



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

4 4. Respondent correctly determined that a reasonable course of treatment to correct  
5 Patient A's vision in her right eye would be to perform a photorefractive keratectomy (PRK) on  
6 her right eye to once again make her myopic.

7 5. On or about December 4, 2012, Respondent performed a pre-operative evaluation  
8 on Patient A for PRK. Respondent's surgical plan was correctly entered on Respondent's  
9 standard pre-operative form, which was faxed to Lasik Vision Institute ("LVI") on December 14,  
10 2012.

11 6. On or about December 17, 2012, Patient A presented to Respondent at LVI for  
12 PRK surgery on her right eye. Due to an unintentional miscommunication from Respondent to  
13 staff of LVI, the VISX laser was programmed to obtain the opposite result as was intended by  
14 Respondent; the laser was programmed to correct two (2) diopters of myopia instead of creating  
15 two (2) diopters of myopia. The surgery was performed and the laser functioned as programmed,  
16 which caused the opposite result of what was intended.

17 7. An eye surgeon is professionally responsible for ensuring that laser eye surgery  
18 equipment is programmed correctly so that the correct procedure is performed on the correct eye  
19 of the correct patient.

20 **COUNT I**

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

22 8. All of the allegations contained in the above paragraphs are hereby incorporated by  
23 reference as though fully set forth herein.

24 9. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating  
25 disciplinary action against a licensee.

26 10. NAC 630.040 defines malpractice as "the failure of a physician, in treating a  
27 patient, to use the reasonable care, skill, or knowledge ordinarily used under similar  
28 circumstances."

1 11. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed  
2 to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when  
3 rendering medical services to Patient A.

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

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

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

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

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

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

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

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

20 DATED this 28<sup>th</sup> day of February, 2022.

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

23 By: 

24 AARON BART FRICKE, J.D.  
25 General Counsel  
26 9600 Gateway Drive  
27 Reno, NV 89521  
28 Tel: (775) 688-2559  
Email: [africke@medboard.nv.gov](mailto:africke@medboard.nv.gov)  
*Attorney for the Investigative Committee*

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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*

**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 courtesy copy by electronic mail, to the following parties:

TODD LINCOLN JACKSON, M.D.  
2080 Comanche Drive  
Kingman, AZ 86401  
*Certified Mail Receipt No.:* 9171 9690 0935 0252 5658 04  
*Respondent*

DATED this 28<sup>th</sup> day of February, 2022.

  
MERCEDES FUENTES  
Legal Assistant  
Nevada State Board of Medical Examiners

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