

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. Guerri-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:

**FINDINGS OF FACT**

I.

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

II.

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

III.

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

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

IV.

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

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

V.

Respondent failed to comply with sub-section (a) of the Settlement, Waiver and Consent Agreement in that he has failed to comply with all the terms and conditions set forth 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,

26 ..

27 ..

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

1 IT IS HEREBY ORDERED that:

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

4  
5 DATED this 4<sup>th</sup> day of June 2009.

6 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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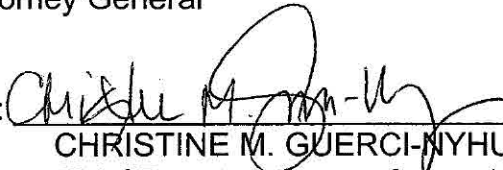
9 By:

Benjamin Rodriguez, M.D., Vice President

10  
11 Submitted by:

12 CATHERINE CORTEZ MASTO  
13 Attorney General

14 By:



CHRISTINE M. GUERCI-NYHUS

Chief Deputy Attorney General

555 East Washington, # 3900

Las Vegas, Nevada 89101

Attorneys for Nevada State Board of Medical Examiners



Nevada State

# Board of Medical Examiners

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**Tuesday February 5th 2013**  
**Last Updated: 11/30/11 05:49:24 PM**

**Linden, David E., M.D.**  
**License #11398**

**08/14/2007**

The Investigative Committee of the Nevada State Board of Medical Examiners filed a formal complaint against Dr. Linden on August 14, 2007, for the suspension/modification Order of Dr. Linden's license in the state of Oklahoma, a violation of NRS 630.301(3).

**11/30/2007**

A Settlement Agreement was approved and accepted by the Nevada State Board of Medical Examiners whereby Dr. Linden was found guilty of a violation of NRS 630.301(3), and the Board ordered that his Nevada license to practice medicine be suspended for 120 days, said suspension stayed on the condition that Dr. Linden be placed on probation for a period of two (2) years and that he remain in compliance with the following terms and conditions:

- that he comply with and complete all the terms and conditions set forth by the Oklahoma State Board of Medical Licensure and Supervision;
- that he comply with all federal, state and local laws and rules governing the practice of medicine in Nevada at all times he is practicing within the state;
- that he contact the Compliance Officer of the Nevada State Board of Medical Examiners within 30 days of the approval and acceptance of this Settlement Agreement in order to provide information regarding the most expeditious method of contacting him;
- that he shall sign a release of information allowing the Nevada State Board of Medical Examiners to communicate with the Oklahoma State Board of Medical Licensure regarding his compliance with the terms of his Oklahoma probation;
- that he forward copies of all reports and certificates of completion related to the terms of his Oklahoma probation to the Nevada State Board of Medical Examiners and shall sign any further releases of information necessary to facilitate the dissemination of these reports to the Nevada State Board of Medical Examiners;
- that he cooperate fully with the Compliance Officer of the Nevada State Board of Medical Examiners, or any other designated person, in the administration and enforcement of this Settlement Agreement;
- that he agree that if he is charged with professional misconduct in the future, the settlement agreement, and/or any related Orders, and/or

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Agenda will be posted by

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records of his compliance, may be admitted into evidence at a hearing regarding the alleged professional misconduct, at the sole discretion of the Investigative Committee.

h. that he pay the costs of investigation and prosecution of this matter within 60 days of the Board's acceptance and approval of the Settlement Agreement.

i. that he pay the reasonable costs of monitoring his probation to the Nevada State Board of Medical Examiners and shall pay said costs within 30 days of the due date of any invoice presented by the Board;

j. that no sooner than six months prior to the expiration date of the probationary period, he shall make a written request to the Board that his probation be terminated and that all terms and conditions of his probation be lifted. Dr. Linden shall also provide any requested additional proof of compliance with all conditions of the Settlement Agreement and, if requested, appear in front of the Nevada State Board of Medical Examiners at a regularly-scheduled Board meeting prior to the termination of his probationary status. reimburse the Board the costs and expenses incurred in the investigation and prosecution of the case.

#### **06/04/2009**

On May 8, 2009, the Nevada State Board of Medical Examiners held a public hearing and received the statements, exhibits, and testimony related to a Motion for Order to Show Cause and found that Dr. Linden failed to comply with the terms of his Settlement Waiver and Consent Agreement of November 30, 2007, when he failed to complete a term of the probation set forth by the Oklahoma State Board of Medical Licensure and Supervision and they filed their disciplinary complaint against him in September 2008 for this failure. The Board ordered that Dr. Linden's terms of probation be extended for an additional 24 months.

#### **11/30/2011**

Dr. Linden completed all terms and conditions set forth in the November 30, 2007 Settlement, Waiver and Consent Agreement and was released from probation.

**Nevada State Board of Medical Examiners**  
**1105 Terminal Way, Suite 301**  
**Reno, Nevada 89502**  
**E-mail: [nsbme@medboard.nv.gov](mailto:nsbme@medboard.nv.gov)**

Phone: (775) 688-2559  
Fax: (775) 688-2321  
from any other area of Nevada,  
call toll-free:  
(888) 890-8210

**Mailing Address:** P.O. Box 7238,  
Reno, NV 89510  
Board of Medical Examiners  
E-mail: [nsbme@medboard.nv.gov](mailto:nsbme@medboard.nv.gov)

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