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

* * * * *

In the Matter of Charges and)
)
Complaint Against)
)
JOHN WERT VAN HORN, M.D.,)
)
Respondent.)

Case No. 15-9568-1

FILED

DEC 08 2015

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against John Wert Van Horn, M.D. (Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to believe that the Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act).

The IC alleges the following facts:

1. Respondent is currently licensed in active status (License No. 6295), and has been so licensed by the Board since September 17, 1988, and, at all times alleged herein, Respondent was licensed in an active status by the Board pursuant to the provisions of the Medical Practice Act.

2. On June 11, 2015, Respondent self-reported on his license renewal that he had been charged with one felony count of attempted lewdness with a child under 14 years old pursuant to NRS 193.330 in the Second Judicial District Court of the State of Nevada, Washoe County (CR15-0720 – STATE OF NEVADA vs. JOHN WERT VAN HORN, II).

¹ The Investigative Committee of the Nevada State Board of Medical Examiners is composed of Board members Beverly Neyland, M.D., Dr. Rachakonda Prabhu, M.D., and Ms. Sandy Peltyn, Member.

1 3. On September 25, 2015, Respondent entered a plea of Guilty (See Exhibit 1,
2 Judgment of Conviction) and the aforementioned Court rendered judgment as follows: John Wert
3 Van Horn II is guilty of the crime of Attempted Lewdness With a Child Under the Age of
4 Fourteen Years, a violation of NRS 193.330², being an attempt to violate NRS 201.203³, a felony,

5 ²**NRS 193.330 Punishment for attempts.**

6 1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to
7 commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall
8 be punished as follows:

9 (a) If the person is convicted of:

10 (1) Attempt to commit a category A felony, for a category B felony by imprisonment in the state prison for a
11 minimum term of not less than 2 years and a maximum term of not more than 20 years.

12 (2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by
13 statute is greater than 10 years, for a category B felony by imprisonment in the state prison for a minimum term of not
14 less than 1 year and a maximum term of not more than 10 years.

15 (3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by
16 statute is 10 years or less, for a category C felony as provided in NRS 193.130.

17 (4) Attempt to commit a category C felony, for a category D felony as provided in NRS 193.130, or for a
18 gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than
19 \$2,000, or by both fine and imprisonment.

20 (5) Attempt to commit a category D felony, for a category E felony as provided in NRS 193.130, or for a
21 gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than
22 \$2,000, or by both fine and imprisonment.

23 (6) Attempt to commit a category E felony, for a category E felony as provided in NRS 193.130, or for a
24 gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than
25 \$2,000, or by both fine and imprisonment.

26 (b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a
27 category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by
28 statute, or by a fine of not more than one-half the largest sum, prescribed upon conviction for the commission of the
offense attempted, or by both fine and imprisonment.

2 2. Nothing in this section protects people who, in an unsuccessful attempt to commit one crime, does commit
another and different one, from the punishment prescribed for the crime actually committed. A person may be
convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless
the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

[1911 C&P § 26; RL § 6291; NCL § 9975]—(NRS A 1981, 158; 1995, 1168; 1997, 1178; 2013, 977)

3 ³**NRS 201.230 Lewdness with child under 14 years; penalties.**

1 1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime
2 of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the
3 intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is
4 guilty of lewdness with a child.

5 2. Except as otherwise provided in subsection 3, a person who commits lewdness with a child is guilty of a
6 category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole,
7 with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a
8 fine of not more than \$10,000.

9 3. A person who commits lewdness with a child and who has been previously convicted of:

10 (a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

11 (b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a
12 child pursuant to this section or any other sexual offense against a child,
13 is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the
14 possibility of parole.

15 4. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in
16 subsection 5 of NRS 200.366.

1 as charged in the Information, and that he be punished by imprisonment in the Nevada
2 Department of Corrections for the maximum term of 96 months with the minimum parole
3 eligibility of 24 months, with credit for 14 days time served; it is further ordered that the prison
4 sentence shall be suspended and the Defendant placed on probation for an indeterminate period of
5 time not to exceed sixty months under all terms and conditions as stated by the Court and
6 supervised by the Division of Parole & Probation.

7 4. Respondent's special conditions of probation are as follows: that the Defendant
8 shall submit to a substance abuse intake evaluation, at his own expense, and if necessary,
9 participate in a counseling program as approved by the Division of Parole & Probation and until
10 mutually discharged by agreement of the counselor and supervising officer; that he shall abstain
11 from the use, possession or control of any alcoholic beverages, controlled substances and/or
12 weapons; that he shall submit to random analysis of his blood, breath and/or urine, as deemed
13 appropriate by the Division of Parole & Probation, at his own expense, to determine the presence
14 of controlled substances and/or alcohol; that he shall submit his person, residence, vehicle,
15 property or other areas under his control to search and seizure, without a warrant, by the Division
16 of Parole & Probation or its agents, to determine the presence or evidence of a crime and/or
17 violation of probation; that he fully comply with all the required terms and conditions for sex-
18 offenders as outlined in NRS 176A.410 (1)(a) through (r); that he shall register as a sex-offender
19 and comply with all registration requirements; that he shall have no contact whatsoever with the
20 victim, unless such contact is requested by the victim's parents, and then only as approved by the
21 Division of Parole & Probation; and he may no longer be allowed to prescribe medications to
22 himself, and he shall only take medications as prescribed to him by another doctor.

23 5. Based upon the foregoing, the IC charges Respondent with the following violations
24 of the Medical Practice Act.

25
26 [1911 C&P § 195 1/2; added 1925, 17; A 1947, 24; 1943 NCL § 10143]—(NRS A 1961, 92; 1967, 477; 1973, 96,
27 255, 1406; 1977, 867, 1632; 1979, 1430; 1983, 207; 1991, 1009; 1995, 1200; 1997, 1722, 2502, 3190; 1999,
470, 472; 2003, 2826; 2005, 2877)

COUNT I

(Criminal Offenses - NRS 603.301(11)(d))

6. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

7. Pursuant to NRS 603.301(11)(d), a conviction of sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime constitutes grounds for initiating disciplinary action.

8. As demonstrated by, but not limited to, the above-outlined facts, Respondent was convicted of the crime of Attempted Lewdness With a Child Under the Age of Fourteen Years (NRS 193.300 & NRS 201.230), which falls under the “any other sexually related crime” as outlined in NRS 603.301(11)(d) on September 24, 2015.

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

COUNT II

(Criminal Offenses - NRS 603.301(11)(g))

10. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

11. Pursuant to NRS 603.301(11)(g), a conviction of any offense involving moral turpitude⁴ constitutes grounds for initiating disciplinary action.

12. As demonstrated by, but not limited to, the above-outlined facts, Respondent was convicted of the crime of Attempted Lewdness With a Child Under the Age of Fourteen Years (NRS 193.300 & NRS 201.230), which are offenses involving moral turpitude, on September 24, 2015.

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

///

⁴ Moral Turpitude is not defined in the NRS or NAC; however, generally it is defined as “the act of baseness, vileness, or the depravity in the private and social duties which man owes to his fellow man, or to society in general, contrary to accepted and customary rule of right and duty between man and man.” Black Law’s Dictionary, 5th Ed. –pg.910


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WHEREFORE, the Investigative Committee 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 determines the sanctions it will impose if it finds Respondent violated the Medical Practice Act;
4. That the Board make, issue and serve upon the Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and
5. That the Board takes such other and further action as may be just and proper in these premises.

DATED this 4 day of December, 2015.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

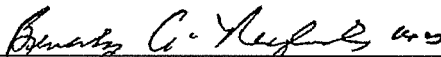
Robert Kilroy, Esq.
General Counsel for the Board
Attorney for the Investigative Committee

VERIFICATION

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

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

11 Dated this 8th day of December, 2015.

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13 
14 Beverly A. Neyland, M.D.

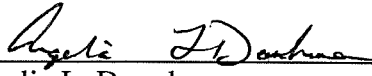
OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 8th day of December 2015; I served a file stamp copy of COMPLAINT, & FINGERPRINT INFORMATION, via USPS e-certified return receipt mail to the following:

John Wert Van Horn, M.D.
247 Mary Lou Lane
Fernley, NV 89408-5620

Dated this 8th day of December, 2015.



Angelia L. Donohoe
Legal Assistant

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EXHIBIT 1

JUDGEMENT OF CONVICTION

1 **CODE 1850**
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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR15-0720

11 **vs.**

Dept. No. 10

12 **JOHN WERT VANHORN, II,**

13 **Defendant.**
14 _____ /

15 **JUDGMENT**

16 The Defendant, having entered a plea of Guilty, and no sufficient cause being shown
17 as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

18 That John Wert Vanhorn, II, is guilty of the crime of Attempted Lewdness With a
19 Child Under the Age of Fourteen Years, a violation of NRS 193.330, being an attempt to violate
20 NRS 201.230, a felony, as charged in the Information, and that he be punished by imprisonment in
21 the Nevada Department of Corrections for the maximum term of ninety-six (96) months with the
22 minimum parole eligibility of twenty-four (24) months, with credit for fourteen (14) days time
23 served. It is further ordered that the prison sentence shall be suspended and the Defendant placed
24 on probation for an indeterminate period of time not to exceed sixty (60) months under all terms and
25 conditions as stated by the Court and supervised by the Division of Parole and Probation.

26 Special conditions of probation are as follows: that the Defendant shall submit to a
27 substance abuse intake evaluation, at his own expense, and if necessary, participate in a counseling
28 program as approved by the Division of Parole and Probation and until mutually discharged by

1 agreement of the counselor and supervising officer; that he shall abstain from the use, possession or
2 control of any alcoholic beverages, controlled substances and/or weapons; that he shall submit to
3 random analysis of his blood, breath and/or urine, as deemed appropriate by the Division of Parole
4 and Probation, at his own expense, to determine the presence of controlled substances and/or
5 alcohol; that he shall submit his person, residence, vehicle, property or areas under his control to
6 search and seizure, without a warrant, by the Division of Parole and Probation or its agents, to
7 determine the presence or evidence of a crime and/or violation of probation; that he shall fully
8 comply with all the required terms and conditions for sex-offenders as outlined in NRS 176A.410
9 (1) (a) through (r); that he shall register as a sex-offender and comply with all registration
10 requirements; that he shall have no contact whatsoever with the victim, unless such contact is
11 requested by the victim's parents, and then only as approved by the Division of Parole and
12 Probation; and that he may no longer be allowed to prescribe medications to himself, and he shall
13 only take medications as prescribed to him by another doctor.

14 It is further ordered that a special sentence of lifetime supervision commence after
15 any period of probation, any term of imprisonment, or after any period of release on parole.

16 It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar
17 (\$25.00) administrative assessment fee; that he shall submit to a DNA analysis test for the purpose
18 of determining genetic markers and pay a testing fee in the amount of One Hundred Fifty Dollars
19 (\$150.00), if not previously ordered; that he shall pay the Three Dollar (\$3.00) administrative
20 assessment fee for obtaining a biological specimen and conducting a genetic marker analysis; and
21 that he shall pay the psychosexual evaluation fee in the amount of Nine Hundred Two Dollars and
22 50/100ths (\$902.50).

23 Dated this 25 day of September, 2015.
24 NUNC PRO TUNC to September 24, 2015.

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DISTRICT JUDGE

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: 11-24-15
JACQUELINE BRYANT, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By  Deputy