

STATE OF CALIFORNIA

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS  
BOARD OF MEDICAL EXAMINERS

1021 O Street, Room A-202

SACRAMENTO, CALIFORNIA 95814

Date filed 5/28/68  
Diploma filed Photo & Copy  
Fee paid 16.00

MAY 26 8 44 AM '68

APPLICATION FOR A WRITTEN EXAMINATION

For Graduates of Foreign Medical Schools Applying Under  
Sections 2193 & 2193.5 of the California B. & P. Code

Please Read and Follow Instructions on Form ME 173

I JOSEPH MARMET herewith apply for a written

examination under the provisions of Section 2193 or 2193.5 of the California B. & P. Code and submit the following statements regarding my preliminary, premedical and medical educational qualifications in conformance with the requirements of the Business and Professions Code of the State of California and the rules adopted by the Board of Medical Examiners.

Name in full JOSEPH MARMET Date of Birth \_\_\_\_\_

Mailing Address 4910 FOREST PK. BLDG., ST. LOUIS, MO. City St. Louis State Mo. Country \_\_\_\_\_ Age as of this date \_\_\_\_\_

Are you a citizen of the United States? Give particulars: Yes, Naturalized 1945

I have received a diploma, evidencing PRELIMINARY EDUCATION, from Walnut Hills High School Cincinnati, Ohio on the 12 day of JUNE 1951, and this

diploma was procured in the regular course of instruction, comprising a full four year's resident high school course, or its equivalent as prescribed by law, and in addition to said diploma I have successfully completed, prior to commencing the study of medicine, a two-year\* resident course of COLLEGE GRADE including the PREMEDICAL subjects of:

- A. Chemistry Yes College U. of Cincinnati, Ohio from 1951 to 1956
- B. Physics Yes College " " from Sept 1954 to 1955
- C. Biology Yes College " " from 1951 to 1956

MEDICAL EDUCATION.—Give the name and location of each medical teaching institution attended, specifying each such course of lectures, giving the date of beginning and ending of each. The law requires a RESIDENT\* course of 4 academic years, totaling 4000 hours.

I entered the U. of Zurich in the 2nd class on the Oct. 1956

1st course in U. of Zurich, Zurich, Switzerland

From the 15 day of Oct. 1956 to the 15 day of July 1957

2d course in U. of Zurich, Zurich, Switzerland

From the 15 day of Oct. 1957 to the 15 day of July 1958

3d course in U. of Zurich, Zurich, Switzerland

From the 15 day of Oct. 1958 to the 15 day of July 1959

4th course in U. of Zurich, Zurich, Switzerland

From the 15 day of Oct. 1959 to the 15 day of July 1960

5th course in U. of Zurich, Zurich, Switzerland

From the 15 day of Oct. 1960 to the 20 day of Nov. 1961

6th course in \_\_\_\_\_

From the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

I was granted the degree of Physician by UNIVERSITY OF ZURICH Med. Fac

located at Zurich Country of SWITZERLAND on the 20 day of Nov. 1962

I further state that I am the identical person to whom the medical diploma presented herewith was originally granted—that the same was procured in the regular course of instruction without fraud or misrepresentation and that said diploma is the genuine diploma of said institution.

I state that as a resident student, I completed the courses and subjects set forth on page 3 of this application and as evidenced by any other documents I submit.

I have been licensed in the following States or Countries STATE OF MISSOURI 1967

I further state that no application either for admission to an examination or for a certificate to practice medicine has been denied me, or that no certificate to practice medicine and surgery issued to me by any State or Territory of the U.S., or by the licensing authority of any foreign country has been revoked or suspended except as follows: \_\_\_\_\_

List all locations and dates of occurrence

I have not been charged with a violation of a United States statute or a State statute or the law of any foreign country except as follows: \_\_\_\_\_

\* The term "course" refers to each year of medical study in Freshman, Sophomore, Junior and Senior years. Make entry accordingly, otherwise not acceptable.  
\* An applicant matriculating in a medical school after January 1, 1974, shall present evidence satisfactory to the board of having completed a three-year resident course of college grade including the subjects of physics, chemistry and biology.

I further depose and state that I have taken postgraduate instruction in the following institutions:

a. Name \_\_\_\_\_ Location \_\_\_\_\_ from \_\_\_\_\_ 19\_\_\_\_ to \_\_\_\_\_

b. Name \_\_\_\_\_ Location \_\_\_\_\_ from \_\_\_\_\_ 19\_\_\_\_ to \_\_\_\_\_

c. Name \_\_\_\_\_ Location \_\_\_\_\_ from \_\_\_\_\_ 19\_\_\_\_ to \_\_\_\_\_

I have or am serving an INTERNSHIP in the following hospitals:

Jewish Hospital, Cincinnati from Jan 1 1962 to Dec 31, 1962

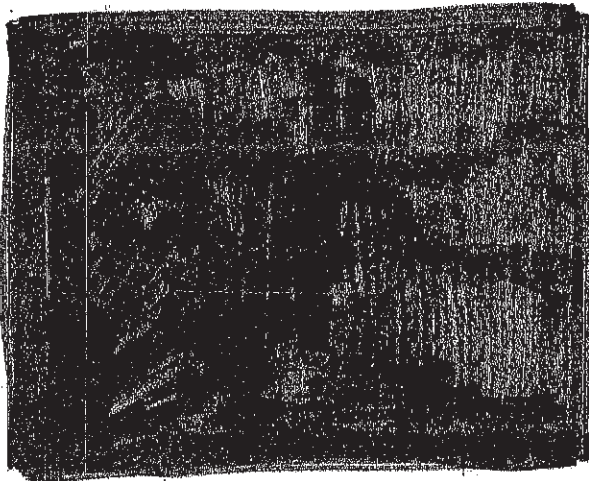
Resident: Barnes Hospital, St. Louis from Jan 1 1963 to JUNE 30, 1967

d. Name \_\_\_\_\_ Location \_\_\_\_\_ from \_\_\_\_\_ 19\_\_\_\_ to \_\_\_\_\_

I further depose and state that prior to the date of this application I have not filed an application to practice any system of healing the sick and/or afflicted under the laws of California, and that I have not practiced as an itinerant physician nor have I been connected directly or indirectly with any medical concern, company, institute, advertising specialty or advertising specialist except as follows:

Answer

and furthermore I agree, should a certificate be granted me by the Board of Medical Examiners of the State of California, that I will not become an itinerant doctor nor become connected either directly or indirectly with any medical concern, company, institute, or advertising specialty or advertising specialist and that I will familiarize myself with all the provisions of the California laws relating to the treatment or care of the sick and afflicted and narcotic regulations both Federal and State.



I hereby declare that the photo of myself, attached hereto, was taken on or about the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, my age then being \_\_\_\_\_ years, and my physical description then being as follows:

native of \_\_\_\_\_; Complexion; color of hair \_\_\_\_\_; color of eyes \_\_\_\_\_; height \_\_\_\_\_  heavy  light weight \_\_\_\_\_; marks \_\_\_\_\_; Fingerprint Classification \_\_\_\_\_

STATE OF Missouri  
City of St. Louis  
County of \_\_\_\_\_

JOSEPH MARMET

being duly sworn, says he is the person referred to in the foregoing application for admission to examination for a physician's and surgeon's certificate in California and that he has carefully read and thoroughly understands all the requirements therein and that the statements made herein are strictly true in every respect and that he is not suffering from any ailment transmissible to others and that he has never been and is not now addicted to the use of narcotic drugs.

Signature of applicant IN FULL (Do not USE INITIALS ONLY)

Signed and sworn to before me this 22nd day of May 1968

Address 5314 Fern Beach  
St. Louis, Mo

[SEAL]

My commission expires Sept. 29 1969

# CERTIFICATES OF MORAL CHARACTER

PARTIALLY REGISTERED PHYSICIANS AND SURGEONS LICENSED BY THE CALIFORNIA BOARD OF MEDICAL EXAMINERS  
WHO HAVE KNOWN APPLICANT FOR AT LEAST ONE YEAR

THIS CERTIFIES that I have been personally acquainted with Joseph Marmet M.D.,  
for 4 1/2 years and that I know him to be of good moral character and hereby recommend him to the Board of Medical Examiners of the  
State of California as most worthy to be licensed to practice as a physician and surgeon in the State of California.

Name: William M. Allen Address: 4911 Barnes Hospital Plaza, St. Louis, Mo  
Graduated from: U. of Rochester Date: June, 1932 Licensed in: Mo No. 21765  
Professor and Chairman, Department of Obstetrics and Gynecology, Washington University

THIS CERTIFIES that I have been personally acquainted with Joseph Marmet M.D.,  
for 4 years and that I know him to be of good moral character and hereby recommend him to the Board of Medical Examiners of the  
State of California as most worthy to be licensed to practice as a physician and surgeon in the State of California.

Name: James F. Nolan, M.D. Address: 1407 S. Hope St., Los Angeles, Calif.  
Graduated from: Washington University Date: June, 1938 Licensed in: California No. C 11246  
Associate Professor Clinical Obstetrics and Gynecology,  
University of Southern California, Los Angeles

## CERTIFICATE OF MEDICAL EDUCATION (Submit Additional Certificates For Each Medical School)

The following certificate must be filled out, signed and sealed by the President, Dean or Secretary of each medical school wherein the applicant pursued his professional course and was granted the medical diploma or certificate of completion to this applicant. Courses pursued in medical schools other than the one which granted the applicant his medical diploma must each be submitted on a supplemental copy of this form (duly certified) by the officers of said school or schools. One certificate of medical education to be completed by EACH medical school wherein the applicant studied.

THIS CERTIFIES That Marmet Joseph of Cincinnati, Ohio  
matriculated in Medical School, University of Zurich (Switzerland)  
from 2 day of November 1956, and was granted the following credits on matriculation:  
till Fall 1962  
Specify whether entered Freshman or with advanced credits

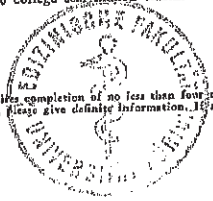
based upon the following credentials \_\_\_\_\_  
Give a transcript of premedical education and advanced credit if any

The undersigned further certifies that the records of this institution show that PRIOR TO COMMENCING THE STUDY OF MEDICINE the applicant herein referred to has completed \_\_\_\_\_ course of College grade including the subjects of PHYSICS, CHEMISTRY and BIOLOGY, and that \_\_\_\_\_ he has attended in this institution \_\_\_\_\_ terms of courses\* of lectures of \_\_\_\_\_ weeks\* each, completing the following schedule totaling at least 4000 hours in the subjects required by the Business and Professions Code of California as set forth hereunder, and that \_\_\_\_\_ he was granted the degree of Bachelor or Doctor of Medicine on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Specify which degree  
graduated from our School on November 23, 1962.

	Total number of hours attended for each separate subject must be given		Total number of hours attended for each separate subject must be given
ANATOMY		BIOCHEMISTRY	
Embryology		PATHOLOGY, BACTERIOLOGY AND IMMUNOLOGY	
Histology		PHARMACOLOGY	
Neuro-anatomy		PREVENTIVE MEDICINE	
PHYSIOLOGY		Hygiene and Sanitation	
PSYCHO-BIOLOGY		SURGERY	
MEDICINE		Orthopedic Surgery	
Pediatrics		Urology	
Psychiatry		Ophthalmology	
Neurology		Radiology	
Dermatology		Anesthesia	
Physical Medicine		Otolaryngology	
Therapeutics		Obstetrics and Gynecology	
Tropical Medicine			

Signed and the college seal affixed this 24 day of April 1968

[SEAL]  By R. Witmer  
Prof. R. Witmer, Dean  
President, Secretary, Dean

\* The California law requires completion of no less than four resident courses of professional instruction (Section 2152, Business and Professions Code).  
\* If a degree was granted, give definite information. If no degree or diploma was granted "strike out" the entire line.

Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body; or, have you been convicted of any crime in any state, the U S A and its territories, military court or a foreign country?

YES OR  NO

**SUMMARY OF RENEWAL FEES OWED**

**FINANCIAL INTEREST STATEMENT**

SUMMARY OF RENEWAL FEES OWED		Health Facility Name	Address
2013 Renewal Fee	808.00	NONE	
Delinquent Fee			
Penalty Fee			
<b>TOTAL FEES:</b>	<b>\$808.00</b>		

**MEDICAL BOARD OF CALIFORNIA LICENSE RENEWAL PHYSICIAN AND SURGEON APPLICATION**

F. YES I WISH TO CONTRIBUTE \$25 FOR THE FAMILY PHYSICIAN TRAINING PROGRAM.  
 H. YES I WISH TO CONTRIBUTE \$50 FOR THE B.M. THOMPSON LOAN REPAYMENT PROGRAM.

**D. CONTINUING MEDICAL EDUCATION (CME) CERTIFICATION STATEMENT**  
 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF CALIFORNIA TO THE FOLLOWING STATEMENT:  
 I CERTIFY THAT I DO MEET EACH OF THE CONTINUING MEDICAL EDUCATION REQUIREMENTS LISTED ON THE SECOND PAGE OF THIS FORM OR THAT I MEET THE CONDITIONS WHICH WOULD EXEMPT ME FROM ALL OR PART OF THE REQUIREMENTS OR I HOLD A PERMANENT CME WAIVER.

Signature required: *Joseph Marmet MD*

0082733

LICENSE NO. A 23134 EXPIRES 2/28/13

**FEE OWED**  
 \$ 808.00  
 DELINQ FEE IF POSTMARKED AFTER

TOTAL ENCLOSED

**E. FOR ADDRESS CHANGE ONLY:**  
 IF YOUR ADDRESS SHOWN IS INCORRECT, CORRECT IT BELOW.  
 STREET \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_  
 ZIP \_\_\_\_\_  
 PHONE NUMBER ( ) \_\_\_\_\_

**Dr. JOSEPH MARMET**  
 415 N CRESCENT DRIVE  
 BEVERLY HILLS, CA 90210

\$ 808.00  
 2-21-13

**G. FINANCIAL INTEREST STATEMENT**  
 I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE DISCLOSED ON THIS RENEWAL APPLICATION FORM THE NAMES OF THOSE HEALTH-RELATED FACILITIES IN WHICH I OR MY FAMILY HAVE A FINANCIAL INTEREST OR I CERTIFY UNDER PENALTY OF PERJURY I HAVE NO FINANCIAL INTEREST TO DISCLOSE.  
 Signature required: *Joseph Marmet MD*

Medical Board of California – Physician's and Surgeon's Initial Renewal

LICENSEE NAME  
MARMET, JOSEPH

219

LICENSE NO.  
A23134

EXPIRATION DATE  
02/28/15

2/27/15  
AMOUNT DUE NOW  
\$820.00

83  
AMOUNT DUE IF POSTMARKED AFTER MARCH 30, 2015  
\$898.00

**LICENSEE MUST CHECK CORRECT BOXES**

"H"  Completed Continuing Education

"E"  Change of Address (fill in reverse side)

"I"  Conviction Disclosure – Yes

"J"  Conviction Disclosure – No

"F"  Family Physician Training Program (\$25)

"G"  Financial Interest Statement

"D" SIGNATURE REQUIRED

I declare under penalty of perjury under the laws of the State of California that all statements, answers, and representations on this form, including supplementary attached hereto, are true, complete and accurate.

Signature Joseph Marmet MD Date 2/01/2015

ENTER YOUR PHONE NUMBER FOR REFERENCE:

630101000001000020002313400102281500082000000089800

CHANGE OF MAILING ADDRESS MARMET, JOSEPH A23134

Street Address (this address is public information except when a PO Box is used for the public address of record; this address then becomes confidential)

Grid for street address

Grid for street address

City State Zip

PO Box (if used, must provide a confidential physical street address, above)

City State Zip

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

No. D-3203

Joseph Marmet, M.D. )  
Certificate #A-23134 )

Respondent. )

ORDER DELAYING DECISION

Pursuant to section 11517 (d) of the Government Code, the Division of Medical Quality, finding that a further delay is required by special circumstances, hereby issues this Order Delaying the Decision for no more than 30 days from March 23, 1987 (when the 100-day period expires) to April 22, 1987.

The reasons for the delay are as follows: This case is on the agenda for discussion and decision at the next regularly scheduled meeting of the Division of Medical Quality, set for April 10, 1987, which is eighteen days after the expiration of the 100 day period on March 23, 1987. Therefore, the Division needs additional time to meet and complete its work in this case, including time after the meeting to draft and type the appropriate pleading, and to effect service on the parties.

DATED:

March 20, 1987

Stephen R. Waples  
KENNETH WAGSTAFF  
Executive Director

BOARD OF MEDICAL QUALITY ASSURANCE

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the	)	
Accusation Against:	)	
	)	
JOSEPH MARMET, M.D.	)	No. D-3203
8115 Mulholland Terrace	)	
Los Angeles, California	)	L-32996
	)	
Physician's and Surgeon's	)	
Certificate No. A-23134	)	
	)	
Respondent.	)	
	)	

---

DECISION

The Division of Medical Quality non-adopted a Proposed Decision made by an MQRC panel, and proceeded to decide the case upon the record, including the transcript. The parties were afforded the opportunity to present oral and written argument before the Division.

Having reviewed the entire matter, the Division now makes the following decision:

The attached Proposed Decision by the MQRC panel is adopted by Division, except that the proposed penalty order is increased by two more probationary conditions, as follows:

"H. As part of probation, respondent is suspended from the practice of medicine for 30 days beginning the effective date of this decision.

"I. Within 60 days of the effective date of this decision, respondent shall submit to the Division for its prior approval a community service program in which respondent shall provide free medical services on a regular basis to a community or charitable facility or agency for at least 20 hours a month for the first two years of probation. (46 weeks constitute a year, to make allowance for vacation time.)"

The effective date of this decision is \_\_\_\_\_

May 18, 1987

So ordered \_\_\_\_\_ April 16, 1987

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE

By   
Secretary-Treasurer  
John W. Simmons



BEFORE THE DIVISION OF MEDICAL QUALITY

BOARD OF MEDICAL QUALITY ASSURANCE

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

No. D-3203

Joseph Marnet, M.D. )  
Certificate #A-23134 )

Respondent. )  
\_\_\_\_\_ )

ORDER DELAYING DECISION

Pursuant to section 11517 (d) of the Government Code, the Division of Medical Quality, finding that a further delay is required by special circumstances, hereby issues this Order Delaying the Decision for no more than 30 days from March 23, 1987 (when the 100-day period expires) to April 22, 1987.

The reasons for the delay are as follows: This case is on the agenda for discussion and decision at the next regularly scheduled meeting of the Division of Medical Quality, set for April 10, 1987, which is eighteen days after the expiration of the 100 day period on March 23, 1987. Therefore, the Division needs additional time to meet and complete its work in this case, including time after the meeting to draft and type the appropriate pleading, and to effect service on the parties.

DATED: March 20, 1987

Stephen A. Wapford  
KENNETH WAGSTAFF  
Executive Director

for BOARD OF MEDICAL QUALITY ASSURANCE

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

Joseph Marmet, M.D. )  
Certificate # A-23134 )

Respondent. )

NO. D-3203  
L-32996

NOTICE OF NON-ADOPTION  
OF PROPOSED DECISION

TO ALL PARTIES:

YOU ARE HEREBY NOTIFIED that the Division of Medical Quality did not adopt the proposed decision in this case. The Division will now decide the case itself upon the record, including the transcript.

You are now afforded the opportunity to present both oral and written argument to the Division. If you want to make oral argument, you must file with the Division within 20 days from the date of this notice your written request for oral argument. Otherwise, this option shall be deemed waived. If any written request is timely received, all parties will then be notified in writing of the date, time and place for hearing oral arguments from both sides.

As to written argument, you will be notified in writing of the deadline date to file your written argument with the Division. Your right to argue on any matter is not limited, but the Division would be interested in persuasive discussions on the following matters:

WHY THE PENALTY SHOULD NOT BE INCREASED.

For its own use, the Division has ordered the preparation of the hearing transcript and records. At your own expense, you may order a copy of the same by personally contacting the transcript clerk at the Office of Administrative Hearings at:


314 West First Street, Los Angeles, CA 90012

Please remember to include your proof of service that the opposing attorney was served with a copy of your written argument to the Division. The address for mailing or serving your request for oral argument and your written argument to the Division is as follows:

Division of Medical Quality  
1430 Howe Avenue  
Sacramento, CA 95825

DATED: September 23, 1986

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE

  
VERNON A. LEEPER, Chief  
Enforcement Program

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the	)	
Accusation Against:	)	
	)	No. D-3203
	)	
JOSEPH MARMET, M.D.	)	
8115 Mulholland Terrace	)	L-32996
Los Angeles, California	)	
	)	
Physician's and Surgeon's	)	
Certificate Number A-23134	)	
	)	
	)	
Respondent.	)	

---

PROPOSED DECISION

This matter came on regularly for hearing before a panel of the District XII Medical Quality Review Committee at San Bernardino, California, on June 2, 1986, sitting with P. M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, who presided at the hearing but did not take part in the panel's deliberations. The panel consisted of the following members:

Jerilyn Kaibel, D.C., Chair  
Guy Hartman, M.D.  
Evelyn Mayberry, public member

Complainant was represented by Alan S. Meth, Deputy Attorney General. Respondent appeared personally, and was represented by Theodore S. Flier, Attorney at Law.

Evidence, both oral and documentary, was presented, and the matter was submitted for decision. The panel unanimously makes its findings of fact, determinations of issues, and proposed decision as follows:

## FINDINGS OF FACT

### I

Complainant, Kenneth J. Wagstaff, is the Executive Director of the Board of Medical Quality Assurance of the State of California ("Board") and makes and files this accusation in his official capacity.

### II

At all times herein mentioned respondent Joseph Marmet, M.D., held Physician's and Surgeon's Certificate Number A-23134 authorizing him to practice medicine in the State of California.

### III

The parties have timely filed and served all pleadings, notices and other papers as required by law.

### IV

A. On June 20, 1983, in the Superior Court of Riverside County, in Case No. CR 19431, respondent was convicted upon his plea of nolo contendere to one count of violating Welfare & Institutions Code Section 14107, submitting a fraudulent claim to Medi-Cal, a misdemeanor.

B. On October 14, 1983, further proceedings were suspended and respondent was placed on probation for three years on certain terms and conditions, one of which was to make restitution in the amount of \$540,000; this amount was later reduced to \$90,000 payable over a three year period.

### V

The crime of which respondent was convicted is substantially related to the duties, qualifications and functions of a physician and surgeon.

### VI

The following facts were established by clear and convincing evidence, and have been considered by the panel solely with respect to the degree of discipline to be imposed:

A. At all times pertinent herein, respondent was a participant in the California Medical Assistance Program ("Program") individually and as medical director of the Concern Health Foundation, also known as Concern Health Center and Concern Health Clinic.

B. On or about the dates set forth in Exhibit "A" respondent caused to be submitted to the Program claims for reimbursement for services which indicated various services designated by the following RVS values had been performed when in truth and in fact:

C. Respondent did not provide all the anesthesia services so indicated for all the named beneficiaries nor did anyone under respondent's direction or control perform such anesthesia services, as is more particularly set forth in Appendix A, incorporated herein by this reference.

D. Respondent did not provide all the laboratory analysis of the products of conception indicated for all the named beneficiaries nor did anyone under respondent's direction or control perform such laboratory analysis as is more particularly set forth in Appendix A, incorporated herein by this reference.

E. The total amount billed to the program for each therapeutic abortion performed by respondent or under respondent's direction or control on each beneficiary, as is more particularly set forth in Appendix A, incorporated herein by this reference, exceeded the total amount billed by respondent to his private patients for therapeutic abortions who were not part of the program, in that each patient who was not part of the program was billed between \$150 and \$190 for all the services connected with a therapeutic abortion.

## VII

It has not been clearly established that respondent knowingly signed false documents, or was directly involved in dishonest or corrupt acts.

## VIII

No evidence was presented on the issue of respondent's rehabilitation.

\* \* \* \* \*

### DETERMINATION OF ISSUES

1. The facts set forth in Findings IV through VI have been established by clear and convincing evidence to the satisfaction of each member of the panel.

2. Cause exists pursuant to Sections 490, 2234, and 2236(a) of the Business and Professions Code to discipline respondent's physician's and surgeon's certificate by reason of the facts set forth in Findings IV and V.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Certificate No. A-23134 issued to respondent Joseph Marmet, M.D. is revoked; however, revocation is stayed and respondent is placed on probation for five years upon the following terms and conditions:

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

B. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

C. Respondent shall comply with the Division's probation surveillance program.

D. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.


E. In the event respondent should leave California to reside or to practice outside the State, respondent must notify the Division in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

F. Respondent shall comply with all of the terms and conditions of the probationary order issued by the Superior Court.

G. Upon successful completion of probation, respondent's certificate will be fully restored.

If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

MEDICAL QUALITY REVIEW COMMITTEE  
DISTRICT XII

  
JERYLYNN KAIBEL, D.C.,  
For the Panel

PMH:btm

June 26, 1986

APPENDIX A

Date of Service: March 10, 1979

(Anesthesia) (Lab Analysis)

NEFICIARY	CLAIM #	CHECK #	PAID DATE	SERVICE CODE	SERVICE CODE	AMOUNT BILLED	TOTAL CHARGES	TOTAL AMOUNT PAID
ona L.	9879107074039	000669125	5-14-79	59862-40	88302	\$25.00	\$569.75	\$385.35
ary C.	9879107074048	000669125	5-14-79	59862-40	88302	\$25.00	\$588.00	\$389.80
andsen S.	9879107075011	000669125	5-14-79	59862-40	88302	\$25.00	\$541.50	\$308.80
isa L.	9879107074042	000669125	5-14-79	59862-40	88302	\$25.00	\$569.75	\$371.55
ony M.	9879107075021	000669125	5-14-79	59862-40	88302	\$25.00	\$607.75	\$377.05
aren F.	9879107074033	000669125	5-14-79	59862-40	88302	\$25.00	\$605.75	\$412.05
vende llyn G.	9879107074036	000669125	5-14-79	59862-40	88302	\$25.00	\$530.75	\$337.05
rril R.	9879107075013	000669125	5-14-79	59862-40	88302	\$25.00	\$569.75	\$332.55
ickie R.	9879107075018	000669125	5-14-79	59862-40	88302	\$25.00	\$569.75	\$332.55
nthia A.	9879107075031	000669125	5-14-79	59862-40	88302	\$25.00	\$644.75	\$421.35
ickie S.	9879107075009	000669125	5-14-79	59862-40	88302	\$25.00	\$569.75	\$298.05
onne B.	9879107075028	000669125	5-14-79	59862-40	88302	\$25.00	\$644.75	\$373.05
nthia W.	9879107075002	000671717	5-29-79	59862-40	88302	\$25.00	\$569.75	\$298.05
andra D	9879107074045	000669125	5-14-79	59862-40	88302	\$25.00	\$569.75	\$371.55
oyce C.	9879107075026	000669125	5-14-79	59862-40	88302	\$25.00	\$569.75	\$298.05
ary F.	9879107071008	000676806	6-18-79	59862-40	88302	\$25.00	\$644.75	\$416.05
atherine S.	9879107075007	000669125	5-14-79	59862-40	88302	\$25.00	\$644.75	\$373.05
rienne G.	9879107074037	000669125	5-14-79	59862-40	88302	\$25.00	\$569.75	\$371.55

Date of Service: April 21, 79

ary B.	9879141002040	000676806	6-18-79	59862-40	88302	\$25.00	\$569.75	\$348.05
athleen G.	9879141012015	000676806	6-18-79	59862-40	88302	\$25.00	\$569.75	\$341.05
avina A.	9879141002037	000676806	6-18-79	59862-40	88302	\$25.00	\$569.75	\$341.05
nthia L.	9879141012019	000676806	6-18-79	59862-40	88302	\$25.00	\$569.75	\$348.05
ncille B.	9879141002043	000676806	6-18-79	59862-40	88302	\$25.00	\$645.25	\$423.05
ania P.	9879141012025	000676806	6-18-79	59862-40	88302	\$25.00	\$569.75	\$341.05
abra W.	9879141012032	000674341	6-11-79	59862-40	88302	\$25.00	\$520.75	\$288.05
arla C.	9879141012014	000676806	6-18-79	59862-40	88302	\$25.00	\$541.50	\$308.80
erry S.	9879141012030	000674341	6-11-79	59862-40	88302	\$25.00	\$569.75	\$348.05
retchen L.	9879141012021	000676806	6-18-79	59862-40	88302	\$25.00	\$569.75	\$341.05
aren R.	9879141012029	000676806	6-18-79	59862-40	88302	\$25.00	\$530.75	\$298.05
axanna W.	9879141012035	000674341	6-11-79	59862-40	88302	\$25.00	\$569.75	\$348.05
eggy K.	9879141012017	000676806	6-18-79	59862-40	88302	\$25.00	\$645.25	\$422.55
atalie W.	9879141012033	000674341	6-11-79	59862-40	88302	\$25.00	\$610.00	\$387.80
lilia A.	9879141003000	000676806	6-18-79	59862-40	88302	\$25.00	\$541.00	\$307.80
andra P.	9879141012027	000676806	6-18-79	59862-40	88302	\$25.00	\$575.25	\$341.05

THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition )  
to Revoke Probation of: )

JOSEPH MARMET, M.D. )  
436 N. Roxbury Drive )  
Beverly Hills, CA 90210 )

Physician's and Surgeon's )  
Certificate No. A23134, )

Respondent. )

Agency No. D-3917

OAH No. L-46145

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Division of Medical Quality, Board of Medical Quality Assurance as its decision in the above-entitled matter.

This Decision shall become effective November 2, 1989.

IT IS SO ORDERED October 3, 1989

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By Theresa Claassen  
THERESA CLAASSEN, Secretary-Treasurer

mh



THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition	)	
to Revoke Probation of:	)	
	)	
JOSEPH MARMET, M.D.	)	Agency No. D-3917
436 N. Roxbury Drive	)	
Beverly Hills, CA 90210	)	OAH No. L-46145
	)	
Physician's and Surgeon's	)	
Certificate No. A23134,	)	
	)	
Respondent.	)	
<hr/>		

PROPOSED DECISION

This case came on for hearing before Richard E. Ranger, Administrative Law Judge of the Office of Administrative Hearings, on July 14, 1989 at Los Angeles.

Linda Vogel, Deputy Attorney General, represented the complainant.

David A. Ogden, Attorney at Law, represented the respondent who appeared in person.

FINDINGS OF FACT

1. Kenneth J. Wagstaff, complainant, made the petition to revoke probation on March 16, 1989 in his official capacity as Executive Director of the Board of Medical Quality Assurance (Board), State of California.

2. Respondent Joseph Marmet, M.D., 56, has been licensed by the Board as a physician and surgeon under certificate no. A23134 since November 14, 1968. He received his medical degree from the University of Zurich (Switzerland) in 1962 and prior to California was licensed in Missouri in 1967. He is Board certified in obstetrics and gynecology and since 1969 has been affiliated with the Cedars-Sinai Medical Center.

3. Respondent has been the subject of prior disciplinary action by the Board. Effective May 18, 1987, the Board issued a decision against respondent in the Matter of the Accusation Against Joseph Marmet, M.D., case no. D-3203, in which case respondent's certificate was revoked. The order of revocation was then stayed and respondent was placed on probation for five (5) years on terms and conditions. The disciplinary action was based upon and pursuant to Business and Professions Code sections 490 and 2236(a) (misdemeanor conviction), and section 2234 (unprofessional conduct) relative to Medi-Cal fraud activity in 1979 at a clinic in Riverside at which respondent was the medical director. Among other terms and conditions of respondent's disciplinary probation were a 30 day suspension, and conditions B and I which provide as follows:

"B. Respondent shall submit quarterly declarations under penalty of perjury on forms supplied by the Division, stating whether there has been compliance with all the conditions of probation.

"I. Within 60 days of the effective date of this decision, respondent shall submit to the Division for its prior approval a community service program in which respondent shall provide free medical services on a regular basis to a community or charitable facility or agency for at least 20 hours a month for the first two years of probation. (46 weeks constitute a year, to make allowances for vacation time.)"

4. Subsequent to the Board's probation decision of May 18, 1987, respondent served the 30 days suspension but did not comply with the quarterly report requirement, or the community service plan. He repeatedly promised compliance but never did so.

5. Beginning in August 1987, Board representatives made a number of attempts to obtain respondent's compliance with the quarterly report and community service plan conditions.

a. On August 25, 1987, the Board's medical consultant and probation officer had a first meeting with respondent at Board offices at which time the terms and conditions of respondent's probation were reviewed with him. Respondent indicated full understanding and promised compliance. Respondent's community service plan was already over due at the time of the first meeting but representatives were satisfied with respondent's promise of compliance within a reasonable time thereafter.

b. As of February 1988, respondent had not yet complied with the requirements of a community service plan and quarterly reports. On February 17, 1988, Board representatives had another interview with respondent at Board offices at which time respondent informed that he had lost staff privileges at CedarsSinai due to loss of his malpractice insurance, that he was working in limited private practice with his brother, also a physician and a surgeon, and that his reinstatement at CedarsSinai depended upon reinstatement of his malpractice insurance. He submitted no quarterly reports at the interview and no plan.

c. On June 17, 1988, the Board's probation officer visited respondent's office unannounced, found respondent not in, and left report forms for him to complete and submit.

d. On July 18, 1988, the Board's probation officer sent a letter to respondent regarding his plans to submit reports and a community service plan.

e. On August 22, 1988, respondent appeared at Board offices for another interview. He submitted no reports and no plans. He was given ten (10) days (to September 2, 1988) to comply.

f. On August 31, 1988, the Board's medical consultant received a letter dated August 30, 1988 from Maclyn Wade, M.D., Director of the Cedars-Sinai Department of Obstetrics and Gynecology. Dr. Wade advised that respondent agreed to work five (5) hours per week with the "residents" at the Cedars-Sinai Clinic for at least one year and that Dr. Wade would report respondent's progress. The proposal was not acceptable in satisfaction of the community service requirement of respondent's probation because it involved working with hospital residents rather than hands-on clinical treatment of patients.

g. On September 1, 1988, respondent submitted his first, and only, quarterly report. In the report, respondent stated he had been "attempting to do clinic service at Cedars-Sinai Medical Center but there have been some problems meeting my staff requirements..."

h. On September 6, 1988, the Board's medical consultant notified respondent by letter that the community service plan proposed through Dr. Wade was not acceptable. He advised that the plan described was not a community service but a service to the academic teaching program at Cedars-Sinai. Respondent was again asked to submit an acceptable plan and was put on notice that a plan was long over due.

i. On October 3, 1988, the Board's probation officer also notified respondent of disapproval of the Cedars-Sinai plan and requested submission of an acceptable program.

j. On October 15, 1988, Dr. Wade contacted the Board's medical director and asked for reconsideration of the proposal for respondent to perform the service at Cedars-Sinai. An agreement was made to re-consider if respondent prepared and submitted a detailed account of his proposed duties under the plan. Respondent did not. On October 31, 1988, respondent informed a Board representative that he had been ill but would submit the paper work within a short period of time. He did not. On January 5, 1988, respondent still had not submitted the paper work. He indicated he needed more time.

6. Respondent's failure to comply with the probation conditions of quarterly reports and a community service plan appears related to depression resulting from a series of cumulative adverse events. Respondent's depression impaired his capacity to function beyond the practice of medicine and care of a young son. Between 1983 and 1986, respondent was convicted of Medi-Cal fraud, his former wife and mother of his oldest son, now in law school, died in an automobile accident; his mother and father died, his most recent wife died of cancer after a long illness leaving him with the care of a young son, now 7; he was required to make restitution in the amount of \$90,000 in connection with his conviction (which he paid), he lost his malpractice insurance and consequently his privileges at Cedars-Sinai, he was forced into bankruptcy, and most recently in 1989, respondent lost his home through foreclosure.

7. On July 12, 1989, respondent was evaluated by Burton A. Kittay, Ph.D., a psychologist officed in Santa Monica. Dr. Kittay did not perform many of the usual psychological tests on respondent but based upon respondent's history and the traumatic events he has experienced formed the impression that respondent is suffering from a major depression necessitating therapy. Dr. Kittay's tentative diagnosis is credible in the context of his case.

8. Currently respondent practices with his brother Dr. Ruben Marmet, in Beverly Hills. They share the rent, office help, and some of the overhead. He has difficulty with the community service requirement of his probation because of his malpractice insurance problems, and the fact that most patients at community clinics require Medi-Cal or Medicare services, services which he is precluded from performing due to his conviction.

DETERMINATION OF ISSUES

Cause exist to vacate the stay of execution of the Board's order of revocation in case no. D-3203 and to reinstate the revocation in that respondent violated conditions B and I as found in finding nos. 4, and 5a through 5j. However, in light of the substantial evidence of extenuation and mitigation of finding nos. 6, 7 and 8, it would not be against the public interest to place respondent on probation again on appropriate terms and conditions.

ORDER

The petition to revoke respondent's probation is granted. However, the order revoking probation is stayed and respondent is placed on probation for five (5) years from the effective date of this decision on the following terms and conditions:

A. Within 60 days from the effective date of this decision, respondent shall submit to the Division for its prior approval the name and qualifications of a psychotherapist of respondent's choice. Upon approval, respondent shall undergo and continue treatment with the therapist until the Division deems that no further psychotherapy is necessary. Respondent shall have the treating psychotherapist submit quarterly status reports to the Division. The Division may require respondent to undergo evaluations by a Division appointed psychiatrist.

B. Within 60 days from the effective date of the decision respondent shall submit to the Decision for its prior approval a community service program in which respondent shall provide free medical services on a regular basis to a community or charitable facility or agency for at least 20 hours per month for the first two years of probation. For the purpose of this condition 46 weeks constitute one year to allow for vacation time).

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

D. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

E. Respondent shall comply with the Division's probation surveillance program.

F. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.


G. In the event respondent should leave California to reside or to practice outside the State, respondent shall notify the Division in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of the probationary period.

H. Respondent shall comply with all of the terms and conditions of the probationary order issued by the Superior Court.

I. Upon successful completion of probation, respondent's certificate will be fully restored.

If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

Dated: August 14, 1989

  
RICHARD E. RANGER  
Administrative Law Judge

RER:mh

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DIVISION OF MEDICAL QUALITY

In the matter of the Accusation against

No. 06-90-5000

Joseph Marmet, M.D.

Physician and Surgeon's Certificate No. A-23134

Respondent.

ORDER RESTORING LICENSE TO CLEAR STATUS  
FOLLOWING COMPLETION OF PROBATION

The above named respondent, having successfully completed probation in Case No. 06-90-5000, is entitled to full restoration of the Physician and Surgeon's certificate.

WHEREFORE, IT IS ORDERED by the Division of Medical Quality of the Medical Board of California that respondent's Physician and Surgeon's certificate be fully restored to clear status and free of probation requirements, effective November 2, 1994.

So ordered February 3, 1995.

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

By Karen McElliott  
Karen McElliott, President