

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

3 * * * * *

4
5 **In the Matter of Charges and Complaint**

Case No. 23-51765-1

6 **Against:**

7 **JEFFREY MARTIN BROWN, P.A.-C,**

8 **Respondent.**

FILED

NOV 22 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Donald K. White, Senior Deputy General Counsel and attorney for the
13 IC, having a reasonable basis to believe that Jeffrey Martin Brown, P.A.-C (Respondent) violated
14 the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code
15 (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating
16 the IC's charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a physician assistant holding
18 an active license to practice medicine in the State of Nevada (License No. PA2193). Respondent
19 was originally licensed by the Board on November 15, 2019.

20 2. Patient A² was a seven (7) year-old female at the time of the events at issue.

21 3. Patient B³ was a ten (10) year-old female at the time of the events at issue.

22 4. Respondent was a physician assistant at The Mind Brain Institute (MBI) and was
23 under a supervision agreement (Agreement) from December 17, 2019, through December 14, 2021,

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26 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
27 Complaint was authorized for filing, was composed of Board members Victor M. Muro, M.D., Chowdhury H. Ahsan,
28 M.D., Ph.D, FACC, and Ms. Pamela Beal.

² Patient A's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient
Designation served upon Respondent along with a copy of this Complaint.

³ Patient B's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient
Designation served upon Respondent along with a copy of this Complaint.

1 with Anuranjan Bist, M.D. and from June 29, 2020, through July 8, 2022, with Rosa Angelica
2 Belotta Rojas, M.D., supervising physicians practicing medicine at MBI.

3 5. On April 9, 2021, August 27, 2021, and October 22, 2021, Respondent wrote
4 prescriptions for schedule II controlled substances for Patient A and Patient B. Patient A and
5 Patient B's parent was present at these visits, but the minor children were not present and
6 Respondent had not evaluated these patients at any time prior to these visits.

7 6. Though Patient A and Patient B were established with MBI's practice, they had
8 never been properly examined by Respondent or his supervisors. Additionally, a Prescription
9 Monitoring Program (PMP) report from the Nevada Board of Pharmacy was not requested by
10 Respondent for either Patient A or Patient B before writing the prescriptions for Ritalin, a
11 schedule II controlled substance for both of the patients.

12 COUNT I

13 **NRS 630.301(4) - Malpractice**

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

16 8. NRS 630.301(4) provides that malpractice of a physician assistant is grounds for
17 initiating disciplinary action against a licensee.

18 9. NAC 630.040 defines malpractice as "the failure of a physician, in treating a
19 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar
20 circumstances."

21 10. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
22 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
23 rendering medical services, when Respondent wrote prescriptions for Patient A and Patient B
24 three (3) separate times for a schedule II controlled substance without performing a proper
25 examination, without the presence of the two (2) patients at their appointments, and failed to
26 request a PMP report for neither Patient A nor Patient B.

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

COUNT II

**NRS 630.306(1)(b)(3) - Violation of Statutes and Regulations of the
Nevada State Board of Pharmacy**

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

13. Respondent is a practitioner as defined by NRS 639.0125(1), as a physician assistant, who holds a license to practice medicine in the State of Nevada.

14. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a provision of chapter 639 of the Nevada Revised Statutes.

15. NRS 639.23911(1)(a) states that a practitioner must have established a bona fide relationship with a patient as defined in NRS 639.235 before the practitioner is legally allowed to write prescriptions for schedule II controlled substances.

16. NRS 639.235(4) describes a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was examined in person, electronically, telephonically or by fiber optics, within or outside this State or the United States by the person prescribing the controlled substances within the six (6) months immediately preceding the date the prescription was issued.

17. Respondent did not have, nor did he establish, a bona fide patient relationship with Patient A and Patient B before prescribing them a schedule II controlled substance.

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

COUNT III

**NRS 630.306(1)(b)(3) - Violation of Statutes and Regulations of the
Nevada State Board of Pharmacy**

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

20. Respondent is a practitioner as defined by NRS 639.0125(1), as a physician assistant, who holds a license to practice medicine in the State of Nevada.

1 21. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a provision
2 of chapter 639 of the Nevada Revised Statutes.

3 22. NRS 639.23507(1) requires a practitioner, before issuing an initial prescription for
4 a controlled substance listed in schedule II and at least once every ninety (90) days thereafter for
5 the duration of the course of treatment using the controlled substance, obtain a patient utilization
6 report (PMP) regarding the patient from the computerized program established by the Board and
7 the Investigation Division of the Department of Public Safety, namely a PMP report.

8 23. Respondent did not obtain or review a PMP for Patient A or Patient B before
9 prescribing them a schedule II controlled substance.

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

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

13 1. That the Board give Respondent notice of the charges herein against him and give
14 him notice that he may file an answer to the Complaint herein as set forth in
15 NRS 630.339(2) within twenty (20) days of service of the Complaint;

16 2. That the Board set a time and place for a formal hearing after holding an Early
17 Case Conference pursuant to NRS 630.339(3);

18 3. That the Board determine what sanctions to impose if it determines there has been
19 a violation or violations of the Medical Practice Act committed by Respondent;

20 4. That the Board award fees and costs for the investigation and prosecution of this
21 case as outlined in NRS 622.400;

22 5. That the Board make, issue and serve on Respondent its findings of fact,
23 conclusions of law and order, in writing, that includes the sanctions imposed; and

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6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 22 day of November, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

DONALD K. WHITE
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Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Chowdury H. Ahsan, M.D., Ph.D., FACC, 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 authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

DATED this 22nd day of November, 2023.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

CHOWDURY H. AHSAN, M.D., PH.D., FACC
Chairman of the Investigative Committee