

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

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4
5 **In the Matter of Charges and**
6 **Complaint Against**
7 **ISAAC JOHN HEARNE, M.D.,**
8 **Respondent.**

Case Nos. 18-28607-1

FILED

SEP 23 2019

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

9
10 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

11 The above-entitled matter came on regularly for decision before the Nevada State Board of
12 Medical Examiners (Board), on Friday, September 6, 2019, at the Board’s office located at 9600
13 Gateway Drive, Reno, Nevada, 89521, and by video conference at 6010 S. Rainbow Blvd,
14 Building A, Suite 1, Las Vegas, NV 89118, on the Complaint filed herein. Isaac John Hearne,
15 M.D., (Respondent), who was duly served with notice of the adjudication, was not present and not
16 represented by counsel. The adjudicating members of the Board participating in these Findings of
17 Fact, Conclusions of Law, and Order (FOFCOL) were: Mr. M. Neil Duxbury, Ms. April
18 Mastroluca, Dr. Aury Nagy, Dr. Michael C. Edwards, Dr. Weldon Havins, and Ms. Maggie Arias-
19 Petrel. Henna Rasul, Esq., Senior Deputy Attorney General, served as legal counsel to the Board.

20 The Board, having received and read the Complaint and exhibits admitted in the matter
21 and filed into the record in this case, the “Synopsis of the Record, Findings and Recommendations
22 to the Board of Medical Examiners in the Consolidated Contested Case Administrative Hearing to
23 Hear the Charges and Complaint in Case Number 18-28607-1 Consolidating the Charges and
24 Complaint Against the Respondent in Case Numbers 17-17450, 17-17606, 18-17837, 18-17887,
25 and 18-17923,” dated August 1, 2019 (Findings and Recommendations), prepared by the Hearing
26 Officer, Patrick D. Dolan, Esq., who presided over the hearing, and the transcript of the hearing,
27 proceeded to make a decision pursuant to the provisions of Nevada Revised Statutes (NRS)
28

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

1 Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical
2 Practice Act), NRS Chapter 622A, and NRS Chapter 233B, as applicable.

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

6 **FINDINGS OF FACT**

7 **I.**

8 Respondent held a license to practice medicine in the State of Nevada issued by the Board
9 at all relevant times.

10 **II.**

11 On September 21, 2018, the Investigative Committee filed its formal Complaint in Case
12 No. 18-28607-1, alleging Respondent violated the Medical Practice Act. Due to Respondent's
13 avoidance of service at Respondent's address on file with the Board as a requirement for his
14 licensure, Respondent was duly served with the Complaint by publication, and the proof of service
15 by publication was filed with the Board on December 20, 2018. The Complaint alleges as
16 follows: Count I, violation of NRS 630.3065(2)(a) (Knowing and Willful Failure to Comply With
17 Board Order); Count II, violation of NRS 630.3065(2)(a) (Knowing and Willful Failure to
18 Comply With Board Order); Count III, violation of NRS 630.3065(2)(a) (Knowing and Willful
19 Failure to Comply With Board Order); Count IV, violation of NRS 630.3065(2)(a) (Knowing and
20 Willful Failure to Comply With Board Order); Count V, violation of NRS 630.3065(2)(a)
21 (Knowing and Willful Failure to Comply With Board Order); Count VI, violation of NRS
22 630.3065(2)(a) (Knowing and Willful Failure to Comply With Board Order); and Count VII,
23 violation of NRS 630.3065(2)(a) (Knowing and Willful Failure to Comply With Board Order).
24 Respondent did not answer or file a response to the allegations set forth in the Complaint.
25 Pursuant to NAC 630.460(4), the allegations of the Complaint are deemed generally denied if an
26 answer is not filed.

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III.

An Order was filed on March 19, 2019, scheduling the Early Case Conference for the pending matter for April 22, 2019. This Order was personally served upon Respondent. The Early Case Conference was held April 22, 2019, at which Respondent did not appear either telephonically or personally. As a result of the Early Case Conference, the Pre-Hearing Conference was scheduled for May 23, 2019, with the formal hearing calendared to commence on June 25, 2019. Respondent's mother accepted personal service of the Order Scheduling Pre-Hearing Conference and Exchange of Required Information and Documentation and Hearing on April 26, 2019, at her address, where Respondent was living with his mother at a residence in Las Vegas. At the time fixed for the Pre-Hearing Conference, legal counsel for the Investigative Committee, Donald K. White, Esq., Deputy General Counsel, appeared. Neither the Respondent nor any representative of the Respondent contacted the Board or the Investigative Committee concerning this proceeding or appeared at the time fixed for the Pre-Hearing Conference. Neither the Respondent nor any representative of the Respondent belatedly appeared at the time fixed, nor at any subsequent time did any such individual make contact with the Board, the Investigative Committee or the Hearing Officer to discuss the scheduling of the Hearing. At the Pre-Hearing Conference, counsel for the Investigative Committee provided the Hearing Officer with the mandated Pre-Hearing Conference Disclosures and had copies of both the Pre-Hearing Conference Statement and the mandated Pre-Hearing Disclosures available for the parties. Respondent was timely and properly served with the Pre-Hearing Conference Statement and the mandated Pre-Hearing Disclosures in accord with NRS and NAC Chapters 630, NRS Chapters 241, 622A and 233B, and the requirements of due process.

IV.

On June 25, 2019, a contested case hearing was held before the Hearing Officer to receive evidence and to hear arguments. On or about July 20, 2019, the Hearing Officer received the complete Record of Proceedings, including the transcript of the testimony received and the exhibits admitted. Upon receipt of the Record of Proceedings, the hearing was closed. The Hearing Officer filed the Findings and Recommendations on August 1, 2019. The matter was

1 scheduled for final adjudication on Friday, September 6, 2019, at a regularly scheduled Board
2 meeting. The notice of the adjudication was mailed to Respondent on August 7, 2019, via first
3 class certified mail with return receipt requested, and Respondent received and signed for said
4 notice on August 9, 2019. The Findings and Recommendations were personally served upon
5 Respondent on August 30, 2019.

6 **V.**

7 Pursuant to NRS 622A.300(5)(a), the Findings and Recommendations of the Hearing
8 Officer are hereby approved by the Board in their entirety, with modification to the discipline, and
9 are hereby specifically incorporated and made part of this Order by reference.

10 **VI.**

11 In accord with the Findings and Recommendations, the Board hereby finds that each count
12 set forth in the Complaint, and as recapitulated in Paragraph II above, has been established by a
13 preponderance of the evidence.

14 **VII.**

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

17 **CONCLUSIONS OF LAW**

18 **I.**

19 The Board has jurisdiction over Respondent and the Complaint, and an adjudication of this
20 matter by the Board members as set forth herein is proper.

21 **II.**

22 Respondent was timely and properly served with the Complaint, and all notices and orders
23 in advance of the hearing and adjudication thereon, in accord with NRS and NAC Chapters 630,
24 NRS Chapters 241, 622A and 233B, and the requirements of due process.

25 **III.**

26 With respect to the allegations of the Complaint, the Board concludes that Respondent has
27 violated NRS 630.3065(2)(a) (Knowing and Willful Failure to Comply With Board Order), as
28 alleged in Count I; has violated NRS 630.3065(2)(a) (Knowing and Willful Failure to Comply

1 With Board Order), as alleged in Count II; has violated NRS 630.3065(2)(a) (Knowing and
2 Willful Failure to Comply With Board Order), as alleged in Count III; has violated NRS
3 630.3065(2)(a) (Knowing and Willful Failure to Comply With Board Order), as alleged in Count
4 IV; has violated NRS 630.3065(2)(a) (Knowing and Willful Failure to Comply With Board
5 Order), as alleged in Count V; has violated NRS 630.3065(2)(a) (Knowing and Willful Failure to
6 Comply With Board Order), as alleged in Count VI; and has violated NRS 630.3065(2)(a)
7 (Knowing and Willful Failure to Comply With Board Order), as alleged in Count VII.
8 Accordingly, Respondent is subject to discipline pursuant to NRS 630.352.

9 IV.

10 The Board finds that, pursuant to NRS 622.400, it may recover from Respondent
11 reasonable attorneys' fees and costs incurred by the Board as part of its investigative,
12 administrative and disciplinary proceedings against Respondent as it hereby enters this FOFCOL
13 finding that Respondent has violated the Medical Practice Act, which the Board has the authority
14 to enforce.

15 V.

16 The Board has reviewed the Investigative Committee's Memorandum of Costs and
17 Disbursements and Attorneys' Fees, and the Board finds them to be the actual fees and costs
18 incurred by the Board as part of its investigative, administrative and disciplinary proceedings
19 against Respondent, and finds them to be reasonable based on: (1) the abilities, training,
20 education, experience, professional standing and skill demonstrated by Board staff and attorneys;
21 (2) the character of the work done, its difficulty, its intricacy, its importance, the time and skill
22 required, the responsibility imposed and the prominence and character of the parties where, as in
23 this case, they affected the importance of the litigation; (3) the work actually performed by the
24 Board's attorneys and staff, and the skill, time and attention given to that work; and (4) the
25 product of the work and benefits to the Board and the people of Nevada that were derived
26 therefrom.

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VI.

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

ORDER

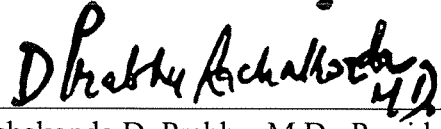
Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. Pursuant to NRS 630.352(4)(e) and NRS 622A.410(1), respectively, Respondent's license to practice medicine, License No. 10767, is immediately revoked and Respondent may not apply for reinstatement of a license for a period of two (2) years;
2. Respondent shall be issued a Public Letter of Reprimand; and
3. Respondent shall reimburse the Board the reasonable costs and expenses actually incurred in the investigation and prosecution of this case in the amount of \$7,314.40, which amount Respondent shall pay within six (6) months of this Order.

Dated this 23rd day of September, 2019.

NEVADA STATE BOARD OF MEDICAL EXAMINERS



Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners

CERTIFICATION

1
2 I certify that the foregoing is the full and true original FINDINGS OF FACT,
3 CONCLUSIONS OF LAW, AND ORDER on file in the office of the Board of Medical
4 Examiners in the matter of ISAAC JOHN HEARNE, M.D., Case Nos. 18-28607-1.

5 I further certify that Rachakonda D. Prabhu, M.D., is the President of the Nevada State
6 Board of Medical Examiners and that full force and credit is due to his official acts as such; and
7 that the signature to the foregoing ORDER is the signature of said Rachakonda D. Prabhu, M.D.

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

10 Dated this 23rd day of September, 2019.

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15 April Mastroluca, Secretary-Treasurer
16 Nevada State Board of Medical Examiners
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