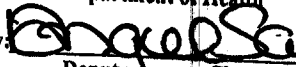


STATE OF FLORIDA
BOARD OF NURSING

Final Order No. DOH-14-2030- S

FILED DATE DEC 16 21
Department of Health

By: 
Deputy Agency Clerk



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Stephanie Williams
Executive Director of the Board

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2013-15073

License No.: RN 9333989

BRIAN AMIEL BEN-ISRAEL,

Respondent.

FINAL ORDER

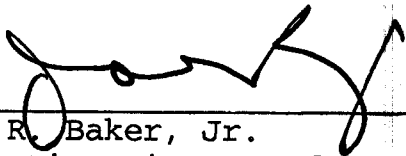
THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on December 5, 2014, in Tampa, Florida, for the purpose of considering a voluntary relinquishment (attached hereto as Exhibit A). Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order as Exhibit B. Upon consideration of the voluntary relinquishment, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 15 day of Dec, 2014.

BOARD OF NURSING



Joe R. Baker, Jr.
Executive Director for
Ann Lynn Denker, PhD, ARNP
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to BRIAN AMIEL BEN-ISRAEL, 3191 Governors Court, Duluth, Georgia 30096 & #64293-019 USP Atlanta, P.O. Box 150160, Atlanta, Georgia 30315; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee, Florida 32399-1050, Department of Health-PSU, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265

this 16th day of Dec, 2014.



Deputy Agency Clerk

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Angela Sanders*
DATE JUL 10 2014

STATE OF FLORIDA
DEPARTMENT OF HEALTH

PRACTITIONER REGULATION
LEGAL

2014 JUL 10 AM 9:25

DEPARTMENT OF HEALTH,

PETITIONER,

v.

Case No. 2013-15073

BRIAN BEN-ISRAEL, RN,

RESPONDENT.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, Brian Ben-Israel, RN, license number 9333989, hereby voluntarily relinquishes Respondent's license to practice nursing in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this case. Respondent understands that acceptance by the Board of Nursing (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this relinquishment will be reported to the National Practitioner's Data Bank.

Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to voluntarily cease practicing nursing immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of nursing until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written Final Order in this matter.

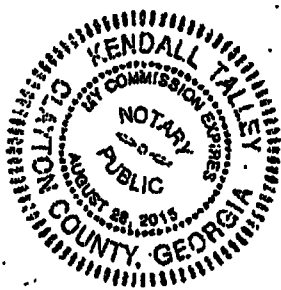
3. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in this case. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public.

4. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review, or to otherwise challenge or contest the validity of this Voluntary Relinquishment and of the Final Order of the Board Incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this case.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

SIGNED this 27th day of June, 2014.



Brian Ben-Israel, Jr.
Brian Ben-Israel, R.N.

STATE OF Georgia
COUNTY OF Fulton

Before me personally appeared Brian Ben-Israel whose identity is known to be by Indication (type of identification), and who under oath, acknowledges that his/her signature appears above. Sworn to and subscribed by Respondent before me this 27th day of June, 2014.

Kendall Talley
Notary Public
My Commission Expires: 08-28-2015

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2013-15073

BRIAN AMIEL BEN-ISRAEL, R.N.,

RESPONDENT:

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Brian Amiel Ben-Israel, R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a registered nurse (R.N.) within the state of Florida, having been issued license number RN 9333989.

3. Respondent's address of record is 3191 Governors Court,

Duluth, Georgia 30096.

4. On or about December 19, 2013, in the United States District Court for the District of Alaska, in case no. 3:12-cr-00097-02-RRB, Respondent entered pleas of guilty to one count of Mail Fraud, a felony, in violation of 18 U.S.C. Sections 1341 and 2 (2007); one count of Wire Fraud, a felony, in violation of 18 U.S.C. Sections 1343 and 2 (2008); and one count of Filing a False Tax Return, a felony, in violation of 26 U.S.C. Section 7206(1) (2007).

5. Respondent failed to report his pleas of guilty to the Board in writing in a timely manner.

6. Characteristics important to a nurse include good judgment, reliability, honesty, and good moral character. Absent these qualities, it is difficult, if not impossible, for a person to fulfill the obligations and responsibilities entrusted to a health care professional. Respondent's pleas of guilty to one count of felony Mail Fraud, one count of felony Wire Fraud, and one count of felony Filing False Tax Returns relates to the practice of, or the ability to practice nursing because it demonstrates a lack of judgment and good moral character.

COUNT ONE

7. Petitioner realleges and incorporates paragraphs one (1) through six (6), as if fully set forth herein.

8. Section 456.072(1)(x), Florida Statutes (2013), provides that failing to report to the board, or the department if there is no board, in writing within thirty (30) days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction constitutes grounds for discipline.

9. Respondent failed to report his pleas of guilty in case no. 3:12-cr-00097-02-RRB to the Board, in writing, within thirty (30) days of the date he entered the pleas.

10. Based on the foregoing, Respondent violated Section 456.072(1)(x), Florida Statutes (2013), by failing to report to the board, or department, in writing within 30 days after the licensee had been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

COUNT TWO

11. Petitioner realleges and incorporates paragraphs one (1) through six (6), as if fully set forth herein.

12. Section 456.072(1)(c), Florida Statutes (2013), provides that being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of the licensee's profession or to the ability to practice the licensee's profession constitutes grounds for disciplinary action.

13. As set forth above, on or about December 19, 2013, in the United States District Court, District of Alaska in case no. 3:12-cr-00097-02-RRB, Respondent entered pleas of guilty to one count of Mail Fraud, one count of Wire Fraud, and one count of Filing False Tax Returns, all felonies and crimes that relate to the practice of, or the ability to practice his profession: nursing.

14. Based on the foregoing, Respondent violated Section 456.072(1)(c), Florida Statutes (2013), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of

practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 11th day of March, 2014.

John H. Armstrong, MD, FACS
Surgeon General and Secretary of Health

Mary S. Miller
Mary S. Miller
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bln C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 0780420
Telephone (850) 245 - 4444, ext. 8104
Facsimile (850) 245 - 4683
E-Mail: mary.miller2@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Angel Sanders*
DATE MAR 11 2014

/MSM
PCP: *March 11, 2014*
PCP Members: *Kenip & Trybulski*

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.