

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

3 \* \* \* \* \*

4 **In The Matter of Charges and** ) **Case No. 11-35356-1**  
5 )  
6 **Complaint Against** )  
7 **BRANDON J. GREEN, M.D.** )  
8 )  
9 **Respondent.** )

**FILED**

**OCT - 7 2011**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

10 **COMPLAINT**

11  
12 The Investigative Committee of the Nevada State Board of Medical Examiners, composed  
13 at the time filing of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF,  
14 Member, and Michael J. Fischer, M.D., Member, by and through Bradley O. Van Ry, Deputy  
15 General Counsel, having a reasonable basis to believe that Brandon J. Green, M.D., hereinafter  
16 referred to as "Respondent", has violated the provisions of NRS Chapter 630, hereby issues its  
17 formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

18 1. Respondent is currently licensed in active status (License No. 13346), and has been  
19 so licensed since November 20, 2009 by the Nevada State Board of Medical Examiners pursuant  
20 to the provisions of Chapter 630 of the Nevada Revised Statutes.

21 2. Respondent is currently licensed to practice medicine, and was so licensed at the  
22 time of the incident complained of in this matter, in the state of Florida.

23 3. On February 16, 2011, the Respondent and Florida Board of Medicine entered into  
24 a Settlement Agreement where Respondent was issued a letter of concern, assessed a fine of  
25 \$2,500.00, costs in the amount of \$1,704.94, twenty-five (25) hours of community service and a  
26 one (1) hour lecture/seminar on wrong site surgeries. See Exhibit I.

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Count I

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2 4. All of the above allegations in the above paragraphs are hereby incorporated as if  
3 fully set forth herein.

4 5. Nevada Revised Statute Section 630.301(3) provides that any disciplinary action,  
5 including, without limitation, the revocation, suspension, modification or limitation of a license to  
6 practice any type of medicine, taken by another state is grounds for initiating discipline against a  
7 licensee.

8 6. The disciplinary action, issuance of a letter of concern, a fine, costs, community  
9 service and a lecture, related to Respondent's license to practice medicine in the state of Florida  
10 and therefore constitutes a violation of the provisions of NRS §630.301(3).

11 7. By reason of the foregoing, Respondent is subject to discipline by the Nevada State  
12 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

13 **WHEREFORE**, the Investigative Committee prays:

14 1. That the Nevada State Board of Medical Examiners give Respondent notice of the  
15 charges herein against him and give him notice that he may file an answer to the Complaint herein  
16 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service  
17 of the Complaint.

18 2. That the Nevada State Board of Medical Examiners set a time and place for a  
19 formal hearing after holding an Early Case Conference pursuant to NRS §630.339(3);

20 3. That the Nevada State Board of Medical Examiners determine what sanctions it  
21 determines to impose if it determines there has been a violation or violations of the Medical  
22 Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and

23 4. That the Nevada State Board of Medical Examiners make, issue and serve on  
24 Respondent its findings of facts, conclusions of law and order, in writing, that includes the  
25 sanctions imposed; and

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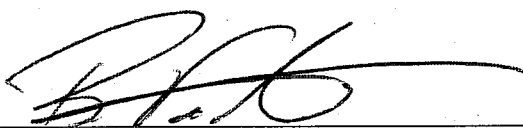
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5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 7<sup>th</sup> day of October, 2011.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

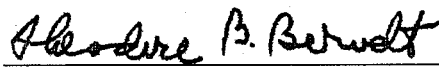
By:   
Bradley O. Van Ry, Esq.  
Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA )  
2 : ss.  
3 COUNTY OF WASHOE )

4 Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the  
5 laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada  
6 State Board of Medical Examiners that authorized the foregoing Complaint against the  
7 Respondent herein; that he has read the foregoing Complaint; and that based upon information  
8 discovered during the course of the investigation into a complaint against Respondent, that he  
9 believes the allegations and charges in the foregoing Complaint against Respondent are true,  
10 accurate, and correct.

11 Dated this 7<sup>th</sup> day of October, 2011.


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14 Theodore B. Berndt, M.D.  
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 7<sup>th</sup> day of October 2011, I served a file copy of the COMPLAINT, Letter of Settlement and Fingerprint information via USPS e-certified mail to the following:

Brandon Green, M.D.  
40 Bosun Way  
Delray Beach, FL 33483

Dated this 7<sup>th</sup> day of October 2011.

  
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Angelia L. Donohoe  
Legal Assistant

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# **EXHIBIT**

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STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-11-357-<sup>5</sup>-MQA  
FILED DATE - 2-16-11  
Department of Health  
By: Angel Sanders  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2009-20269  
LICENSE NO.: ME0101011

BRANDON J. GREEN, M.D.,

Respondent.

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FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 4, 2011, in Orlando, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise full advised in the premises, the Board rejected the Settlement Agreement and offered a Counter Settlement Agreement which was accepted on the record by the parties. The Counter Settlement Agreement incorporates the original Settlement Agreement with the following amendments:

1. The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$1,704.94.

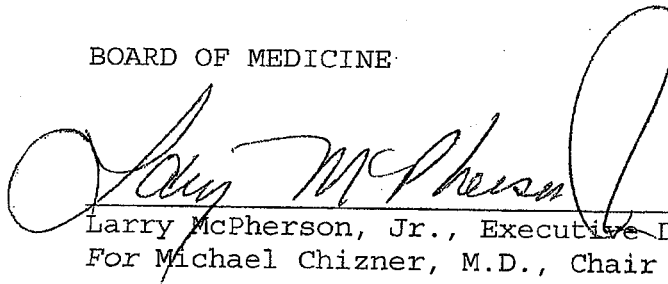
2. The community service required by Paragraph 4 of the Stipulated Disposition shall be amended to require 25 hours of community service.

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference with the amendments set forth above. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as amended.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 14 day of FEBRUARY, 2011.

BOARD OF MEDICINE


  
Larry McPherson, Jr., Executive Director  
For Michael Chizner, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to BRANDON J. GREEN, M.D., 1613 N. Harrison Parkway, Suite 200, Sunrise, Florida 33323; by email to Marc Ganz, Esquire, at



mganz@mn-lawfirm.com; and by interoffice delivery to Veronica  
Donnelly, Department of Health, 4052 Bald Cypress Way, Bin #C-  
65, Tallahassee, Florida 32399-3253 this 16<sup>th</sup> day of  
February, 2011.



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**Deputy Agency Clerk**