

Attorney General's Office
 555 E. Washington, Suite 3900
 Las Vegas, NV 89101

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

In the Matter of the Charges and)
 Complaint Against:)
)
DAVID EARL LINDEN, M.D.,)
)
)
)
 Respondent.)

Case No. 07-29780-1

FILED

JUN - 4 2009

NEVADA STATE BOARD OF
 MEDICAL EXAMINERS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The above-entitled matter came on regularly for decision before the Nevada State Board of Medical Examiners, hereinafter "Board," on Friday, May 8, 2009, at the Board's Office located at 1105 Terminal Way, Suite 301, Reno, Nevada 89502, on the Motion for Order to Show Cause filed herein. The Investigative Committee of the Board was represented at the hearing by Lyn E. Beggs, General Counsel, and DAVID EARL LINDEN, M.D., hereinafter "Respondent," was represented by attorney Andrew T. Harrison and was at all times present at the hearing.

The Members of the Board participating in the decision were: Javaid Anwar, M.D.; Sohail Anjum, M.D.; Van V. Heffner; S. Daniel McBride, M.D; Benjamin J. Rodriguez, M.D. and Renee West. All other remaining members of the Board, being members of the Investigative Committee which issued the complaint in this matter, were excused from participating and took no part in the proceedings of the Board. Christine M. Guerci-Nyhus, Chief Deputy Attorney General, acted as legal counsel to the Board.

The Board having received and read the Order to Show Cause and exhibits offered in this matter and having reviewed and read all of the above, proceeded to make a decision pursuant to the provisions of NRS chapter 233B and NRS 630.352.

The Board after due consideration of the record, evidence and law, and being fully advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER in this matter as follows:

1 FINDINGS OF FACT

2 I.

3 Respondent held a license to practice medicine in the State of Nevada at all relevant
4 times.

5 II.

6 A Motion for Order to Show Cause was filed by the Investigative Committee against
7 Respondent in March of 2009 alleging that Respondent had failed to comply with a previously
8 entered into Settlement Agreement with the Board.

9 III.

10 A Complaint was previously filed against Respondent on August 14, 2007 containing
11 one count of a violation of NRS 630.301(3) for the suspension of his Oklahoma license to
12 practice medicine.

13 The matter was resolved by a Settlement, Waiver and Consent Agreement which was
14 signed by Respondent and was adopted by the adjudicating members of the Board on
15 November 30, 2007. In the settlement agreement, Respondent admitted to the one violation
16 as set forth in the Complaint and the Board imposed a 120 day suspension of Respondent's
17 license to practice medicine in the state of Nevada, however the suspension was stayed and
18 Respondent was placed on probation for a period of twenty four months with numerous
19 conditions.

20 IV.

21 The conditions contained in the Settlement, Waiver and Consent Agreement included
22 sub-section (a):

23 a. that Respondent comply with and complete all the terms and conditions set forth
24 by the Oklahoma State Board of Medical Licensure and Supervision.

25 V.

26 Respondent failed to comply with sub-section (a) of the Settlement, Waiver and
27 Consent Agreement in that he has failed to comply with all the terms and conditions set forth
28 by the Oklahoma State Board of Medical Licensure and Supervision, specifically when the

1 Oklahoma State Board filed a disciplinary complaint against him in September of 2008 for
2 failing to comply with a term of their probation.

3 VI.

4 The Board finds that the Respondent failed to comply with the Settlement, Waiver and
5 Consent Agreement when he failed to comply with all the terms and conditions set forth by the
6 Oklahoma State Board of Medical Licensure and Supervision.

7 VII.

8 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law,
9 it may be so construed.

10 **CONCLUSIONS OF LAW**

11 I.

12 The Board has jurisdiction over Respondent.

13 II.

14 Respondent was properly served with notice of the Motion for Order to Show Cause
15 pursuant to NRS and NAC Chapters 630 and NRS Chapter 233B.

16 III.

17 The Board concludes that Respondent failed to comply with the Settlement, Waiver and
18 Consent Agreement as described above.

19 IV.

20 If any of the foregoing Conclusions of Law is more properly deemed a Findings of Fact,
21 it may be so construed.

22
23 **ORDER**

24 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause
25 appearing therefore,

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27 ..

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IT IS HEREBY ORDERED that:

1. Respondent's period of probation be extended for an additional twenty four months.


DATED this 4th day of June 2009.

NEVADA STATE BOARD OF MEDICAL EXAMINERS



By: _____
Benjamin Rodriguez, M.D., Vice President

Submitted by:
CATHERINE CORTEZ MASTO
Attorney General

By:  _____
CHRISTINE M. GUERCI-NYHUS
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