1	BEFORE THE BOARD OF M	EDICAL EXAMINERS			
2	OF THE STATE OF NEVADA				
3	****				
4					
5	·				
6	In the Matter of Charges and)	Case No. 13-34036-1			
7	Complaint Against	FILED			
9	DAVID LYNN PACKER, M.D.,	JUN 1 1 2013			
10)	NEVADA STATE BOARD OF			
10	Respondent.)	By:			
12	COMPLAINT				
13	The Investigative Committee (IC) of the Nevada State Board of Medical Examiners				
14	(Board), comprised of, at the time of filing of this Complaint,				
15	Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and				
16	Michael J. Fischer, M.D., Member, by and through Bradley O. Van Ry, Esq., Board General				
17	Counsel and attorney for the IC, having a reasonable basis to believe that David Lynn Packer,				
18	M.D. (Respondent) has violated the provisions of Nevada Revised Statutes (NRS) Chapter 630				
19	and Nevada Administrative Code (NAC) Chapter 630, collectively the Medical Practice Act,				
20	hereby issues its formal Complaint, stating the IC's charges and allegations, as follows:				
21	1. Respondent is a physician licensed to practice medicine in the state of Nevada				
22	(License Number 13014), and was originally licensed by the Board on January 28, 2009, pursuant				
23	to the provisions of the Medical Practice Act.				
24	2. Respondent was served with an Order for Evaluation by the IC on April 18, 2013,				
25	setting an evaluation of Respondent for April 30, 2013, at 11:15 a.m., with Melissa Piasecki				
26	M.D., at her office located at 1135 Terminal Way, Suite 106, Reno, Nevada 89502.				
27	3. Respondent failed to appear at the evaluation as ordered by the IC.				
28					
	1				

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

Count I 1 4. All of the allegations contained in the above paragraphs are hereby incorporated by 2 3 reference as though fully set forth herein. 5. NRS 630.3065(2)(a) provides that the willful failure of a licensee to comply with 4 an order of the IC is grounds for initiating disciplinary action against a licensee. 5 6. As demonstrated by, but not limited to, the above-outlined facts, Respondent's act 6 of not appearing at the IC-ordered evaluation constitutes the willful failure to comply with an 7 order of the IC. 8 7. 9 By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352. 10 Count II 11 8. All of the allegations contained in the above paragraphs are hereby incorporated by 12 reference as though fully set forth herein. 13 9. 14 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. 15 10. NRS 630.306(13) provides that the failure to be found competent to practice 16 medicine as a result of an examination to determine medical competency is grounds for initiating 17 disciplinary action against a licensee. 18 19 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 20disciplinary action against a licensee. 21 22 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 23 competency to practice medicine. 24 13. By reason of the foregoing, Respondent is subject to discipline by the Board as 25 provided in NRS 630.352. 26 /// 27 /// 28

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

2

1	WHEREFORE, the IC prays:		
2	1. That the Board give Respondent notice of the charges herein against him and give		
3	him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)		
4	within twenty (20) days of service of the Complaint;		
5	2. That the Board set a time and place for a formal hearing after holding an Early Case		
6	Conference pursuant to NRS 630.339(3);		
7	3. That the Board determine what sanctions it determines to impose if it determines		
8	there has been a violation or violations of the Medical Practice Act committed by Respondent;		
9	4. That the Board make, issue and serve on Respondent its findings of fact,		
10	conclusions of law and order, in writing, that includes the sanctions imposed; and,		
11	5. That the Board take such other and further action as may be just and proper in these		
12	premises.		
13	DATED this // day of June, 2013.		
14	INVESTIGATIVE COMMITTEE OF THE		
15	NEVADA STATE BOARD OF MEDICAL EXAMINERS		
16			
17	By: Bradley O. Van Ry, Esq.		
18	General Counsel Attorney for the Investigative Committee		
19			
20			
21			
22			
23			
24			
25			
26	·		
27			
28			
	3		
l			

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559 11

VERIFICATION

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

Dated this 1th day of <u>Juce</u>, 2013.

Heodire B. Berndt, M.D.

STATE OF NEVADA

	1	CERTIFICATE OF MAILING	
	2	I hereby certify that I am employed by Nevada State Board of Medical Examiners and that	
	3	on 11 th day of June 2013; I served a filed copy of the COMPLAINT & SECOND ORDER OF	
	4	SUMMARY SUSPENSION, via Federal Express Standard Overnight mail to the following:	
	5	David Lynn Packer, M.D. 1402 NW 30 th St.	
	6	1402 NW 30 th St. Gainesville, FL_32605	
	7		
	8	Dated this 11 th day of June, 2013.	
	9	hat IDada	
SEL	10	Angelia L. Donohoe	
COUNSEI. aminers	11	Legal Assistant	
J ^E E.	12		
THE GENERAL te Board of Medical Ex 05 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559	13		
IE GENEI 30ard of Media ferminal Way 10, Nevada 895 (775) 688-2559	14		
OF THE ada State Boa 1105 Ter Reno, (77	15		·
OI	16		
OFFICE Nev	17		
OF	18		
	19		
	20		
	21		
	22		
	23		
	24		
	25		
	26		
	27		
	28		