

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

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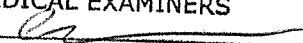
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6 **In the Matter of Charges and**)
7 **Complaint Against**)
8 **DAVID LYNN PACKER, M.D.,**)
9 **Respondent.**)

Case No. 13-34036-1

FILED

DEC 16 2014

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

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12 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

13 The above-entitled matter came on regularly for decision before the Nevada State Board of
14 Medical Examiners (Board) on Friday, December 5, 2014, at the Board offices located at
15 1105 Terminal Way, Suite 301, Reno, Nevada, 89502, and by videoconference at the offices of the
16 Board located at 6010 S. Rainbow Boulevard, Building A, Suite 2, Las Vegas, Nevada 89118, on the
17 associated Complaint filed against David Lynn Packer, M.D. (Respondent), who was not present at the
18 Board meeting.

19 The members of the Board participating in the decision were: Beverly A. Neyland, M.D.,
20 Bashir Chowdhry, M.D., Wayne Hardwick, M.D., Rachakonda D. Prabhu, M.D., Sandy Peltyn, and
21 Ann Wilkinson. Colleen L. Platt, Esq., Deputy Attorney General, acted as legal counsel to the Board.

22 The Board, having received and read the Complaint and exhibits admitted in this matter, as well
23 as the Synopsis of Record prepared by the hearing officer who presided over the hearing and the
24 transcript of the hearing, proceeded to make a decision pursuant to the provisions of Nevada Revised
25 Statutes (NRS) Chapters 233B and 630.

26 The Board, after due consideration of the record, evidence and law, and being fully advised in
27 the premises, makes its **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** in this
28 matter as follows:

1 **FINDINGS OF FACT**

2 **I.**

3 Respondent held a license to practice as a physician in the state of Nevada at all relevant times.
4 However, the Board summarily suspended Respondent's license to practice medicine in the state of
5 Nevada on March 18, 2013, after reviewing evidence and information which demonstrated Respondent
6 may be suffering from a mental or physical disorder that gives rise to a reasonable question as to his
7 competence to practice medicine with reasonable skill and safety to his patients.

8 **II.**

9 On April 18, 2013, Respondent was served by the Investigative Committee (IC) with an Order
10 for Evaluation, setting an evaluation of Respondent for April 30, 2013, at 11:15 a.m., with
11 Melissa Piasecki, M.D., at 1135 Terminal Way, Suite 106, Reno, Nevada. Respondent failed to appear
12 at the evaluation as ordered by the IC.

13 **III.**

14 On June 10, 2013, the IC filed an Order Lifting Summary Suspension, as the time frame was
15 expired.

16 **IV.**

17 On June 11, 2013, the IC summarily suspended Respondent's license to practice medicine in the
18 state of Nevada. On that same date, the IC filed a formal Complaint in this matter alleging violations of
19 NRS Chapter 630 and Nevada Administrative Code (NAC) Chapter 630.

20 **V.**

21 On July 23, 2013, a hearing was held before an appointed hearing officer on the allegations
22 contained within the Order of Summary Suspension. Respondent was properly noticed of the hearing
23 by certified mail and was not present or represented by counsel. The IC was represented by
24 Bradley O. Van Ry, Esq., General Counsel for the Board and attorney for the IC.

25 **VI.**

26 On October 30, 2013, the IC ordered that Respondent's license to practice medicine in the state
27 of Nevada remain suspended, with said suspension effective until the final resolution of the formal
28 Complaint filed against Respondent in Case No. 13-34036-1 or further order of the Board/IC.

1 **VII.**

2 On August 26, 2014, a hearing was held before an appointed hearing officer on the allegations
3 contained in Counts I and II of the Complaint. Respondent was properly noticed of the hearing by
4 certified mail and was not present or represented by counsel. The IC was represented by
5 Bradley O. Van Ry, Esq., General Counsel for the Board and attorney for the IC.

6 **VIII.**

7 After the hearing, the adjudicating members of the Board were provided the Complaint and
8 exhibits admitted in this matter, as well as the Synopsis of Record prepared by the hearing officer who
9 presided over the hearing and the transcript of the hearing.

10 **IX.**

11 To date, Respondent has failed to comply with the IC's April 18, 2013 Order for Evaluation.

12 **X.**

13 The Board finds by a preponderance of the evidence that Respondent's failure to submit to the
14 ordered evaluation constitutes an admission of the charges against him pursuant to NRS 630.318(3).
15 Thus, the Board finds by a preponderance of the evidence that Respondent violated
16 NRS 630.3065(2)(a), NRS 630.306(1) and NRS 630.306(13) by willfully failing to comply with an
17 evaluation ordered by the IC.

18 **XI.**

19 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it may be
20 so construed.

21 **CONCLUSIONS OF LAW**

22 **I.**

23 The Board has jurisdiction over Respondent.

24 **II.**

25 Respondent was properly served with notice of the hearing via certified mail at the address on
26 file with the Board pursuant to NRS Chapters 630 and 233B.

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1 **III.**

2 The Board concludes that Respondent violated NRS 630.3065(2)(a), as described above and as
3 alleged in Count I of the Complaint, and, that accordingly, he is subject to discipline pursuant to
4 NRS 630.352.

5 **IV.**

6 The Board concludes that Respondent violated NRS 630.306(13), as described above and as
7 alleged in Count II of the Complaint, and, that accordingly, he is subject to discipline pursuant to
8 NRS 630.352.

9 **V.**

10 The Board concludes that Respondent violated NRS 630.306(1), as described above and as
11 alleged in Count II of the Complaint, and, that accordingly, he is subject to discipline pursuant to
12 NRS 630.352.

13 **VI.**

14 If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it may be
15 so construed.

16 **ORDER**

17 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing
18 therefore,

19 **IT IS HEREBY ORDERED** that:

- 20 1. Respondent's license to practice medicine in the state of Nevada is hereby revoked;
21 2. Respondent shall pay all costs of the investigation and prosecution of this matter, in the
22 amount of Four Thousand Four Hundred Forty-Three and 14/100 Dollars (\$4,443.14), to the Board
23 within sixty (60) days of the entry of these Findings of Fact, Conclusions of Law and Order; and

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1 CERTIFICATION

2 I certify that the foregoing is the full and true original
3 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** on file in the office of the
4 Nevada State Board of Medical Examiners in the matter of DAVID LYNN PACKER, M.D.,
5 Case No. 13-34036-1.

6 I further certify that MICHAEL J. FISCHER, M.D., is the President of the
7 Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as
8 such; and that the signature to the foregoing **ORDER** is the signature of said
9 MICHAEL J. FISCHER, M.D.

10 IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as
11 Secretary-Treasurer of the Nevada State Board of Medical Examiners.

12 DATED this 16th day of December, 2014.

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15 VALERIE J. CLARK, BSN, RHU, LUTCF
16 Secretary-Treasurer
17 Nevada State Board of Medical Examiners
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