

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.org



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

Ext. _____

-----X

IN THE MATTER OF:	:	Inv. No. 00-I-091
ROSS BRECHNER, M.D.	:	CONSENT ORDER
(Certificate No. 011198),	:	
<i>Respondent.</i>	:	_____

-----X

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners ("Board") following receipt of information regarding Ross Brechner, M.D., a physician who at all pertinent times was licensed to practice medicine in the state of Louisiana and engaged in the practice of medicine in the state of Michigan and later the state of Arizona.

Investigation of the captioned matter was assigned to the Medical Consultant/Director of Investigations ("Investigating Officer") for the Board. The investigation revealed that Dr. Brechner allowed his Michigan license to lapse, effective January 19, 1999. Shortly thereafter, the State of Michigan Board of Medicine (the "Michigan Board") instituted administrative proceedings against Dr. Brechner's Michigan license. Pursuant to a Consent Order and Stipulation entered on January 19, 2000, the Michigan Board ordered, among other items, that in the event that Dr. Brechner ever applied for issuance or renewal/reinstatement of a license to practice medicine in Michigan that such a license would be subject to a limitation precluding him from performing ophthalmologic surgery.¹ The investigation further revealed that on August 5, 1999 the Arizona Board of Medical Examiners issued Dr. Brechner a license to practice medicine in the state of Arizona subject to certain terms and conditions, namely that he not perform

¹ *Consent Order and Stipulation*. In the Matter of Ross Brechner, M.D., No. 43-97-1714-00 (State Mich. Bd. Med., Jan 19, 2000).

ophthalmologic surgery.² Dr. Brechner was originally issued Louisiana License No. 011198 dated June 14, 1969.³

As evidenced by his subscription hereto, Dr. Brechner acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to pursue formal administrative proceedings against Dr. Brechner, for violation of the Louisiana Medical Practice Act, La. Rev. Stat. § 37:1285(A)(29), and that proof of such information upon administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension or revocation of his license to practice medicine in the State of Louisiana, or for such other action as the Board might deem appropriate.

Recognizing his right to have notice of any allegation or charge asserted against him, to administrative adjudication of such allegation or charge, pursuant to La. Rev. Stat. §§ 49:955-58, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Brechner, nonetheless, hereby waives his right to formal charges and formal adjudication and, pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Brechner acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951, et seq., or to which otherwise may be afforded him by law. Further Dr. Brechner specifically waives his rights to contest the Board's investigation as well as his agreement to, or the force and effect of this document in any court or other forum. Dr. Brechner, furthermore, hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as any legal counsel assisting the Investigating Officer in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and Dr. Brechner waives any objection to such disclosures under La. Rev. Stat. § 49:960. Dr. Brechner expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer, or his legal counsel,

² *Consent Agreement and Order for Issuance of License, In the Matter of Ross Brechner, M.D., (Az. Bd. Med. Exam., Aug. 5, 1999).*

³ Said license has been maintained on a current basis and good standing since issued through May 31, 2000. Dr. Brechner has applied for renewal of his medical license. However, the requisite renewal fees and late fees have not been submitted.

shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

On the basis of the information provided to the Board, the Board is persuaded that the public interest would be properly protected and served by allowing Dr. Brechner to maintain his Louisiana license, subject to appropriate specified terms and conditions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. § 37:1261, will be effectively served by entry of the Order set forth hereinafter by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:955(D);

IT IS ORDERED that the license of Ross Brechner, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 011198,⁺ be and the same is hereby, effective as of the date hereof, subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Prohibitions on Practice—Ophthalmologic Surgery. Dr. Brechner, for the duration of his life, shall not perform ophthalmologic surgery.

(2) Additional Probationary Terms. Dr. Brechner hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length and nature thereof, which the Board in its sole discretion may deem necessary or appropriate to impose thereon, in addition to such other terms and conditions as are placed upon his license to practice medicine by this Order.

⁺ This includes any original, reinstated or renewal license.

IT IS FURTHER ORDERED that any violation by Dr. Brechner of, or failure of strict compliance by him with, any of the terms, conditions or restrictions set forth by this Order, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of his license to practice medicine in the State of Louisiana, as well as any right to renewal and/or reinstatement thereof, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. § 37:1285.

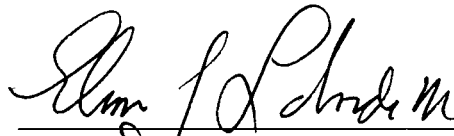
IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a **public record**.

Effective Date. This Consent Order shall take effect as of the date that it is dated and signed by the Board President.

New Orleans, Louisiana, this 18th day of June, 2001 2

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY:



TRENTON L. JAMES, II, M.D.
PRESIDENT
Elmo. J. Laborde, MD

**ACKNOWLEDGMENT
AND CONSENT**

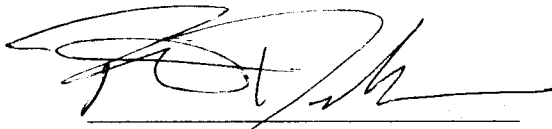
STATE OF Maryland
COUNTY OF BALTO

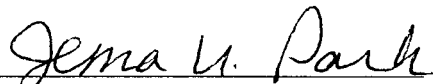
Having been duly advised by my legal counsel as to the meaning, scope and effect of the foregoing Consent Order or having waived such advices,

I, Ross Brechner, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Consent Order by the Louisiana State Board of Medical Examiners, this 17 day of 5, 2007.


ROSS BRECHNER, M.D.

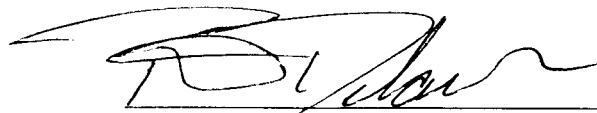
WITNESSES:


Signature
ROBERT DELAWDER
NOTARY PUBLIC
Typed Name
6400 BALTIMORE NAT'L PIKE
Address


Signature
Jema U. Park
Typed Name
6400 Baltimore Nat'l Pike
Address
Bal. MD 21228

Sworn to and subscribed before me at _____,
17, this 5 day of _____,
2007 in the presence of the two stated witnesses.

ROBERT DELAWDER
NOTARY PUBLIC
STATE OF MARYLAND
COMMISSION EXPIRES 5-1-2006


Notary Public
My commission expires 5-1-2006

ROBERT DELAWDER
NOTARY PUBLIC
STATE OF MARYLAND
MY COMMISSION EXPIRES 5-1-2006