

FILED

March 27, 1991

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

In the Matter of the Suspension
or Revocation of the License of

LEWIS RANDY MARTON, M.D.

To Practice Medicine and Surgery
in the State of New Jersey

Administrative Action

CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of information indicating that respondent Dr. Lewis Randy Marton had, on diverse dates in 1989, written certain prescriptions upon which he falsified the signature of another physician, Dr. W.C.. The forgeries were done before Dr. Marton had received either his license to practice in New Jersey or his registration certificates from the United States Drug Enforcement Administration and the New Jersey State Department of Health. Dr. Marton provided the Board with an affidavit concerning the matter on March 13, 1990 and subsequently testified before a Preliminary Evaluation Committee of the Board on November 7, 1990, at which appearance he was represented by Hannoeh Weisman,

CERTIFIED TRUE COPY

William Robertson, Esq. appearing.

Dr. Marton has admitted that he engaged in the above-outlined misconduct. Specifically, Dr. Marton admitted that he twice forged W.C.'s signature on prescriptions that Dr. Marton wrote for his brother (who was then suffering from AIDS) and that he forged W.C.'s signature on certain other prescriptions which were written for patients at the St. Michael's Medical Center AIDS clinic (where Dr. Marton was then practicing as a first year fellow in an infectious disease fellowship).

Based upon Dr. Marton's admissions, the Board has concluded that, in forging W.C.'s signature upon prescriptions that Dr. Marton in fact wrote, Dr. Marton clearly engaged in conduct in violation of both N.J.S.A. 45:1-21 (b) (engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense) and N.J.S.A. 45:1-21 (e) (professional or occupational misconduct), which conduct could provide bases for formal disciplinary action. The Board is also mindful, however, that several mitigating factors are present in this case, most notably that all of the prescriptions in question were written for compassionate purposes. In the case of Dr. Marton's brother, thus, Dr. Marton testified that the prescriptions were written for severe headache pain and that he forged W.C.'s signature because he was then seeking to keep his brother's condition confidential. In the cases involving clinic patients, Dr. Marton testified that he forged W.C.'s signature at times when other physicians at the AIDS clinic who would ordinarily have signed the prescriptions were unavailable, and

Dr. Marton testified that his motive in so doing was to save the patients the inconvenience of having to make a return trip to the clinic solely to pick up the prescription. Significantly, there is no evidence before the Board to suggest that the prescriptions were written for personal gain or for anything but appropriate medical purposes.

The parties being desirous of resolving this matter without the necessity of formal proceedings, and it appearing that respondent acknowledges that the aforesaid conduct constitutes grounds upon which the Board could act to revoke, suspend, or otherwise place limitations upon the license of respondent to practice medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:1-21(b) and N.J.S.A. 45:1-21(e), and it appearing that respondent has read the terms of the within Order and understands their meaning and effect and consents to be bound by the same, and it further appearing that the Board finds that the within Order is adequately protective of the public interest, and it therefore appearing that good cause exists for the entry of the within Order,

IT IS on this 5th day of March, 1991

ORDERED:

1. Dr. Lewis Randy Marton is hereby formally reprimanded for having forged the name and signature of another physician on prescriptions that Dr. Marton himself wrote.

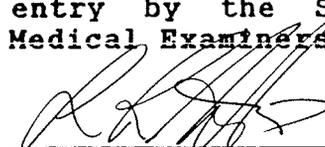
2. Dr. Lewis Randy Marton shall pay investigative costs in the amount of \$1080.82, which costs shall be paid in full to the

Board within 30 days of the entry of this order.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: Michael B. Grossman D.O.
Michael B. Grossman, D.O.
Board President

I have read the within Consent
Order and agree to be bound by
its terms. I consent to its
entry by the State Board of
Medical Examiners.



Lewis Randy Marton, M.D.

Date: 3/21/91