

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**  
2 **OF THE STATE OF NEVADA**

3 \* \* \* \* \*

4 **In The Matter of Charges and** )  
5 )  
6 **Complaint Against** )  
7 **JON SIEMS, M.D.,** )  
8 )  
9 **Respondent.** )  
\_\_\_\_\_ )

Case No. 09-13009-1

**FILED**

**DEC 15 2009**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

10 **COMPLAINT**

11 The Investigative Committee of the Nevada State Board of Medical Examiners, composed  
12 at the time of approval of the filing of the instant complaint, of Sohail U. Anjum, M.D.,  
13 S. Daniel McBride, M.D. and Mr. Van Heffner, having a reasonable basis to believe that  
14 Jon Siems, M.D., hereinafter referred to as Dr. Siems, has violated the provisions of NRS Chapter  
15 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and  
16 allegations, as follows:

17 1. Dr. Siems is currently licensed in active status, and was so licensed by the Nevada  
18 State Board of Medical Examiners, on December 20, 1999 (License No. 9250), pursuant to the  
19 provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was  
20 so licensed.

21 2. Patient A was a forty-three year old female at the time she first presented to  
22 Dr. Siems. Her true identify is not disclosed to protect her privacy, but her identity is disclosed in  
23 the Patient Designation served on Dr. Siems along with a copy of this Complaint.

24 3. Patient A first presented to Dr. Siems on January 3, 2002 for a pre-operative  
25 examination for consideration of Lasik surgery. The records indicate that Patient A had been out  
26 of her contacts only one day and understood that her refraction would need to be rechecked before  
27 a final determination could be made as to whether she could proceed forward with the surgery.  
28 Her uncorrected visual acuity was noted to be 20/50 in the left eye and 20/400 in the right.

1           4.       During the initial visit Patient A had refractions completed which showed  
2 asymmetry, with the right eye showing astigmatism and the left eye showing spherical myopia  
3 with no astigmatism. The impression noted an “unstable poor orb scan.”

4           5.       On January 18, 2002, Patient A was re-evaluated. Her refraction was found to be  
5 stable. An Orbscan was performed on both eyes, the right eye showing an asymmetric  
6 astigmatism. The Orbscan was also used to obtain an optical pachymetry reading showing the  
7 thinnest corneal thickness in the right eye to be 543 microns and the in left eye to be 532 microns.  
8 Keratometric readings showed a steep curvature in the right eye up to 49.5 and in the left up to  
9 47.6. The medical record from January 18, 2002 indicates “do not see reason not to proceed.”

10          6.       Patient A underwent Lasik surgery on February 9, 2002 on both eyes and returned  
11 on February 10, 2002 for her first post-operative visit and was noted to be doing very well. Her  
12 uncorrected visual acuity was 20/15 in the left eye and 20/25+2 in the right eye.

13          7.       At Patient A’s one month post-operative visit on March 8, 2002, she reported  
14 blurry vision in the morning that took a couple of hours to clear but was happy with her visual  
15 acuity. Her visual acuity in her right eye was 20/40 -2 and 20/15 in the left. The record indicates  
16 residual astigmatism in her right eye and the left eye doing well.

17          8.       During Patient A’s two month post-operative visit on April 9, 2002, she reported  
18 her right eye was still blurry, that her eyes were tired and she was experiencing burning. Her  
19 visual acuity was 20/40 +2 in her right eye and in the left remained at 20/15. The medical record  
20 indicates she had 1 diopter of astigmatism in her right eye.

21          9.       Patient A had her three month post-operative visit on May 7, 2002 at which time  
22 her visual acuity was better and she was noted as doing well.

23          10.       Patient A saw Dr. Siems for a nine month post-operative examination at which time  
24 she reported that the visual acuity in her right eye had been blurry for two weeks. Her visual  
25 acuity was 20/80 in her right eye and 20/20 +2 in her left. A repeat Orbscan was completed during  
26 the appointment indicating Patient A had 4 diopters of astigmatism with “K” values of 46 x 50.

27          11.       Patient A was seen again on October 29, 2002 where it was noted that there were  
28 no changes since she had been seen the previous week. Dr. Siems noted that Patient A was

1 experiencing regression in her right eye. He recommended that Patient A be fitted with a toric  
2 contact lens.

3 12. Patient A was seen again on June 1, 2004 at which time she reported that her visual  
4 acuity had decreased, especially in her right eye. Medical records indicate the visual acuity in her  
5 right eye had decreased to 20/400. Another Orbscan was completed which also showed an increase  
6 in the right eye astigmatism. A contact lens was ordered for the right eye.

7 13. Patient A was seen on July 2, 2004 and reported visual acuity in the right eye was  
8 okay and that she did not like wearing the contact lens. Patient A also discussed with Dr. Siems a  
9 possible enhancement being done on the left eye as visual acuity in that eye had decreased to 20/50  
10 +1. The enhancement procedure was performed on the left eye on July 28, 2004.

11 14. Patient A continued to see Dr. Siems through March 21, 2005. Various contact  
12 lenses were tried in her right eye with no success and she continued to complain about blurry,  
13 fuzzy vision. At her appointment on March 21, 2005 she was referred to another physician in  
14 Dr. Siems practice to discuss possible placement of Intacs.

15 15. Patient A did see Dr. Rouweyha in Dr. Siems office on July 11, 2005 and it was  
16 noted in the impression that Patient A had progressive corneal irregularity and an unstable cornea.  
17 Intacs was discussed but Patient A did not return for placement of the Intacs.

18 **Count I**

19 16. Nevada Administrative Code Section 630.040 defines malpractice as the failure of  
20 a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used  
21 under similar circumstances.

22 17. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds  
23 for initiating disciplinary action against a licensee.

24 18. Dr. Siems failed to use the reasonable care, skill, or knowledge ordinarily used  
25 under similar circumstances when he advised Patient A to proceed with Lasik surgery when she  
26 had several issues present pre-operatively that would indicate she had forme furst keratoconus and  
27 was pre-disposed to corneal ectasia. Specifically, her refractive measurements were significantly  
28 dissimilar, her corneal thickness was asymmetric, her Orbscan topography showed asymmetric

1 astigmatism in the right eye and she had a steep keratometric reading on the right eye. Accordingly  
2 Dr. Siems is subject to discipline by the Nevada State Board of Medical Examiners as provided in  
3 Section 630.352 of the Nevada Revised Statutes.

4 **WHEREFORE**, the Investigative Committee prays:

5 1. That the Nevada State Board of Medical Examiners fix a time and place for a  
6 formal hearing;

7 2. That the Nevada State Board of Medical Examiners give Dr. Siems notice of the  
8 charges herein against him, the time and place set for the hearing, and the possible sanctions  
9 against him;

10 3. That the Nevada State Board of Medical Examiners determine what sanctions it to  
11 impose for the violation or violations committed by Dr. Siems; and

12 4. That the Nevada State Board of Medical Examiners make, issue and serve on  
13 Dr. Siems its findings of facts, conclusions of law and order, in writing, that includes the sanctions  
14 imposed; and

15 5. That the Nevada State Board of Medical Examiners take such other and further  
16 action as may be just and proper in these premises.

17 DATED this 15<sup>th</sup> day of December, 2009.

18 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

19 By:   
20 Lyn E. Beggs, Esq.  
21 General Counsel and Attorney for the Investigative Committee  
22  
23  
24  
25  
26  
27  
28

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners  
1105 Terminal Way #301  
Reno, Nevada 89502  
(775) 688-2559

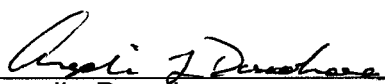
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 15<sup>th</sup> day of December 2009, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, Original SETTLEMENT, WAIVER & CONSENT AGREEMENT and FINGERPRINT INFORMATION, by mailing USPS certified mail to the following:

Jon Siems, M.D.  
10777 West Twaine Suite 120  
Las Vegas, NV 89135

Dated this 15<sup>th</sup> day of December 2009.

  
\_\_\_\_\_  
Angelia Donohoe  
Legal Assistant