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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

* * * * *

**In The Matter of Charges and)
Complaint Against)
BRIAN E. LEE, M.D.,)
Respondent.)**

Case No. 11-27952-1

FILED

JUL 25 2011

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners (Board), composed of Charles N. Held, M.D., Theodore B. Berndt, M.D. and Valerie J. Clark, BSN, RHU, LUTCF, at the time of the authorizing of the filing of this Complaint, by and through Edward O. Cousineau, J.D., Deputy Executive Director for the Board and counsel for the Investigative Committee, having a reasonable basis to believe that Brian E. Lee, M.D., hereinafter referred to as "Respondent", has engaged in conduct that is grounds for discipline pursuant to the provisions of NRS Chapter 630, hereby alleges, charges and complains against said Respondent as follows:

1. Respondent was licensed in active status to practice medicine in the state of Nevada on October 10, 2006, by the Board pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed.

2. Respondent indicated specialty with the Board is Internal Medicine with his practice address located in Las Vegas.

3. The true identity of Patients A, B, C and D, who are the subject of the underlying allegations, are not disclosed herein to protect their privacy, but are disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

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1 4. From approximately January of 2007 to January of 2009, Patient A was prescribed
2 various types of controlled substances by Respondent. During this timeframe, Respondent
3 prescribed these controlled substances without creating or maintaining adequate medical
4 documentation to support his prescribing practices for Patient A.

5 5. From approximately October of 2007 to December of 2008, Patient B was
6 prescribed various types of controlled substances by Respondent. During this timeframe,
7 Respondent prescribed these controlled substances without creating or maintaining any medical
8 documentation to support his prescribing practices for Patient B.

9 6. From approximately April of 2006 to January of 2009, Patient C was prescribed
10 various types of controlled substances by Respondent. During this timeframe, Respondent
11 prescribed these controlled substances without creating or maintaining any medical
12 documentation to support his prescribing practices for Patient C.

13 7. From approximately September of 2007 to January of 2009, Patient D was
14 prescribed various types of controlled substances by Respondent. During this timeframe,
15 Respondent prescribed these controlled substances without creating or maintaining any medical
16 documentation to support his prescribing practices for Patient D.

17 **COUNT I**

18 8. All of the above paragraphs are incorporated by reference as though fully set forth
19 herein.

20 9. Section 630.3062(1) of the Nevada Revised Statutes (NRS) provides that failure to
21 maintain timely, legible, accurate and complete medical records relating to the diagnosis,
22 treatment and care of a patient, is grounds for initiating disciplinary action.

23 10. Respondent violated NRS 630.3062(1) when he failed to maintain adequate medical
24 records related to Patient A and is subject to discipline by the Nevada State Board of Medical
25 Examiners as provided in NRS 630.352.

26 **COUNT II**

27 11. All of the above paragraphs are incorporated by reference as though fully set forth
28 herein.

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

1105 Terminal Way #301

Reno, Nevada 89502

(775) 688-2559


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3. That the Board determine what sanctions it deems appropriate to impose for the violation committed by Respondent; and

4. That the Board make, issue and serve on Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed.

DATED this 27th day of July, 2011.

INVESTIGATIVE COMMITTEE OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

Edward O. Cousineau, J.D.
Attorney for the Investigative Committee of
The Nevada State Board of Medical Examiners

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF WASHOE)

THEODORE B. BERNDT, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that investigated the complaint against Respondent herein; that he has read the foregoing Complaint; and that based upon the results of the Investigative Committee's investigation into a complaint against Respondent, the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 25th day of July, 2011.

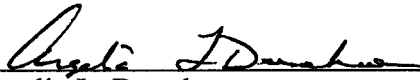
Theodore B. Berndt
THEODORE B. BERNDT, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 25th day of July 2011, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, along with FINGERPRINT information via USPS e-certified mail to the following:

Maria Nutile, Esq.
Attorney for: Brian Lee, M.D.
Nutile Law & Associates
1070 W. Horizon Ridge Ste. 210
Henderson, NV 89012

Dated this 25th day of July 2011.



Angelia L. Donohoe
Legal Assistant