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

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

|| Against:

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TODD LINCOLN JACKSON, M.D.

Respondent.

Case No. 22-36323-1

FILED

FEB 2 8 2022

NEVADA STATE BOARD OF MEDICAL EXAMINERS By:

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Aaron Bart Fricke, J.D., General Counsel and attorney for the IC, having a reasonable basis to believe that Todd Lincoln Jackson, M.D., (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

- 1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 13385). Respondent's license is now expired², but was originally licensed by the Board on January 11, 2010.
 - 2. Patient A³ was a fifty-six (56) year-old female at the time of the events at issue.
- 3. On or about November 28, 2012, Patient A presented to Respondent for consultation regarding laser vision enhancement. Patient A had a history of previous refractive surgery in 2003 that gave her mono vision, with the right eye for near vision and the left eye for

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 Victor M. Muro, M.D., Rachakonda Prabhu, M.D., and Ms. Sandy Peltyn.

² Pursuant to NRS 630.298, the expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

³ Patient A's true identity is not disclosed herein to protect his privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

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distance. That surgery had worked well for some period of time, but Patient A eventually underwent a hyperopic shift that resulted in her right eye becoming unable to see well without correction at near.

- 4. Respondent correctly determined that a reasonable course of treatment to correct Patient A's vision in her right eye would be to perform a photorefractive keratectomy (PRK) on her right eye to once again make her myopic.
- 5. On or about December 4, 2012, Respondent performed a pre-operative evaluation on Patient A for PRK. Respondent's surgical plan was correctly entered on Respondent's standard pre-operative form, which was faxed to Lasik Vision Institute ("LVI") on December 14, 2012.
- 6. On or about December 17, 2012, Patient A presented to Respondent at LVI for PRK surgery on her right eye. Due to an unintentional miscommunication from Respondent to staff of LVI, the VISX laser was programmed to obtain the opposite result as was intended by Respondent; the laser was programmed to correct two (2) diopters of myopia instead of creating two (2) diopters of myopia. The surgery was performed and the laser functioned as programmed, which caused the opposite result of what was intended.
- 7. An eye surgeon is professionally responsible for ensuring that laser eye surgery equipment is programmed correctly so that the correct procedure is performed on the correct eye of the correct patient.

COUNT I

NRS 630.301(4) - Malpractice

- All of the allegations contained in the above paragraphs are hereby incorporated by 8. reference as though fully set forth herein.
- 9. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.
- NAC 630,040 defines malpractice as "the failure of a physician, in treating a 10. patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."

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	11.	As demonstrated by, but not limited to, the above-outlined facts, Respondent failed
to use	the rea	sonable care, skill or knowledge ordinarily used under similar circumstances when
rende	ring med	lical services to Patient A.

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

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 determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- 4. That the Board award fees and costs for the investigation and prosecution of this case as outlined in NRS 622.400;
- 5. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and
- 6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 28 day of February, 2022.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

AARON BART FRICKE, J.D.

General Counsel 9600 Gateway Drive Reno, NV 89521

Tel: (775) 688-2559

Email: africke@medboard.nv.gov
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

Reno, Nevada 89521 (775) 688-2559

VERIFICATION

STATE OF NEVADA)
	: SS
COUNTY OF CLARK)

Victor M. Muro, 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 28 day of February, 2022.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: VICTOR M. MURO, M.D.

Chairman of the Investigative Committee

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

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 28th day of February, 2022, I served a file-stamped copy of the foregoing **COMPLAINT**, as well as required fingerprint waiver, card and instructions, via U.S. Certified Mail, with a courtesty copy by electronic mail, to the following parties:

TODD LINCOLN JACKSON, M.D.

2080 Comanche Drive Kingman, AZ 86401 Certified Mail Receipt No.: Respondent

9171 9690 0935 0252 5658 04

DATED this _____day of February, 2022.

MERCEDES FUENTES

Legal Assistant

Nevada State Board of Medical Examiners