

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

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6 **In the Matter of Charges and**)
7 **Complaint Against**)
8 **CHARLES FRED XELLER, M.D.,**)
9 **Respondent.**)

Case No. 13-10014-1

FILED

JAN - 9 2013

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

11
12 **COMPLAINT**

13 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners
14 (Board), composed at the time of filing this Complaint of Theodore B. Berndt, M.D., Chairman,
15 Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and
16 through Bradley O. Van Ry, Esq., General Counsel for the Board and Attorney for the IC, having
17 a reasonable basis to believe that Charles Fred Xeller, M.D. (Respondent), violated the provisions
18 of Nevada Revised Statutes (NRS) Chapter 630 (Medical Practice Act), hereby issues its formal
19 Complaint, stating the IC's charges and allegations as follows:

20 1. Respondent is currently licensed in active status with the condition of no surgery
21 dated November 30, 2007 (License No. 6855). Respondent has been licensed by the Board since
22 July 31, 1993, pursuant to the provisions of the Medical Practice Act.

23 2. Respondent is currently licensed to practice medicine in Nevada, and was so
24 licensed at the time of the incident complained of in this matter in the state of Michigan, Indiana
25 and California.

26 3. On March 3, 2005, a Superseding Administrative Complaint was filed against
27 Respondent with the state of Michigan Department of Community Health Bureau of Health
28 Professions Board of Medicine Disciplinary Subcommittee (Michigan Board).

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4. On May 12, 2005, Respondent submitted a renewal application for a medical doctor license with the state of Indiana Medical Licensing Board (Indiana Board). Allegedly, Respondent incorrectly answered a question in the negative when he should have answered in the positive.

5. On March 19, 2008, the Michigan Board entered an Order of Dismissal dismissing the previously filed 2005 Superseding Administrative Complaint.

6. On September 28, 2011, the Indiana Board filed a disciplinary Complaint against Respondent based upon the Michigan action and Respondent's incorrect answer on the 2005 Indiana Board renewal application. The Indiana Board's allegations were based upon Respondent's failure to report the past discipline or charges pending in the state of Michigan in 2005.

7. On January 25, 2012, Respondent entered into a settlement agreement with the Indiana Board concerning the pending disciplinary Complaint. As a result, Respondent was issued a Letter of Reprimand by the Indiana Board on January 26, 2012.

8. On June 29, 2012, Respondent was issued a Public Letter of Reprimand by the Medical Board of California (California Board) based upon the foregoing.

COUNT I

9. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

10. NRS 630.301(3) provides that any disciplinary action, including, without limitation, the revocation, suspension, modification or limitation of a license to practice any type of medicine, taken by another state is grounds for initiating discipline against a licensee.

11. The actions of the Michigan Board, Indiana Board and California Board constitute disciplinary actions taken by another state(s) against Respondent that are grounds for initiating discipline against Respondent.

12. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

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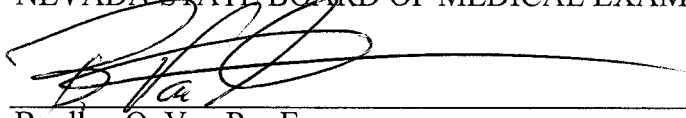
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WHEREFORE, the IC requests:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;
4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and
5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 9th day of January, 2013.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

Bradley O. Van Ry, Esq.
General Counsel
Attorney for the Investigative Committee

VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

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

Dated this 9th day of January, 2013.

Theodore B. Berndt
Theodore B. Berndt, M.D.

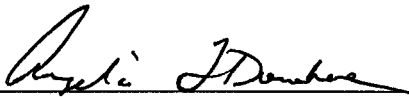
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 9th day of January 2013; I served a filed copy of the Complaint, Settlement Letter and Fingerprint information via USPS e- certified return receipt mail to the following:

Charles Fred Xeller, M.D.
1401 Cabot Lake Drive
League City, TX 77573

Dated this 9th day of January, 2013.



Angelia L. Donohoe
Legal Assistant