

**BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF MONTANA**

In the Matter of BENNETT BRAUN, Medical Doctor, License No. 10376.	Case No. 2019-MED-95 FINAL ORDER
---	--

The Montana Board of Medical Examiners, giving primary consideration to sanctions necessary to protect and compensate the public and secondary consideration to sanctions designed to rehabilitate Dr. Bennett Braun, approves, adopts, and incorporates all terms and conditions of the fully executed Stipulation as its Findings of Fact, Conclusions of Law, and Final Order.

DATED 1/22/2021 | 3:10:49 PM MST.

DocuSigned by:

Ana Diaz

D9B77163C79F440...

Presiding Officer, Adjudication Panel
Montana Board of Medical Examiners

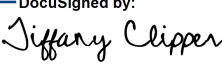
CERTIFICATE OF SERVICE

I certify I served a true and accurate copy of the foregoing ***STIPULATION AND FINAL ORDER*** by placing it in the United States Postal Service mail, first-class postage prepaid, addressed to the following:

MARK THIESZEN ESQ
DONEY CROWLEY PC
PO BOX 1185
HELENA MT 59624-1185

DR. BENNETT BRAUN
114 ROCKY MOUNTAIN LANE
BUTTE MT 59701

DATED 1/22/2021 | 3:14:41 PM MST.

DocuSigned by:

6EBE2B9734D04B2
Department of Labor and Industry

**BEFORE THE BOARD OF MEDICAL EXAMINERS
STATE OF MONTANA**

In the Matter of BENNETT BRAUN, Medical Doctor, License No. 10376.	Case No. 2019-MED-95 STIPULATION
---	--

The Department of Labor and Industry (Department), through its legal counsel, and Dr. Bennett Braun, through his legal counsel, enter this Stipulation and agree as follows:

A. AGREED FACTS

1. Dr. Bennett Braun holds a medical doctor license, number 10376, issued on or about June 26, 2003. Dr. Braun's license is active through March 31, 2022.
2. Dr. Braun practices medicine in Butte, Montana and specializes in psychiatry.
3. Dr. Braun partially retired on or about February 18, 2016, apparently reducing his patient load from around 240 patients to around 30 patients and beginning to see patients in his home.
4. On July 7, 2017, Dr. Braun met with representatives of the United States Drug Enforcement Agency (DEA) and United States Attorney's Office for the District of Montana. As resolution of the DEA's investigation into his medical practice, Dr. Braun agreed to surrender his controlled substances prescribing privileges, effective July 28, 2017.
5. On March 6, 2018, Dr. Braun renewed his medical doctor license. He disclosed in that application that he voluntarily relinquished his DEA controlled substances prescription authorization. He explained that he had not admitted any wrongdoing but does not need to prescribe narcotics for his type of practice and did not want to fight with the federal government.

Stipulation

In Re Dr. Bennett Braun, Case No. 2019-MED-95

B. AGREED CONCLUSIONS OF LAW

1. The Board has subject matter jurisdiction and legal authority to bring this action under Mont. Code Ann. Title 37, ch. 1 and 3, and Admin. R. Mont. Title 24, ch. 101 and 156. For disciplinary purposes, the Board retains jurisdiction over the license for two years after lapse. Mont. Code Ann. § 37-1-141.

2. The Department serves notice on the licensee following a Screening Panel's reasonable cause finding pursuant to Mont. Code Ann. § 37-1-309.

3. A licensee may request a hearing pursuant to Mont. Code Ann. § 37-1-309 or enter a Stipulation with the Department pursuant to Mont. Code Ann. § 2-4-603(1).

4. Dr. Braun's surrender of his DEA controlled substances prescription authorization constitutes unprofessional conduct as defined by Admin. R. Mont. 24.156.625(1)(aa) ("having voluntarily relinquished or surrendered a license or privileges, or having withdrawn an application for licensure or privileges, while under investigation or prior to the granting or denial of an application in this state, or in another state or jurisdiction").

5. Upon a decision a licensee has violated Title 37 of the Mont. Code Ann. or is unable to practice with reasonable skill and safety due to a physical or mental condition or upon stipulation of the parties, the Board may issue an order entering sanctions authorized by Mont. Code Ann. § 37-1-312.

C. AGREED SANCTIONS

1. Surrender of License. Dr. Braun surrenders his Montana medical doctor license issued by the Board as resolution of this matter and is thereby prohibited from practicing medicine in Montana.

a. By accepting the surrender of Dr. Braun's medical doctor license, the Board shall enter a Final Order revoking the license pursuant to Mont. Code Ann. § 37-1-312(1)(a).

b. Dr. Braun must return any hard copy of his medical doctor license in his possession to the Board office within 24 hours of receiving the Final Order in this matter at:

Board of Medical Examiners
301 South Park Avenue
P.O. Box 200514
Helena, MT 59620-0514

c. Dr. Braun is retired from the medical practice and agrees he will not reapply for a medical doctor license with the Board. Dr. Braun is therefore prohibited from reapplying for a medical doctor license with the Board.

D. ADDITIONAL PROVISIONS

1. Waiver of Rights. Dr. Braun has read and understands each term of the *Notice of Proposed Board Action and Opportunity for Hearing* (Notice) and this Stipulation, and understands the various rights provided, including the right to: a hearing before an impartial hearing examiner; present evidence, testify, and confront and cross-examine witnesses at the hearing; be represented by legal counsel; subpoena witnesses; request judicial review and appeal; and all other rights under Mont. Code Ann. Title 2, ch. 4, pt. 6 (Montana Administrative Procedure Act), Title 37, ch. 1 and 3, and other applicable law. Dr. Braun desires to avoid unnecessary expenditure of time and other valuable resources to resolve this matter. Therefore, Dr. Braun voluntarily and knowingly waives the rights listed above and elects to resolve this matter on the terms and conditions of this Stipulation and acknowledges that no promise, other than those contained in this Stipulation, and no threat or improper assertion has been made by the

Stipulation

In Re Dr. Bennett Braun, Case No. 2019-MED-95

Board or Department or by any member, officer, agent, or representative of the Board or Department to induce Dr. Braun to enter into this Stipulation.

2. Release. This Stipulation is a final compromise and settlement of this contested case proceeding. Dr. Braun, and assigns, agents, and representatives of Dr. Braun, release the Board, its members, officers, agents, or representatives from any and all liability, claim, and cause of action, whether now known or contemplated, including but not limited to, any claims under Mont. Code Ann. Title 2, ch. 9, pt. 3 (Montana Tort Claims Act), as amended, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case, its processing, investigation, litigation, or from the negotiation or execution of this Stipulation.

3. Entire Agreement. This Stipulation contains the entire agreement of the parties. All prior discussions and writings are superseded by this Stipulation, and no discussion by the Board prior to the approval of this Stipulation may be used to interpret or modify it. Any modification requires a written amendment signed by both parties and final Board approval.

4. Severability. If a court or administrative tribunal declares any term or condition contained in this Stipulation to be unenforceable for any reason, the unenforceable term or condition shall be severed from the remainder of this Stipulation, and the remainder of this Stipulation shall be interpreted and enforced according to its original intent.

5. Reservation. This Stipulation does not restrict the Board from initiating disciplinary action concerning allegations of unprofessional conduct that occur after the date Dr. Braun signs this Stipulation or concerning allegations of conduct not specifically mentioned in this Stipulation that are now known to the Board or yet to be discovered.

6. Stipulation Subject to Final Approval. This Stipulation is subject to final approval by the Board.

7. Renewed Right to Hearing – Inadmissibility of Stipulation. If the Board considers and does not approve this Stipulation, it is withdrawn and may not be considered as evidence for any purpose. Dr. Braun will have a renewed 20 days from the date of the publicly noticed Board meeting to submit a written request for a hearing in this matter. Failure by Dr. Braun to request a hearing constitutes a default and allows the Board to enter a Final Order of discipline against Dr. Braun. If, instead, this case proceeds to hearing, Dr. Braun will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any record relating to this Stipulation.

8. Public Documents. This Stipulation and Final Order issued by the Board are public documents that the Department will make publicly available on the Department's website and professional databases and may otherwise distribute to other interested persons or entities.

9. Complying with the Terms of the Stipulation. Dr. Braun's failure to strictly abide by the terms of the Stipulation shall constitute a violation of the Final Order of the Board. Any subsequent unlicensed practice of medicine may be addressed pursuant to Mont. Code Ann. § 37-1-317. The Board will not process any petition for reinstatement/reapplication for licensure, as agreed upon by this Stipulation.

Bennett B. Braun, MD
Dr. Bennett Braun
Licensee/Respondent

11-19-20
DATE

Mark Thieszen
Mark Thieszen, Esq.
Attorney for Dr. Braun

November 23, 2020
DATE



Kevin G. Maki
Department Counsel
Montana Board of Medical Examiners

12/01/2020

DATE

Stipulation

In Re Dr. Bennett Braun, Case No. 2019-MED-95