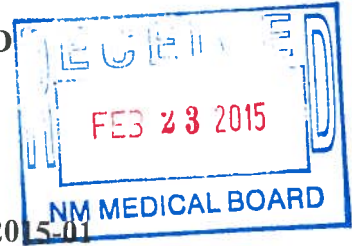


BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
Daniel Brandt, M.D.)
)
License No. 91-10)
)
Respondent.)

No. 2015-01

STIPULATION AND ORDER

This matter, having come before the New Mexico Medical Board (“the Board”), by agreement of the Prosecutor and the respondent Daniel Brandt, M.D., (“Respondent”), by and through his counsel, Jeff LaHann (collectively, “the Parties”) regarding this Order and Stipulation of Licensure (“Stipulation”), and the Board, being fully advised, hereby finds and orders as follows:

FINDINGS:

1. Respondent is subject to the jurisdiction of the Board pursuant to the Medical Practice Act, NMSA 1978, Sections 61-6-1 through -35 (“the Act”), and the New Mexico Medical Board rules and regulations, Title 16, Chapter 10, NMAC.

2. The Board enters this Stipulation pursuant to NMSA 1978, Section 61-6-15(A), and Board Rule 16.10.5.15 NMAC.

3. The Board is currently investigating Respondent for alleged violations of the Act.

4. By order dated January 9, 2015, the Board summarily suspended Respondent’s medical license.

5. It is in the best interests of Respondent, and furthers the purposes of the Board, for Respondent to surrender his license while under investigation by the Board.

6. Respondent knows and understands the applicable statutory and regulatory provisions setting forth the authority and power of the Board. Respondent further understands that this Stipulation results in a waiver of his rights under the Uniform Licensing Act and the Medical Practice Act, including the right to a hearing and to judicial review on the matters

alleged, and the right to challenge this order in court.

7. Respondent knows and understands his right to consult with an attorney, and Respondent's signature below signifies that Respondent has consulted with the attorney noted above.

8. Respondent knows that this Stipulation will be reported to the National Practitioner Data Bank and is a public document open to public inspection.

BASED ON THE FORGOING FINDINGS, it is hereby ordered that Respondent's license is SURRENDERED while under investigation.

Dated: 2/3/15



Daniel Brandt, M.D., Respondent

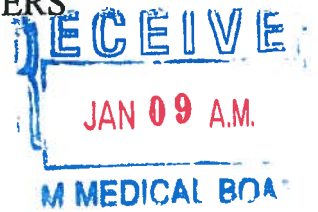
NEW MEXICO MEDICAL BOARD

Dated: 2/23/15

BY: 

Steven Weiner, M.D., Chair

BEFORE NEW MEXICO BOARD OF MEDICAL EXAMINERS



IN MATTER OF:

Daniel Brandt, M.D.

No. 2015-01

Respondent.

License No.: 91-10

SUMMARY SUSPENSION ORDER

WHEREAS the NEW MEXICO BOARD OF MEDICAL EXAMINERS (hereinafter referred to as “the Board”) having received complaints against Respondent Brandt, and investigations having been initiated; and,

WHEREAS the BOARD having reviewed and deliberated such investigations, reports and evaluations, issued a Notice of Contemplated Action concurrently herewith; and

WHEREAS, pursuant to NMSA 1978 § 61-6-15.1 the Board has reason to believe that Respondent Brandt poses a clear and immediate danger to the public health and safety if the licensee continues to practice; and,


WHEREAS the Board may summarily suspend or restrict a license and simultaneously issued a Notice of Contemplated Action on January 8, 2015; and,

WHEREAS the Respondent is entitled to a hearing on this Order by the Board within fifteen (15) days the date Respondent requests a hearing;

IT IS HEREBY ORDERED that license to practice Medicine in New Mexico held by Respondent Daniel Brandt, M.D., is hereby **SUSPENDED** until further Order of the Board.

Dated: January 9, 2015.

For the New Mexico Board
of Medical Examiners by:



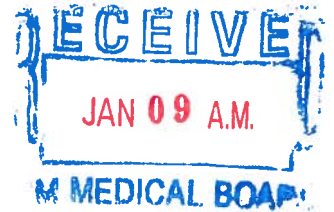
Steven Weiner, M.D., Chairman

BEFORE NEW MEXICO BOARD OF MEDICAL EXAMINERS

IN MATTER OF:

Daniel Brandt, M.D.

No. 2015-01



Respondent.

License No.: 91-10

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that the NEW MEXICO BOARD OF MEDICAL EXAMINERS (hereinafter referred to as “the Board”) has before it sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, will justify the Board in taking disciplinary action against the Respondent pursuant to the *Uniform Licensing Act*, NMSA 1978, §§ 61-1-1 to 61-1-33, *Impaired Health Care Provider Act*, NMSA 1978, § 61-7-1 *et seq.*, the *Medical Practice Act*, NMSA 1978, § 61-6-1 *et seq. Articles 6A and 6B*, and the *American Medical Association Code of Ethics*.

APPLICABLE LAW

I. Uniform Licensing Act

Such contemplated action exists pursuant to the *Uniform Licensing Act*, 1978, § 61-9-1 *et seq.*,

II. New Mexico Administrative Code

Such contemplated action also exists pursuant to *Title 16* of the *New Mexico Administrative Code* and more specifically but not limited to:

§ 16.10.5.8. Disciplinary Power of the Board

The Board has the power to suspend or revoke a license, place a licensee on probation under such terms and conditions as then board deems necessary after a hearing or pursuant to a stipulation with a licensee.

§ 16.10.8.9. (A)(B) Determination of Medical Ethics

(A) The Board adopts the ethical standards set forth in the latest published version of the “code of medical ethics current opinions with annotations of the council on ethical and judicial affairs of the American Medical Association” or its successor publication (“Code of Medical Ethics”)

(B) The Board reserves the right to impose discipline for breaches of medical ethics which may not be addressed in the “code of medical ethics” , but which are nevertheless sufficiently serious to bring the offending conduct within the meaning of Section 61-6-15(D),(29) NMSA 1978

III. The Medical Practice Act, NMSA 1978, § 61-6-1 et seq.

Such contemplated action also exists pursuant to *Title 61* of the *New Mexico Medical Practices Act* and more specifically but not limited to:

§ 61-6-5. Duties and powers: The Board shall:

A. enforce and administer the provisions of the *Medical Practice Act*, the *Physician Assistant Act*, the *Anesthesiologist Act*, the *Genetic Counseling Act* and the *Impaired Health Care Provider Act*;

§ 61-6-15.1. Summary Suspension or restriction of license:

A. The Board may summarily suspend or restrict a license issued by the Board without a hearing, simultaneously with or at the time after the initiation of proceedings for a hearing provided under the Uniform Licensing Act, if the Board finds that evidence in its possession indicates that the licensee:

1. poses a clear and immediate danger to the public health and safety if the licensee continues to practice

**IV. Impaired Health Care Provider Act,
NMSA 1978, § 61-7-1 et seq**

Such contemplated action also exists pursuant to *Title 61* of the *New Mexico Impaired Health Care Provider Act* and more specifically but not limited to:

§ 61-7-3. Grounds for restriction, suspension or revocation of license; registration or certification.

The license, registration or certification of any health care provider to practice in this state shall be subject to restriction, suspension or revocation in case of inability of the health care provider to practice with reasonable skill or safety to patients by reason of one or more of the following:

- A.** mental illness;
- B.** physical illness, including but not limited to deterioration through the aging process or loss of motor skill; or,
- C.** habitual or excessive use or abuse of drugs, as defined in the *Controlled Substances Act*, or alcohol.

V. the American Medical Association Code of Ethics.

Such contemplated action also exists pursuant to the *American Medical Association, Code of Ethics Act* and more specifically but not limited to:

1. OPINION 10.015 -THE PATIENT-PHYSICIAN RELATIONSHIP

In pertinent Part:

The relationship between patient and physician is based on trust and gives rise to physicians' ethical obligations to place patients' welfare above their own self-interest and above obligations to other groups, and to advocate for their patients' welfare.

Within the patient-physician relationship, a physician is ethically required to use sound medical judgment, holding the best interests of the patient as paramount. (I, II, VI, VIII)

2. OPINION 9.123 - DISRESPECT AND DEROGATORY CONDUCT IN THE PATIENT-PHYSICIAN RELATIONSHIP

In pertinent Part:

Derogatory language or actions on the part of physicians can cause psychological harm to those they target. Also, such language or actions can cause reluctance in members of targeted groups to seek or to trust medical care and thus create an environment that strains relationships among patients, physicians, and the health care team. Therefore, any such conduct is profoundly antithetical to the Principles of Medical Ethics.

3. OPINION 9.045 - PHYSICIANS WITH DISRUPTIVE BEHAVIOR

In pertinent Part:

(1) Personal conduct, whether verbal or physical, that negatively affects or that potentially may negatively affect patient care constitutes disruptive behavior

FACTUAL BASIS

1. The Board has jurisdiction to hear this matter pursuant to the law cited above.

2. On or about December 3, 2014, Respondent Brandt (hereinafter, "Respondent") was arrested and charged with a fourth degree felony for causing physical harm or great psychological harm by the abuse of a patient.
3. This arrest and criminal charge is in connection with the practice of medicine.
4. The Patient, an intellectually disabled individual, had come to Respondent's office accompanied by Patient's caretaker for the purpose of dropping off paper work and to reconcile records.
5. The Patient's court appointed guardian had previously requested a change of psychiatrist for Patient the previous July.
6. As Patient and his caretaker were leaving, Respondent accosted them in the parking lot.
7. When Patient refused to return to the clinic with Respondent, Respondent grabbed the Patient's clothing thereby choking the Patient with his own clothing while Respondent attempted to drag Patient back into the clinic.
8. As a result of this battery by Respondent on the Patient, Patient briefly lost consciousness.
9. Respondent was arrested on December 3, 2014 and subsequently indicted by a New Mexico grand jury on December 23, 2014. Respondent has been released on a \$10,000 bond and is awaiting trial in District Court.

10. Respondent is due to be arraigned on felony charges on January 20, 2015.
11. Respondent failed to report this matter to the Board.
12. Respondent's response the Board's initial inquiry was incoherent.
13. Respondent currently holds an unrestricted license to practice medicine in New Mexico.

NOTICE

Unless these allegations are explained or rebutted at a formal hearing, they constitute justification of the Board to suspend, revoke restrict or refuse to renew the license of Respondent to practice medicine in the State of New Mexico.

The Board will suspend, revoke, restrict or refuse to renew the license of Respondent unless, within twenty (20) days after receipt of this Notice of Contemplated Action, the Respondent requests a formal hearing by certified mail, return receipt requested. Such a request for a formal hearing should be mailed to Samantha Breen, Administrative Assistant, New Mexico Board of Medical Examiners 2055 South Pacheco Street Building 400 Santa Fe, New Mexico 87505.

The formal hearing, if requested, will be conducted pursuant to the *New Mexico Uniform Licensing Act*, NMSA 1978, §§61-1-1 through 61-1-31 (Repl. Pamp. 1996). Pursuant to NMSA 1978, §61-1-8 the licensee is specifically advised as follows:

61-1-8. Rights of person entitled to hearing.

A. A person entitled to be heard under the *Uniform Licensing Act* [61-1-1 to 61-1-31 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to

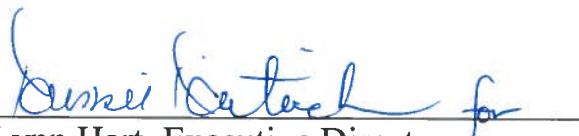
examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to NMSA 1978, §61-1-4 shall contain a statement of these rights.

- B. Upon written request to another party, any party is entitled to:
- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
 - (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

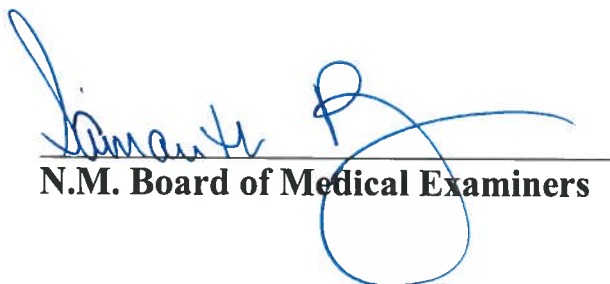
Dated: 1-9-15



Lynn Hart, Executive Director
For the New Mexico Board of
Medical Examiners
2055 South Pacheco Street
Bldg. 400
Santa Fe, New Mexico 87505
(505) 476-7220

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the forgoing **Notice of Contemplated Action** was mailed to the Respondent, on this 9th day of January, 2014, via certified mail, return receipt requested.

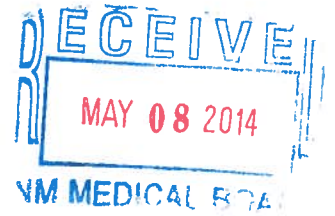


N.M. Board of Medical Examiners

Administrative Prosecutor:

William J. Moon
2055 S. Pacheco Street
Bldg. 400
Santa Fe, NM 87505
(505) 476-7220

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
)
 DANIEL BRANDT, M.D.)
 Medical License #91-10,)
 Respondent.)
)

Case No. 2012-020

ORDER OF RELEASE

THIS MATTER came before the New Mexico Medical Board ("Board") upon Daniel Brandt, M.D.'s ("Respondent") request to be released from his May 29, 2012 Stipulation of Licensure.

WHEREAS Respondent has an active license to practice medicine in the state of New Mexico; and

WHEREAS in May 2012, Respondent entered into a Stipulation of Licensure with the Board which placed certain terms and conditions upon Respondent's license to practice medicine; and

WHEREAS in May 2014, Respondent requested to be released from his Stipulation of Licensure; and

WHEREAS the Board has determined that Respondent has met all the terms and conditions set forth in the Stipulation of Licensure.

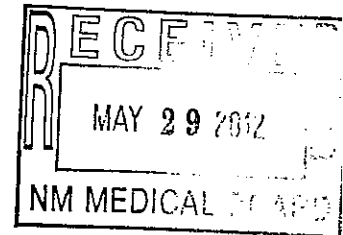
IT IS THEREFORE ORDERED that the stipulations placed on Respondent's license to practice medicine in Case No. 2012-020 are hereby removed and Respondent shall have an unrestricted license to practice medicine in New Mexico.

Dated: 05/08/2014

NEW MEXICO MEDICAL BOARD

By: [Signature]
Steven Weiner, MD, Chair

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
Daniel Brandt, M.D.)
Medical License #91-10,)
Respondent)

Case No. 2012-020

STIPULATION OF LICENSURE

THIS Stipulation of Licensure is between Daniel Brandt, M.D. ("Respondent") and the New Mexico Medical Board ("Board").

Respondent is subject to the jurisdiction of the Board pursuant to the Medical Practice Act, NMSA 1978, §§ 61-6-1 through -35; the Impaired Health Care Provider Act, §§ 61-7-1 through -12; and the New Mexico Medical Board rules and regulations, Title 16, Chapter 10, NMAC.

THIS MATTER came before the Board on May 17, 2012 upon the recommendation that Respondent be monitored by the New Mexico Monitored Treatment Program ("MTP").

WHEREAS the Board has determined that Respondent is safe to practice medicine if under the care of a monitored treatment program;

WHEREAS, in order to assist Respondent in her continued rehabilitation, Respondent shall be on probation with the following terms and conditions:

- 1. Respondent shall abstain completely from the use of mind-altering substances, controlled substances or alcoholic beverages except as legitimately prescribed by a licensed physician;
2. Respondent shall enter into a treatment contract with, and as determined by, the Monitored Treatment Program and shall comply fully with the recommendations, terms and conditions required of Respondent by the Monitored Treatment Program;

3. If the Board is notified that Respondent has violated any of the Monitored Treatment Program contract terms, the Board shall constitute it as a violation of this Agreement;

4. Respondent hereby waives any right to confidentiality he may have with respect to information gathered by the Monitored Treatment Program with regard to the Board's access to Monitored Treatment Program information. Respondent hereby authorizes the Monitored Treatment Program to release any and all information to the Board; and

5. Respondent shall appear before the Board on a quarterly basis or upon the Board's request;

6. Respondent shall submit quarterly reports to the Board attesting to his compliance with this stipulation. Such quarterly reports shall be on a form provided by Board staff and sent to Respondent;

7. Respondent shall, at all times, comply with all federal, state and local laws and all rules governing the practice of medicine;

8. If the Board has reasonable cause to believe that Respondent has violated any of the terms of this stipulation, the Board may immediately and summarily suspend his license to practice as a physician in New Mexico pursuant to Subsection C of 16.10.5.15 NMAC. A breach of any term of this stipulation shall constitute conduct unbecoming in a person licensed to practice medicine as set forth in NMSA 1978, § 61-6-15(D)(29). The Board shall, within 10 days of a summary suspension, issue a Notice of Contemplated Action, and Respondent will be entitled to a formal hearing on the Notice in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through -33.

9. Respondent understands that this stipulation is made pursuant to NMSA 1978, § 61-

6-15(B), and Board Rule 16.10.5.15 NMAC. Respondent further understands that entering into this stipulation results in a waiver of her rights under the Uniform Licensing Act, Medical Practice Act, and the Impaired Health Care Provider Act, including the right to appeal and any claim he may have regarding these matters;

10. WHEREAS Respondent knows and understands his right to consult with an attorney and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives his right to counsel.

11. Respondent understands that this stipulation will be reported to the National Practitioners Data Bank and Healthcare Integrity and Protection Data Bank;


12. The conditions and terms set forth in this stipulation will remain in effect unless and until removed or amended by the Board.

13. This stipulation incorporates any and all agreements, covenants and understandings between Parties. No prior agreement or understanding, verbal or otherwise of the Parties or their agents or assignees shall be valid or enforceable unless embodied in this Stipulation.

IT IS SO STIPULATED BY Daniel Brandt, M.D., Respondent, and the New Mexico Medical Board.

New Mexico Medical Board

Dated: 5/29/2012


Steven Weiner, M.D. Chair

Dated: 5/25/12


Daniel Brandt, M.D., Respondent