

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and
Complaint Against
ISAAC JOHN HEARNE, M.D.,
Respondent.

Case No. 18-28607-1

FILED

SEP 21 2018

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 Isaac John Hearne, M.D. (Respondent), a physician licensed in Nevada. After investigating this matter, the IC has a reasonable basis to believe that 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:

A. Respondent's Licensure Status

1. Respondent's license (License No. 10767) was suspended pursuant to the IC's Order of Summary Suspension filed August 16, 2018 (Suspension Order), which Suspension Order is incorporated herein by this reference. Respondent has been licensed by the Board pursuant to the provisions of the Medical Practice Act since January 7, 2004.

B. Applicable Law

2. Pursuant to NRS 630.3065(2)(a), a licensee shall not knowingly or willfully fail to comply with a subpoena or order of the Board.

3. Pursuant to NRS 630.311(1), the IC must review each complaint made against a licensee and conduct an investigation to determine if there is a reasonable basis for the complaint. The IC may issue orders to aid its investigation, including, but not limited to, compelling a

¹ The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), at the time this formal Complaint was authorized for filing, was composed of Board members Rachakonda D. Prabhu, M.D., Chairman, Ms. Sandy Peltyn and Victor M. Muro, M.D.

1 licensee to appear before the IC.

2 **C. Licensee's Failure to Comply With a Board Order for Appearance at the IC Meeting**

3 4. On July 16, 2018, pursuant to NRS 630.311(1), the IC issued an Order for
4 Appearance (Appearance Order) to Respondent via certified mail to his office on record with the
5 Board²: 294 E. Moana Lane, #22, Reno, NV 89502, whereby Respondent was required to
6 ("shall") appear before the IC on August 8, 2018, to discuss his five (5) currently open
7 investigations with the aforementioned IC members.

8 5. On August 8, 2018, Respondent failed to appear pursuant to the Appearance Order.

9 **D. Licensee's Failure to Comply With a Board Order for an Examination to Determine**
10 **Fitness to Practice Medicine**

11 6. On August 16, 2018, Board Investigators for the Nevada State Board of Medical
12 Examiners, Johnna LaRue and Monica C. Gustafson, both personally presented to Respondent's
13 medical office, The Laser and Cataract Center, located at 294 E. Moana Lane, #22, Reno, NV
14 89502. Joseph Depczynski, Pharmacy Board Investigator, accompanied them.

15 7. Also on August 16, 2018, Ms. LaRue personally served Respondent with an Order
16 for Examination to Determine Fitness to Practice Medicine (Neuropsychological/Substance
17 Abuse) that required Respondent to undergo said examination on August 29, 2018 and August 30,
18 2018. Respondent accepted service of the Order.

19 8. Also on August 16, 2018, Ms. LaRue served Respondent with an Order for
20 Summary Suspension.

21 9. Respondent failed to contact Dr. Moreggi to confirm his appointment and failed to
22 comply with submitting to an examination as the IC ordered.

23 **E. Licensee's Failure to Comply With Board Orders for Health Care Records**

24 10. On October 4, 2017, pursuant to an investigation of Respondent's alleged conduct
25 related to NSBME Investigative Case No. 17-17450, the IC issued an Order to Produce Health
26 Care Records for the patient at issue from January 1, 2015 through the present date (First Order
27 for Records). Respondent was ordered to respond to the First Order for Records within 21 days of

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² NRS 630.254(1) requires each licensee to maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent.

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

1 service. The First Order for Records was sent, along with an Allegation Letter, to Respondent via
2 regular U.S.P.S. first-class mail on October 4, 2017, to his office on record with the Board: 294 E.
3 Moana Lane, #22, Reno, NV 89502.

4 11. Respondent failed to respond to the First Order for Records within 21 days as
5 ordered. Accordingly, on November 20, 2017, a Second Request for records was sent, along with
6 the original Allegation Letter and the Order, to Respondent via U.S.P.S. first-class mail to his
7 office on record with the Board: 294 E. Moana Lane, #22, Reno, NV 89502.

8 12. Respondent failed to respond to the Second Request for records within 21 days as
9 ordered. Accordingly, on December 19, 2017, a Final Request for records was sent, along with
10 the original Allegation Letter and the Order, to Respondent via certified mail to his office on
11 record with the Board: 294 E. Moana Lane, #22, Reno, NV 89502.

12 13. To date, Respondent has repeatedly failed to respond to the IC's three (3) attempts
13 to order the Respondent to produce health care records pursuant to an investigation of
14 Respondent's alleged conduct related to NSBME Investigative Case No. 17-17450 .

15 14. On December 22, 2017, pursuant to an investigation of Respondent's alleged
16 conduct related to NSBME Investigative Case No. 17-17606, the IC issued an Order to Produce
17 Health Care Records for all of the records for the patient at issue (First Order for Records).
18 Respondent was ordered to respond to the First Order for Records within 30 days of service. The
19 First Order for Records was sent, along with an Allegation Letter, to Respondent via regular
20 U.S.P.S. first-class mail on December 22, 2017, to his office on record with the Board: 294 E.
21 Moana Lane, #22, Reno, NV 89502.

22 15. Respondent failed to respond to the First Order for Records within 30 days as
23 ordered. Accordingly, on April 9, 2018, a Second Request for records was sent, along with the
24 original Allegation Letter and the Order, to Respondent via U.S.P.S. first-class mail to his office
25 on record with the Board: 294 E. Moana Lane, #22, Reno, NV 89502.

26 16. To date, Respondent has repeatedly failed to respond to the IC's two (2) attempts to
27 order the Respondent to produce health care records pursuant to an investigation of Respondent's
28 alleged conduct related to NSBME Investigative Case No. 17-17606.

1 17. On April 9, 2018, pursuant to an investigation of Respondent's alleged conduct
2 related to NSBME Investigative Case No. 18-17837, the IC issued an Order to Produce Health
3 Care Records for all of the records for the patient at issue (First Order for Records). Respondent
4 was ordered to respond to the First Order for Records within 30 days of service. The First Order
5 for Records was sent, along with an Allegation Letter, to Respondent via regular U.S.P.S. first-
6 class mail on April 9, 2018, to his office on record with the Board: 294 E. Moana Lane, #22,
7 Reno, NV 89502.

8 18. To date, Respondent has failed to respond to the IC's one (1) attempt to order the
9 Respondent to produce health care records pursuant to an investigation of Respondent's alleged
10 conduct related to NSBME Investigative Case No. 18-17837.

11 19. On May 14, 2018, pursuant to an investigation of Respondent's alleged conduct
12 related to NSBME Investigative Case No. 18-17887, the IC issued an Order to Produce Health
13 Care Records for the patient at issue from January 1, 2016, through the present date (First Order
14 for Records). Respondent was ordered to respond to the First Order for Records within 21 days of
15 service. The First Order for Records was sent, along with an Allegation Letter, to Respondent via
16 regular U.S.P.S. first-class mail on May 14, 2018, to his office on record with the Board: 294 E.
17 Moana Lane, #22, Reno, NV 89502.

18 20. To date, Respondent has failed to respond to the IC's one (1) attempt to order the
19 Respondent to produce health care records pursuant to an investigation of Respondent's alleged
20 conduct related to NSBME Investigative Case No. 18-17887.

21 21. On June 6, 2018, pursuant to an investigation of Respondent's alleged conduct
22 related to NSBME Investigative Case No. 18-17923, the IC issued an Order to Produce Health
23 Care Records for the patient at issue from January 1, 2017, through the present date (First Order
24 for Records). Respondent was ordered to respond to the First Order for Records within 21 days of
25 service. The First Order for Records was sent, along with an Allegation Letter, to Respondent via
26 regular U.S.P.S. first-class mail on June 6, 2018, to his office on record with the Board: 294 E.
27 Moana Lane, #22, Reno, NV 89502.

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1 **Count III**

2 **NRS 630.3065(2)(a): Knowing and Willful Failure to Comply With Board Order**

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

5 32. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
6 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
7 complaint against a physician is grounds for disciplinary action.

8 33. Respondent knowingly and willingly failed to comply with the IC's Order to
9 Produce Health Care Records pursuant to an investigation of Respondent's alleged conduct related
10 to NSBME Investigative Case No. 17-17450, after being mailed said Order.

11 34. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
12 Board of Medical Examiners as provided in NRS 630.352.

13 **Count IV**

14 **NRS 630.3065(2)(a): Knowing and Willful Failure to Comply With Board Order**

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

17 36. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
18 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
19 complaint against a physician is grounds for disciplinary action.

20 37. Respondent knowingly and willingly failed to comply with the IC's Order to
21 Produce Health Care Records pursuant to an investigation of Respondent's alleged conduct related
22 to NSBME Investigative Case No. 17-17606, after being mailed said Order.

23 38. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
24 Board of Medical Examiners as provided in NRS 630.352.

25 **Count V**

26 **NRS 630.3065(2)(a): Knowing and Willful Failure to Comply With Board Order**

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

1 40. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
2 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
3 complaint against a physician is grounds for disciplinary action.

4 41. Respondent knowingly and willingly failed to comply with the IC's Order to
5 Produce Health Care Records pursuant to an investigation of Respondent's alleged conduct related
6 to NSBME Investigative Case No. 18-17837, after being mailed said Order.

7 42. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
8 Board of Medical Examiners as provided in NRS 630.352.

9 **Count VI**

10 **NRS 630.3065(2)(a): Knowing and Willful Failure to Comply With Board Order**

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

13 44. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
14 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
15 complaint against a physician is grounds for disciplinary action.

16 45. Respondent knowingly and willingly failed to comply with the IC's Order to
17 Produce Health Care Records pursuant to an investigation of Respondent's alleged conduct related
18 to NSBME Investigative Case No. 18-17887, after being mailed said Order.

19 46. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
20 Board of Medical Examiners as provided in NRS 630.352.

21 **Count VII**

22 **NRS 630.3065(2)(a): Knowing and Willful Failure to Comply With Board Order**

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

25 48. NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with a
26 regulation, subpoena or order of the Board or a committee designated by the Board to investigate a
27 complaint against a physician is grounds for disciplinary action.

28 49. Respondent knowingly and willingly failed to comply with the IC's Order to

1 Produce Health Care Records pursuant to an investigation of Respondent's alleged conduct related
2 to NSBME Investigative Case No. 18-17923, after being mailed said Order.

3 50. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
4 Board of Medical Examiners as provided in NRS 630.352.

5 **WHEREFORE**, the Investigative Committee prays:

6 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
7 charges herein against him and give him notice that he may file an answer to the Complaint herein
8 as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;

9 2. That the Nevada State Board of Medical Examiners set a time and place for a
10 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

11 3. That the Nevada State Board of Medical Examiners determine what sanctions to
12 impose if it determines there has been a violation or violations of the Medical Practice Act
13 committed by Respondent;

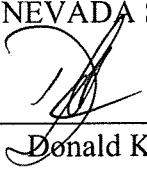
14 4. That the Nevada State Board of Medical Examiners make, issue and serve on
15 Respondent its findings of fact, conclusions of law and order, in writing, that includes the
16 sanctions imposed; and

17 5. That the Nevada State Board of Medical Examiners take such other and further
18 action as may be just and proper in these premises.

19 DATED this 21 day of September, 2018.

20 INVESTIGATIVE COMMITTEE OF
21 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

22 By: _____

23 
24 Donald K. White, Esq., Deputy General Counsel
25 Robert Kilroy, Esq., General Counsel
26 Attorneys for the Investigative Committee
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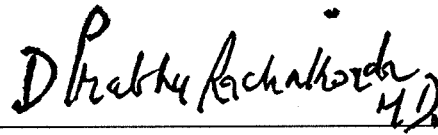
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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Rachakonda D. Prabhu, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

DATED this 21st day of September, 2018.



Rachakonda D. Prabhu, M.D.
Chairman, Investigative Committee
Nevada State Board of Medical Examiners

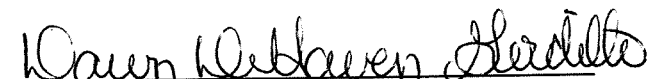
CERTIFICATE OF MAILING

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I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 21st day of September, 2018; I served a file copy of COMPLAINT in case #18-28607-1 via USPS e-certified return receipt mail to the following:

Isaac Hearne, M.D.
2375 Virginia Vista Drive
Reno, NV 89521

Dated this 21st day of September, 2018.


Dawn DeHaven Gordillo
Legal Assistant