

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF
PAUL B. MARTINEZ
TO PRACTICE AS A DENTIST AND TO
ADMINISTER AND PRESCRIBE CONTROLLED
SUBSTANCES IN THE STATE OF UTAH

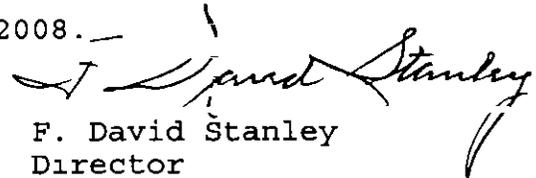
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: **ORDER REINSTATING LICENSE**
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· Case No. DOPL-2006-96
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BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated June 1, 2006, in the above-referenced case number.

IT IS HEREBY ORDERED the probation on the licenses of PAUL B. MARTINEZ to practice as a dentist and to administer and prescribe controlled substances is terminated and said licenses be reinstated with full privileges effective the date of this Order.

Dated this 3 day of June, 2008.


F. David Stanley
Director

S E A L



BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF :
PAUL B. MARTINEZ : **AMENDED ORDER**
TO PRACTICE AS A DENTIST AND TO :
ADMINISTER AND PRESCRIBE CONTROLLED . Case No
SUBSTANCES IN THE STATE OF UTAH : DOPL-2006-96

BY THE DIVISION:

The Division's Stipulation and Order, dated June 1, 2006, in the above-referenced case is hereby amended as follows.

IT IS HEREBY ORDERED the probationary condition restricting Respondent's practice be amended to allow Respondent to be able to provide dental services for former employees of his dental practice if so requested by the former employee

All other conditions and restrictions identified in the June 1, 2006 Stipulation and Order shall remain the same and in effect, unless previously amended

Dated this 16 day of November, 2007.


F David Stanley
Director

S E A L



BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

OF THE DEPARTMENT OF COMMERCE

OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF
PAUL B. MARTINEZ
TO PRACTICE AS A DENTIST
AND TO ADMINISTER AND PRESCRIBE
CONTROLLED SUBSTANCES
IN THE STATE OF UTAH

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: **AMENDED ORDER**
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: Case No. DOPL-2006-96
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BY THE DIVISION:

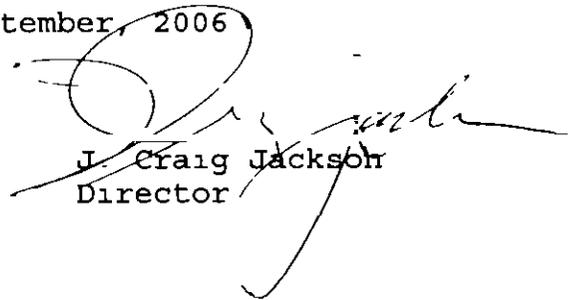
The Division's Stipulation and Order, dated June 1, 2006, in the above-referenced case is hereby amended as follows.

It is hereby ordered the probationary condition restricting Respondent's practice be amended to allow Respondent to be able to provide dental services for members of his family, employees of his construction company and employees of his cattle ranch.

All other conditions and restrictions identified in the June 1, 2006 Stipulation and Order shall remain the same and in effect.

Dated this 21st day of September, 2006




J. Craig Jackson
Director

L MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U S B 4666)
Attorney General
Commercial Enforcement Division
Heber M Wells Building
Box 146741
Salt Lake City, UT 84114-6741
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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF)
PAUL B. MARTINEZ) STIPULATION AND ORDER
TO PRACTICE AS A DENTIST)
AND TO ADMINISTER AND PRESCRIBE) CASE NO DOPL 2006-96
CONTROLLED SUBSTANCES)
IN THE STATE OF UTAH)

PAUL B. MARTINEZ (“Respondent”) and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action

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2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and has consulted with counsel regarding the content and execution of this Stipulation

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Dentists and Dental Hygienists Licensing Board ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

6 Respondent admits the following facts

- a On or about July 7, 1987, Respondent was licensed to practice as a dentist and to administer and prescribe controlled substances in the State of Utah
- b Between about 1996 and about 2005, Respondent inappropriately touched, without their consent, and made inappropriate sexual remarks towards female staff Some of these staff members were also patients

7 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501 (2) (a), (b), and (k) and Principle 2G of the American Dental Association's Code of Professional Conduct, and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(1)(a) Therefore, Respondent agrees that an Order shall be entered in this matter as follows

- (1) Respondent's licenses shall be subject to a term of probation for a period of five (5) years The period of probation shall commence on the effective date of this *Stipulation and Order, which is the date the Division Director signs the Order* During the period of probation, the Respondent shall be subject to all of the following terms and conditions If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division Respondent may request that probation be terminated no earlier than one year after the effective date of this Order The Division does not guarantee that any such request for termination of probation shall be granted
 - (a) Respondent shall meet with the Board within thirty (30) days of signing of the accompanying Order and on a quarterly basis, or at other greater or lesser frequency as determined by the Board and Division for the duration of the probationary period thereafter to assess the progress of his probation
 - (b) Respondent shall provide a copy of this Stipulation and Order to any employer or practice associate Further, Respondent shall cause each of his employers and/or practice associates to acknowledge to the Division having received a copy of this agreement
 - (c) Respondent shall not treat or perform any dental procedure or examination of any kind on any past or present female employee or staff member, including part-time employees Respondent shall not treat or perform any dental procedure or examination on any female employee or staff hired in the future Respondent may not perform any dental procedure or examination of any kind on any past or present employee of any dentists

who practice in the same building as Respondent

- (d) Respondent shall not supervise other dentists or dental students
- (e) Within the first year of probation, Respondent shall complete a continuing professional education course, pre-approved by the Division, in the areas of professional ethics, values, and law
- (f) Within the first year of probation, Respondent shall complete a professional boundary program that has been pre-approved by the Division and Board
- (g) Within 90 days of the issuance of the Order in this matter, Respondent shall begin therapy with a clinical psychologist. The clinical psychologist shall be approved in advance by the Board and Division. The therapy shall address issues raised in a psychosexual evaluation conducted by Michael D. Brunson, PhD, as described in his report issued on or about February 1, 2006. Respondent shall provide a copy of Dr. Brunson's evaluation and this Stipulation and Order to the therapist.
- (h) Respondent shall sign a release for Dr. Michael Brunson to allow him to discuss his evaluation completely and thoroughly with the therapist. Respondent shall also execute a release to allow the therapist to discuss freely Respondent's progress in treatment with the Board and Division. He shall also cause the therapist to issue quarterly reports to the Board and Division describing Respondent's progress in therapy.
- (i) Respondent shall complete all therapy programs recommended by the therapist on a schedule set by the therapist.
- (j) Respondent shall notify the Division and Board within one (1) week, and in writing, of any change of employer or employment status. This is required regardless of whether Respondent is employed as a dentist.
- (k) In the event that Respondent leaves the State for a period longer than 60 days, Respondent shall notify the Division and the Board in writing of the dates of departure and return. The licensing authorities of the jurisdiction

to which Respondent moves must be promptly notified of the provisions of this Stipulation and Order. Periods of residency or practice outside Utah may apply to the reduction of the probation period if the new state of residency places Respondent's license on probation with equal or greater terms and conditions.

- (l) Periods of unemployment or employment in other fields of practice shall be reported by Respondent to the Division and shall not count toward completion of probation. Should Respondent not be employed in practice as a dentist during his probationary period for a consecutive period of more than sixty (60) days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable. If the respondent works less than full-time as a dentist, the reduction of any remaining probationary time shall occur on a pro-rata basis, in relation to a full-time position of 40 hours worked per week.
- (m) Should acts of unprofessional conduct come to the attention of the Division which have occurred subsequent to the entry of the Order in this case or should Respondent violate probation in any respect, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, impose sanctions in accordance with applicable law.
- (n) If a petition is filed against Respondent during his probation the period of probation shall be extended until the matter is final.
- (o) Respondent shall immediately notify the Division, in writing, of any changes of Respondent's residential or business address and agrees that written communication by the Division and/or the Board shall be mailed to Respondent at the last address provided to the Division, first class U S Mail, and shall constitute notice to Respondent.
- (p) Respondent's failure to pay for any of the costs associated with this probation shall be considered a violation of this order. Respondent further agrees to complete all conditions of probation in a timely manner.
- (q) Where a specific time for completion is not stated in this Order, it shall be

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within the Division/Board's discretion to set a time for completion

- (r) Respondent agrees to keep his licensure as a dentist current during his period of probation
- (s) Respondent shall notify the Division immediately if he is charged or arrested with any criminal conduct and understands that a conviction is a violation of this agreement

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudice Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's practice of dentistry and the administration and prescription of controlled substances.

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction

14 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY *Daniel T. Jones*
DANIEL T. JONES
Bureau Manager

DATE *06-01-06*

MARK L SHURTLEFF
ATTORNEY GENERAL

BY *L. Mitchell Jones*
L. MITCHELL JONES
Counsel for the Division

DATE *1 June 2006*

RESPONDENT

BY *Paul B. Martinez*
PAUL B. MARTINEZ

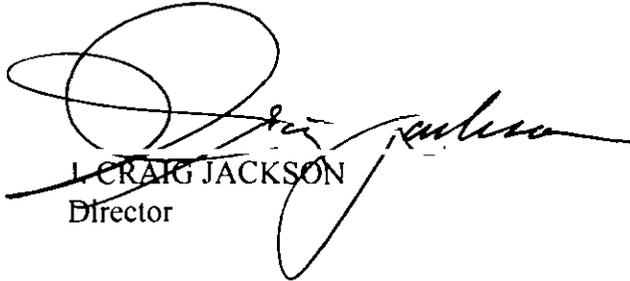
DATE *5-31-06*

ORDER

THE ABOVE STIPULATION, in the matter of **PAUL B. MARTINEZ** is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 1st day of June, 2006

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


L. CRAIG JACKSON
Director

Investigator Irene Gayheart