notice throughout the term of probation.



1           17.    NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
2 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
3 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
4 defined as any period of time Respondent is not practicing medicine as defined in Business and  
5 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
6 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
7 Respondent resides in California and is considered to be in non-practice, Respondent shall  
8 comply with all terms and conditions of probation. All time spent in an intensive training  
9 program which has been approved by the Board or its designee shall not be considered non-  
10 practice and does not relieve Respondent from complying with all the terms and conditions of  
11 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
12 on probation with the medical licensing authority of that state or jurisdiction shall not be  
13 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
14 period of non-practice.

15           In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
16 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
17 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
18 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
19 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

20           Respondent's period of non-practice while on probation shall not exceed two (2) years.

21           Periods of non-practice will not apply to the reduction of the probationary term.

22           Periods of non-practice for a Respondent residing outside of California will relieve  
23 Respondent of the responsibility to comply with the probationary terms and conditions with the  
24 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
25 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
26 Controlled Substances; and Biological Fluid Testing.

27           18.    COMPLETION OF PROBATION. Respondent shall comply with all financial  
28 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the

1 completion of probation. This term does not include cost recovery, which is due within 30  
2 calendar days of the effective date of the Order, or by a payment plan approved by the Medical  
3 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate  
4 shall be fully restored.

5 19. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
6 of probation is a violation of probation. If Respondent violates probation in any respect, the  
7 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
8 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
9 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
10 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
11 the matter is final.

12 20. LICENSE SURRENDER. Following the effective date of this Decision, if  
13 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
14 the terms and conditions of probation, Respondent may request to surrender his or her license.  
15 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
16 determining whether or not to grant the request, or to take any other action deemed appropriate  
17 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
18 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
19 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
20 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
21 application shall be treated as a petition for reinstatement of a revoked certificate.

22 21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
23 with probation monitoring each and every year of probation, as designated by the Board, which  
24 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
25 California and delivered to the Board or its designee no later than January 31 of each calendar  
26 year.

27 22. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
28 a new license or certification, or petition for reinstatement of a license, by any other health care

1 licensing action agency in the State of California, all of the charges and allegations contained in  
2 First Amended Accusation No. 800-2020-063898 shall be deemed to be true, correct, and  
3 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding  
4 seeking to deny or restrict license.

5 **ACCEPTANCE**

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have  
7 fully discussed it with my attorney. I understand the stipulation and the effect it will have on my  
8 Physician's and Surgeon's Certificate, and Physician's and Surgeon's License. I enter into this  
9 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
10 to be bound by the Decision and Order of the Medical Board of California.

11 DATED: 11/7/23



12 JAMES BENJAMIN MARTEL, M.D.  
13 Respondent

14 I have read and fully discussed with Respondent James Benjamin Martel M.D. the terms  
15 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
16 Order. I approve its form and content.

17 DATED: 11/07/23



18 STEVEN B. PLESSER  
19 Attorney for Respondent

20 **ENDORSEMENT**

21 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
22 submitted for consideration by the Medical Board of California.

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DATED: November 8, 2023

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
STEVE DIEHL  
Supervising Deputy Attorney General  
*Jade Wolansky*  
JADE WOLANSKY  
Deputy Attorney General  
*Attorneys for Complainant*

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*Attorneys for Complainant*

9 **BEFORE THE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation  
Against:

Case No. 800-2020-063898

13 **James Benjamin Martel, M.D.**  
14 **P.O. Box 503**  
**Fair Oaks, CA 95628-0503**

**FIRST AMENDED ACCUSATION**

15 **Physician's and Surgeon's Certificate**  
16 **No. G 60544,**

17 Respondent.

18  
19 **PARTIES**

20 1. Reji Varghese (Complainant) brings this First Amended Accusation solely in his  
21 official capacity as the Executive Director of the Medical Board of California, Department of  
22 Consumer Affairs (Board).

23 2. On or about July 6, 1987, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G 60544 to James Benjamin Martel, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on October 31, 2024, unless renewed.

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28 ///

1 **JURISDICTION**

2 3. This First Amended Accusation is brought before the Board, under the authority of  
3 the following laws. All section references are to the Business and Professions Code (Code)  
4 unless otherwise indicated.

5 4. Section 2227 of the Code states:

6 (a) A licensee whose matter has been heard by an administrative law judge of the  
7 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or  
8 whose default has been entered, and who is found guilty, or who has entered into a  
stipulation for disciplinary action with the board, may, in accordance with the provisions of  
this chapter:

9 (1) Have his or her license revoked upon order of the board.

10 (2) Have his or her right to practice suspended for a period not to exceed one year  
11 upon order of the board.

12 (3) Be placed on probation and be required to pay the costs of probation monitoring  
upon order of the board.

13 (4) Be publicly reprimanded by the board. The public reprimand may include a  
14 requirement that the licensee complete relevant educational courses approved by the board.

15 (5) Have any other action taken in relation to discipline as part of an order of  
probation, as the board or an administrative law judge may deem proper.

16 (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
17 review or advisory conferences, professional competency examinations, continuing  
18 education activities, and cost reimbursement associated therewith that are agreed to with the  
19 board and successfully completed by the licensee, or other matters made confidential or  
privileged by existing law, is deemed public, and shall be made available to the public by  
the board pursuant to Section 803.1.

20 **STATUTORY PROVISIONS**

21 5. Section 2234 of the Code states:

22 The board shall take action against any licensee who is charged with  
23 unprofessional conduct. In addition to other provisions of this article, unprofessional  
conduct includes, but is not limited to, the following:

24 (a) Violating or attempting to violate, directly or indirectly, assisting in or  
25 abetting the violation of, or conspiring to violate any provision of this chapter.

26 (b) Gross negligence.

27 (c) Repeated negligent acts. To be repeated, there must be two or more  
28 negligent acts or omissions. An initial negligent act or omission followed by a  
separate and distinct departure from the applicable standard of care shall constitute  
repeated negligent acts.

1 (1) An initial negligent diagnosis followed by an act or omission medically  
2 appropriate for that negligent diagnosis of the patient shall constitute a single  
3 negligent act.

4 (2) When the standard of care requires a change in the diagnosis, act, or  
5 omission that constitutes the negligent act described in paragraph (1), including, but  
6 not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
7 licensee's conduct departs from the applicable standard of care, each departure  
8 constitutes a separate and distinct breach of the standard of care.

9 (d) Incompetence.

10 (e) The commission of any act involving dishonesty or corruption that is  
11 substantially related to the qualifications, functions, or duties of a physician and  
12 surgeon.

13 (f) Any action or conduct that would have warranted the denial of a certificate.

14 (g) The failure by a certificate holder, in the absence of good cause, to attend  
15 and participate in an interview by the board. This subdivision shall only apply to a  
16 certificate holder who is the subject of an investigation by the board.

17 6. Section 2236 of the Code states:

18 (a) The conviction of any offense substantially related to the qualifications,  
19 functions, or duties of a physician and surgeon constitutes unprofessional conduct  
20 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record  
21 of conviction shall be conclusive evidence only of the fact that the conviction  
22 occurred.

23 (b) The district attorney, city attorney, or other prosecuting agency shall notify  
24 the Medical Board of the pendency of an action against a licensee charging a felony  
25 or misdemeanor immediately upon obtaining information that the defendant is a  
26 licensee. The notice shall identify the licensee and describe the crimes charged and  
27 the facts alleged. The prosecuting agency shall also notify the clerk of the court in  
28 which the action is pending that the defendant is a licensee, and the clerk shall record  
prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall,  
within 48 hours after the conviction, transmit a certified copy of the record of  
conviction to the board. The division may inquire into the circumstances surrounding  
the commission of a crime in order to fix the degree of discipline or to determine if  
the conviction is of an offense substantially related to the qualifications, functions, or  
duties of a physician and surgeon.

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
deemed to be a conviction within the meaning of this section and Section 2236.1.  
The record of conviction shall be conclusive evidence of the fact that the conviction  
occurred.

7. Section 2238 of the Code states:

A violation of any federal statute or federal regulation or any of the statutes or  
regulations of this state regulating dangerous drugs or controlled substances  
constitutes unprofessional conduct.

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8. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Medical Board may order discipline of the licensee in accordance with Section 2227 or the Medical Board may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

9. Section 11170 of the Health & Safety Code states:

No person shall prescribe, administer, or furnish a controlled substance for himself.

#### **REGULATORY PROVISIONS**

10. California Code of Regulations, title 16, section 1360, states:

(a) For the purposes of denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes, professional misconduct, or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of state or federal law governing the applicant's or licensee's professional practice.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the crime;
- (2) The number of years elapsed since the date of the crime; and
- (3) The nature and duties of the profession.



1 **COST RECOVERY**

2 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **FACTUAL ALLEGATIONS**

9 12. On or about October 7, 2019 at approximately 12:45 PM, a California Highway  
10 Patrol (CHP) Officer arrived at the scene of a two-vehicle traffic collision. Respondent was  
11 slumped over the center console attempting to dial numbers into a cell phone. The CHP Officer  
12 asked Respondent post-collision interview questions about lane placement and speed, but  
13 Respondent could not recall anything about the collision. Respondent began to mumble about  
14 making a right turn off of Gold Strike Drive. The CHP Officer noticed Respondent had thick  
15 saliva and a dry mouth. The CHP Officer also noticed what appeared to be dry toothpaste on the  
16 left side of Respondent's chin that ran down the left side of his neck. A Sacramento Metropolitan  
17 Fire Medic evaluated Respondent and determined he did not suffer from diabetes, seizure, or a  
18 stroke.

19 13. The CHP Officer asked Respondent to step out of his vehicle. Respondent was very  
20 unsteady and he fell back against his seat and leaned on it for balance. The CHP Officer then  
21 asked Respondent a series of pre-Field Sobriety Test questions. Respondent said he was an eye  
22 surgeon and he was on his way to the hospital to perform an emergency eye surgery. Respondent  
23 stated he took heart medication, but he did not drink or take any illicit medication. When the CHP  
24 Officer told Respondent he noticed signs of drug impairment, Respondent said he suspected his  
25 13-year-old daughter had placed something in his juice. He said his daughter had put something  
26 in his drink on two prior occasions. Respondent stated he had felt strange starting at 10:00 AM  
27 that morning and that he did not know what his daughter had put in his drink. Respondent then  
28 failed a series of Field Sobriety Tests.

1           14. The CHP Officer arrested Respondent next to his vehicle. Respondent consented to a  
2 blood test. Due to Respondent's high heart rate and altered state, the Sacramento Metropolitan  
3 Fire Medic took Respondent to the hospital. At 1:58 PM, the CHP Officer observed the  
4 phlebotomist obtain two vials of Respondent's blood out of his left arm in a medically approved  
5 manner. The CHP Officer then immediately took custody of the blood. Afterwards, another CHP  
6 Officer transported Respondent to the Sacramento County Jail. Respondent's blood sample was  
7 placed in the Sacramento County blood evidence locker. During the intake process, the intake  
8 Deputy discovered 5 pills in Respondent's right shoe. The pills were booked into the East  
9 Sacramento CHP evidence locker. At 5:55 PM, Respondent was booked into the Sacramento  
10 County Jail for DUI causing injury.

11           15. On or about November 19, 2019, Respondent's toxicology report showed levels of  
12 diazepam,<sup>1</sup> nordiazepam,<sup>2</sup> carisoprodol,<sup>3</sup> meprobamate,<sup>4</sup> and zolpidem.<sup>5</sup> In his investigative  
13 interview, Respondent refused, on attorney's advice, to explain whether he was prescribed  
14 diazepam, nordiazepam, carisoprodol, meprobamate, and zolpidem and where he obtained them,  
15 and CURES reflects that he was not prescribed these medications by any provider in California.

16           16. On or about December 16, 2019, a criminal complaint was filed against Respondent  
17 in the matter entitled *The People of the State of California v. James B Martel* in Sacramento  
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19           <sup>1</sup> Diazepam (Valium), is a Schedule IV controlled substance as defined by section  
20 11057(d) of the Health and Safety Code and section 1308.14(c) of Title 21 of the Code of Federal  
21 Regulations, and is a dangerous drug as defined in Code section 4022. It is a benzodiazepine  
22 medication used to treat anxiety and muscle spasms. Diazepam can produce psychological and  
23 physical dependence.

24           <sup>2</sup> Nordiazepam is a metabolite of diazepam. It is a Schedule IV controlled substance as  
25 defined by section 11057(d) of the Health and Safety Code and section 1308.14(c) of Title 21 of  
26 the Code of Federal Regulations, and is a dangerous drug as defined in Code section 4022.

27           <sup>3</sup> Carisoprodol (Soma), is a Schedule IV controlled substance as defined by section  
28 1308.14(c) of Title 21 of the Code of Federal Regulations, and a dangerous drug pursuant to  
Business and Professions Code section 4022. It is a muscle relaxant medication used to treat  
short-term muscle pain. Carisoprodol can cause drowsiness.

<sup>4</sup> Meprobamate is a metabolite of carisoprodol. It is a Schedule IV controlled substance as  
defined by section 11057(d) of the Health and Safety Code and section 1308.14(c) of Title 21 of  
the Code of Federal Regulations and is a dangerous drug as defined in Code section 4022.

<sup>5</sup> Zolpidem (Ambien) is a Schedule IV controlled substance as defined by section  
11057(d) of the Health and Safety Code and section 1308.14(c) of Title 21 of the Code of Federal  
Regulations and is a dangerous drug as defined in Code section 4022. It is used short-term to treat  
insomnia. Zolpidem can cause drowsiness.

1 County Superior Court, Case Number 19MI022348. Count one of the criminal complaint charged  
2 Respondent with a misdemeanor violation of Vehicle Code section 23153, subdivision (f).

3 17. On or about July 27, 2022, Respondent pled no contest to and was convicted of  
4 violating Vehicle Code section 23153, subdivision (f) in Sacramento Superior Court. He was  
5 ordered to complete a three-month first-offender program and to pay fines and restitution. He was  
6 sentenced to serve 50 days in County Jail, with 30-days suspended on the condition that he  
7 complete a year of therapy sessions to include no fewer than 30 sessions.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a**  
10 **Physician and Surgeon)**

11 18. Respondent James Benjamin Martel, M.D. is subject to disciplinary action under  
12 sections 2227 and 2234, as defined by section 2236, of the Code, and California Code of  
13 Regulations, Title 16, section 1360, in that he was convicted of a crime substantially related to the  
14 qualifications, functions, or duties of a physician or surgeon. The circumstances are set forth in  
15 paragraphs 12 through 17, above, and are incorporated here by reference as if fully set forth  
16 herein.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Excessive Use of Drugs or Alcohol)**

19 19. Respondent James Benjamin Martel, M.D. is subject to disciplinary action under  
20 sections 2227 and 2234, as defined by section 2239, subdivision (a), of the Code, and California  
21 Code of Regulations, Title 16, section 1360, in that he has used controlled substances to the  
22 extent, or in such a manner, as to be dangerous or injurious to himself, or to any other person or to  
23 the public, as more particularly alleged in paragraphs 12 through 17, above, which are hereby  
24 incorporated by reference and realleged as if fully set forth herein.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Administering Controlled Substances to Himself)**

27 20. Respondent James Benjamin Martel, M.D. is subject to disciplinary action under  
28 section 2238, which establishes that it is unprofessional conduct for a physician to violate state

1 law regulating dangerous drugs or controlled substances. Respondent committed unprofessional  
2 conduct in violation of section 2238 in that he violated Health & Safety Code section 11170, by  
3 furnishing and administering a controlled substance to himself. The circumstances are set forth in  
4 Paragraphs 12 through 17, above, which are hereby incorporated by reference and realleged as if  
5 fully set forth herein.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(General Unprofessional Conduct)**

8 21. Respondent James Benjamin Martel, M.D. is subject to disciplinary action under  
9 sections 2227 and 2234, as defined by section 2234, of the Code, in that he has engaged in  
10 conduct which breaches the rules or ethical code of the medical profession, or conduct which is  
11 unbecoming a member in good standing of the medical profession, and which demonstrates an  
12 unfitness to practice medicine, as more particularly alleged in paragraphs 12 through 17, above,  
13 which are hereby realleged and incorporated by reference as if fully set forth herein.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 60544, issued to Respondent James Benjamin Martel, M.D.;
2. Revoking, suspending or denying approval of Respondent James Benjamin Martel, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent James Benjamin Martel, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;
4. Ordering Respondent James Benjamin Martel, M.D., if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1; and
5. Taking such other and further action as deemed necessary and proper.

DATED: OCT 30 2023

  
\_\_\_\_\_  
REJI VARGHESE  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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