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**Count I**

4. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

5. NRS 630.3065(2)(a) provides that the willful failure of a licensee to comply with an order of the IC is grounds for initiating disciplinary action against a licensee.

6. As demonstrated by, but not limited to, the above-outlined facts, Respondent's act of not appearing at the IC-ordered evaluation constitutes the willful failure to comply with an order of the IC.

7. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

**Count II**

8. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

9. NRS 630.318(3) provides that the failure of a licensee to submit to an evaluation when directed by the IC constitutes an admission of the charges against him.

10. NRS 630.306(13) provides that the failure to be found competent to practice medicine as a result of an examination to determine medical competency is grounds for initiating disciplinary action against a licensee.

11. NRS 630.306(1) provides that the inability to practice medicine with reasonable skill and safety because of illness and/or a mental or physical condition is grounds for initiating disciplinary action against a licensee.

12. As demonstrated by, but not limited to, the above-outlined facts, Respondent's failure to appear at the IC-ordered evaluation constitutes an admission of his lack of medical competency to practice medicine.

13. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

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**WHEREFORE**, the IC prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
3. That the Board determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and,
5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 11<sup>th</sup> day of June, 2013.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

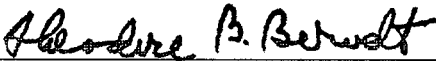
Bradley O. Van Ry, Esq.  
General Counsel  
Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA )  
2 : ss.  
3 COUNTY OF WASHOE )

4 Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the  
5 laws of the state of Nevada that he is the Chairman of the Investigative Committee of the  
6 Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the  
7 Respondent herein; that he has read the foregoing Complaint; and that based upon information  
8 discovered during the course of the investigation into a complaint against Respondent, that he  
9 believes the allegations and charges in the foregoing Complaint against Respondent are true,  
10 accurate and correct.

11 Dated this 11<sup>th</sup> day of June, 2013.

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14 Theodore B. Berndt, M.D.

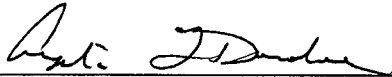
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**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 11<sup>th</sup> day of June 2013; I served a filed copy of the COMPLAINT & SECOND ORDER OF SUMMARY SUSPENSION, via Federal Express Standard Overnight mail to the following:

David Lynn Packer, M.D.  
1402 NW 30<sup>th</sup> St.  
Gainesville, FL 32605

Dated this 11<sup>th</sup> day of June, 2013.



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Angelia L. Donohoe  
Legal Assistant