

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

3 * * * * *

4
5 **In the Matter of Charges and Complaint**

Case No. 21-13009-3

6 **Against:**

7 **JON LANE SIEMS, M.D.,**

8 **Respondent.**

FILED

JUL 16 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: CW

9
10 **COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Donald K. White, J.D., Deputy General Counsel and attorney for the IC,
13 having a reasonable basis to believe that Jon Lane Siems, M.D. (Respondent) violated the provisions
14 of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter
15 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges
16 and allegations as follows:

17 1. Respondent was, at all times relevant to this Complaint, a medical doctor holding an
18 active license to practice medicine in the State of Nevada (License No. 9250). Respondent was
19 originally licensed by the Board on December 20, 1999.

20 2. Patient A² was a sixty-three (63) year-old female at the time of the events at issue.

21 3. On October 11, 2017, Patient A was seen for an initial visit to Respondent's office.
22 Patient A expressed a desire to be free from the use of glasses and Respondent recommended that
23 she receive Lasik eye surgery. Respondent diagnosed Patient A with diplopia, as a result of
24 previously undiagnosed 4th nerve palsy.

25 4. Patient A had a documented prism correction in her glasses.

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27 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal
Complaint was authorized for filing, was composed of Board members Mr. M. Neil Duxbury, Aury Nagy, M.D. and
Michael C. Edwards, M.D., FACS.

28 ² Patient A's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient
Designation served upon Respondent along with a copy of this Complaint.

1 5. On or about October 26 or October 27, 2017, Respondent performed the
2 recommended Lasik eye surgery on Patient A.

3 6. On or about October 28, 2017, Patient A had a follow-up visit, complaining of
4 blurred and double vision. Patient A was not offered any relief nor any diagnosis by Respondent,
5 that her vision would improve.

6 7. On or about November 10, 2017, Patient A attended her next visit with
7 Respondent, and by this time, she was extremely stressed and frustrated with her ongoing
8 untreated vision problems. Respondent insisted that her brain would adjust to her new vision
9 problems because what she conceived as vision problems were actually an issue with her cranial
10 nerve.

11 8. Patient A scheduled an appointment for a day in March, but due to her ongoing
12 inability to see well, Patient A made an appointment earlier for January 10, 2018. During the
13 January 10, 2018 appointment Respondent prescribed a contact lens for one (1) eye.

14 9. On or about January 24, 2018, Respondent prescribed Patient A a different contact
15 lens because she was still suffering from the same vision problems.

16 10. Five (5) days later, January 29, 2018, when Patient A attended her appointment,
17 she was surprised to be seen by a different doctor at Respondent's office. At this appointment,
18 Patient A was prescribed a stronger contact lens, and upon information and belief, the doctor
19 stated that Patient A would need to choose between distance vision or near vision.

20 11. On or about February 15, 2018, Patient A once again saw Respondent and was
21 prescribed prism glasses, but needed to return when Respondent acquired a prism bar. At this
22 point, Patient A was suffering with vision that was blurred and doubled for approximately four (4)
23 months.

24 12. On or about February 24, 2018, Patient A had her next visit with Respondent, in
25 which he measured her eyes to be fitted for prism glasses.

26 13. After several more visits, telephone calls, and text messages, Patient A finally gave
27 up on Respondent's ability to resolve her vision problems of diplopia. Patient A never received
28 her prism glasses.

1 COUNT I

2 **NRS 630.301(4) - Malpractice**

3 14. All of the allegations contained in the above paragraphs are hereby incorporated by
4 reference as though fully set forth herein.

5 15. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating
6 disciplinary action against a licensee.

7 16. NAC 630.040 defines malpractice as “the failure of a physician, in treating a
8 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar
9 circumstances.”

10 17. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
11 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when
12 treating Patient A.

13 18. After a Lasik eye procedure performed by Respondent, Patient A followed up with
14 Respondent complaining of double vision and blurred vision. Respondent did not provide a
15 comprehensive history to address her complaints about her multiple contact lenses and prism
16 containing glasses. Further, Respondent did not counsel Patient A about the possibility that her
17 vision problems required strabismus surgery nor did he provide any alternative therapy or
18 treatment, all demonstrating a lack of reasonable care, skill and knowledge ordinarily used under
19 similar circumstances.

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

22 COUNT II

23 **NRS 630.306(1)(b)(2) (Violation of Standards of Practice Established by Regulation)**

24 20. All of the allegations in the above paragraphs are hereby incorporated by reference
25 as though fully set forth herein.

26 21. Violation of a standard of practice adopted by the Board is grounds for initiating
27 disciplinary action against a licensee pursuant to NRS 630.306(1)(b)(2).

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1 22. NAC 630.210 requires a physician to seek consultation with another provider of
2 health care in doubtful or difficult cases whenever it appears that consultation may enhance the
3 quality of medical services.

4 23. Respondent failed to seek consultation with an optometrist to confirm the prism
5 measurements in Patient A's glasses and Respondent further failed to seek consultation with an
6 ophthalmologist specializing in strabismus for possible strabismus surgery.

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

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

10 1. That the Board give Respondent notice of the charges herein against him and give
11 him notice that he may file an answer to the Complaint herein as set forth in
12 NRS 630.339(2) within twenty (20) days of service of the Complaint;

13 2. That the Board set a time and place for a formal hearing after holding an Early
14 Case Conference pursuant to NRS 630.339(3);

15 3. That the Board determine what sanctions to impose if it determines there has been
16 a violation or violations of the Medical Practice Act committed by Respondent;

17 4. That the Board award fees and costs for the investigation and prosecution of this
18 case as outlined in NRS 622.400;

19 5. That the Board make, issue and serve on Respondent its findings of fact,
20 conclusions of law and order, in writing, that includes the sanctions imposed; and

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6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 16th day of July, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:  for
DONALD K. WHITE, J.D.

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Reno, NV 89521

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Attorney for the Investigative Committee

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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Bret W. Frey, 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 16th day of July, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

BRET W. FREY, M.D.
Chairman of the Investigative Committee