

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

3 * * * * *

4
5 **In the Matter of Charges and Complaint**
6 **Against**
7 **JON LANE SIEMS, M.D.,**
8 **Respondent.**

Case No. 23-13009-1

FILED

DEC 19 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

9
10 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

11 This case was presented for adjudication and decision before the Nevada State Board of
12 Medical Examiners (Board), during a regularly scheduled Board meeting on December 1, 2023, at
13 8:40 a.m., (Pacific Standard Time), located at 325 E. Warm Springs Road, Suite 225, Las Vegas,
14 NV 89119, video conferenced to 9600 Gateway Drive, Reno, NV 89521. Jon Lane Siems, M.D.,
15 (Respondent), was properly served with a notice of the adjudication, including the date, time and
16 location, and was present and not represented by counsel. The adjudicating members of the Board
17 participating in these Findings of Fact, Conclusions of Law, and Order (FOFCOL) were:
18 Nick M. Spirtos M.D., F.A.C.O.G., Ms. Maggie Arias-Petrel, Ms. Pamela Beal, Irwin B. Simon,
19 M.D., FACS, Joseph Olivarez, P.A.-C, and Jason B. Farnsworth, RRT, MBA. Chricy E. Harris,
20 Esq., Deputy Attorney General, served as legal counsel to the Board.

21 The Board, having received and read the Complaint and exhibits admitted at the hearing of
22 this matter, the Hearing Officer's Findings and Recommendations¹, and the transcript of the
23 hearing, made its decision pursuant to its authority and provisions of the Nevada Revised Statutes
24 (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the
25 Medical Practice Act), NRS Chapter 622A, and NRS Chapter 233B, as applicable.

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¹ The Hearing Officer's Findings and Recommendations were prepared by Charles Woodman, Esq., who was appointed as Hearing Officer under NRS 630.106 in this matter and presided over the hearing.

1 The Board, after due consideration of the record, evidence, and law, and being fully
2 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
3 ORDER in this matter, as follows:

4 **FINDINGS OF FACT**

5 **I.**

6 Respondent held an Active-Probation license to practice medicine in the State of Nevada
7 issued by the Board from December 3, 2021, until December 27, 2022. An Order for Summary
8 Suspension of Respondent's license was filed on December 27, 2022, served on December 27,
9 2022, which immediately suspended Respondent's license until a show cause hearing could be
10 held to determine if his medical license would be reinstated during the regular hearing process.
11 On February 2, 2023, a show cause hearing was held at the office of the Nevada State Board of
12 Medical Examiners and the Hearing Officer entered his order during the hearing that continued
13 the suspension of Respondent's medical license throughout the hearing process.

14 **II.**

15 On January 30, 2022, the Investigative Committee filed its formal Complaint in
16 Case No. 23-13009-1, alleging Respondent violated the Medical Practice Act. Respondent was
17 personally served with the Complaint by a USPS Certified mail on March 3, 2023. The Complaint
18 alleges as follows: Count I, a violation of NRS 630.3065(2)(a) Knowing or Willful Failure to
19 Comply with a Board Order.

20 Respondent did not answer or file a response to the allegations set forth in the Complaint.
21 Pursuant to NAC 630.460(4), the allegations of the Complaint are deemed generally denied if an
22 answer is not filed.

23 **III.**

24 An Early Case Conference was held at the conclusion of the show cause hearing.
25 Donald K. White, Senior Deputy General Counsel was present on behalf of the Investigative
26 Committee (IC) of the Board, with Hearing Officer Charles Woodman, Esq., Respondent
27 participated in the Early Case Conference and show cause hearing but was not represented by an
28 attorney.

1 In compliance with NAC 630.465 an Order After Prehearing and Order Confirming
2 Hearing Date was filed March 1, 2023, setting dates for the formal hearing calendared to
3 commence on April 13, 2023, at the Office of the Nevada State Board of Medical Examiners,
4 9600 Gateway Drive, Reno, Nevada 89521 video conferenced to the Board's Las Vegas Office,
5 located at 325 E. Warm Springs Road, Suite 225, Las Vegas, NV 89119. All documents intended
6 to be introduced as evidence in the case were to be exchanged on or before March 13, 2023.
7 Respondent was served this Order via USPS Certified Mail on March 6, 2023, at his address of
8 record.

9 IV.

10 On April 13, 2023, as duly noticed and ordered, a hearing was held before the Hearing
11 Officer to receive evidence and to hear arguments of both parties. Legal counsel for the
12 Investigative Committee, Donald K. White, Senior Deputy General Counsel appeared, along with
13 Respondent, without legal counsel, and Hearing Officer Charles Woodman, Esq. Mr. White
14 presented the IC's case, offered documentary evidence, and presented witness testimony. Exhibits
15 one (1) through (4) from the IC and several of Respondent's exhibits, were marked and admitted
16 into evidence.

17 The Hearing Officer provided the Synopsis and Analysis of Record, filed May 9, 2023.
18 This matter was scheduled for final adjudication on December 1, 2023, at a regularly scheduled
19 Board meeting.

20 The notice of the adjudication was sent via USPS Certified Mail on October 30, 2023, and
21 was delivered to Respondent on November 3, 2023, at 10:14 a.m.

22 A copy of the adjudication materials along with a copy of the Hearing Officer's Synopsis
23 and Analysis of Record were mailed via Fed Ex 2-Day and were delivered to Respondent's
24 address of record on November 10, 2023.

25 V.

26 Pursuant to NRS 622A.300(5)(a), the Findings and Recommendations of the Hearing
27 Officer are hereby approved by the Board in their entirety, with modification to the discipline, and
28

///

1 are hereby specifically incorporated and made part of this Order by reference and are attached
2 hereto as **Exhibit 1**.

3 **VI.**

4 In accordance with the Synopsis and Analysis of Record, the Board hereby finds that the
5 count set forth in the Complaint, and as recapitulated in Paragraph II above, have been established
6 by a preponderance of the evidence.

7 **VII.**

8 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it
9 may be so construed.

10 **CONCLUSIONS OF LAW**

11 **I.**

12 The Board has jurisdiction over Respondent and the Complaint, and an adjudication of this
13 matter by the Board members as set forth herein is proper.

14 **II.**

15 Respondent was timely and properly served with the Complaint, and all notices and orders
16 in advance of the hearing and adjudication thereon, in accordance with NRS and NAC
17 Chapters 630, NRS Chapters 241, 622A and 233B, and all legal requirements of due process.

18 **III.**

19 With respect to the allegations of the Complaint, the Board concludes that Respondent has
20 violated NRS 630.3065(2)(a) Knowing or Willful Failure to comply with a Board Order, as
21 alleged in Count I. Accordingly, Respondent is subject to discipline pursuant to NRS 630.352.

22 **IV.**

23 The Board finds that, pursuant to NRS 622.400, recovery from Respondent of reasonable
24 attorneys' fees and costs incurred by the Board as part of its investigation and disciplinary
25 proceedings against Respondent is appropriate. The Board has reviewed the Investigative
26 Committee's Memorandum of Costs and Disbursements and Attorneys' Fees, and the Board finds
27 them to be the actual fees and costs incurred by the Board as part of its investigative,
28 administrative and disciplinary proceedings against Respondent, and finds them to be reasonable,

1 necessary, and actually incurred based on: (1) the abilities, training, education, experience,
2 professional standing and skill demonstrated by Board staff and attorneys; (2) the character of the
3 work done, its difficulty, its intricacy, its importance, the time and skill required, the responsibility
4 imposed and the prominence and character of the parties where, as in this case, they affected the
5 importance of the litigation; (3) the work actually performed by the Board's attorneys and staff,
6 and the skill, time and attention given to that work; and (4) the product of the work and benefits to
7 the Board and the people of Nevada that were derived therefrom.

8 V.

9 If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it
10 may be so construed.

11 **ORDER**

12 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause
13 appearing therefore,

14 IT IS HEREBY ORDERED that:

15 1. Respondent has violated the Medical Practice Act, as alleged in the Complaint, as
16 follows: one (1) violation of NRS 630.3065(2)(a), Knowing or Willful Failure to comply with a
17 Board Order.

18 2. Pursuant to NRS 630.352(4)(e), the Board shall administer a written public
19 reprimand to Respondent.

20 3. Respondent's license shall be suspended for a period of one year, from
21 December 28, 2022, to December 27, 2023.² On December 28, 2023, Respondent's license status
22 shall be reinstated to an Active-Probation status.

23 4. Pursuant to NRS 630.352(4)(k), Respondent shall complete at the University of
24 San Diego Physician Assessment and Competency Evaluation Program (PACE), Competency
25 Assessment, or substantially similar assessment by another entity approved by the Board within
26 six (6) months of issuance of this Order. Any aforementioned hours of Continuing Medical
27

28 ² Pursuant to the Board's motion imposing discipline, the one-year suspension imposed upon Respondent shall take into account the time he has been suspended since the Order of Summary Suspension, which was served upon him on December 28, 2022.

1 Education received for attending the program that is substantially related to PACE shall be in
2 addition to the requirements that are regularly imposed upon Respondent as a condition of
3 licensure in the State of Nevada pursuant to NAC 630.153(1).

4 5. Respondent shall reimburse the Board the reasonable and necessary costs and
5 expenses actually incurred in the investigation and prosecution of this case in the amount of seven
6 thousand four hundred and ninety-nine dollars, and twenty cents (\$7,499.20) within six (6) months of
7 service of this Order. The Board, and/or its designee, are granted the authority to collect any and all
8 funds due under this Order.

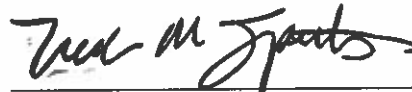
9 6. Investigation Case Nos. 18-18146, 19-18953, 20-19625, 20-19679, 20-19736, 21-
10 20367, 22-21285, 22-21357, 23-22654, 23-22790, and 23-22844 shall be dismissed with prejudice.

11 IT IS SO ORDERED.

12 DATED this 19th day of December, 2023.

13 NEVADA STATE BOARD OF MEDICAL EXAMINERS

14 By:



15 NICK M. SPIRTOS, M.D., F.A.C.O.G.

16 *President of the Board*

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CERTIFICATION

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I certify that the foregoing is the full and true original **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** on file in the office of the Board of Medical Examiners in the matter of **JON LANE SIEMS, M.D.**, Case No. 23-13009-1.

I further certify that Nick M. Spirtos, M.D., F.A.C.O.G., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said Nick M. Spirtos, M.D., F.A.C.O.G.

IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.

DATED this 19th day of December, 2023.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Maggie Arias-Petrel
MAGGIE ARIAS-PETREL
Secretary-Treasurer and Public Member of the Board

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

EXHIBIT 1

EXHIBIT 1

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**

2 **FILED**

3 **OF THE STATE OF NEVADA**

4 **MAY - 9 2023**

5 **NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

6 By: _____

7 In the Matter of Charges and Complaint

Case No.: 23-13009-1

8 Against

(Case No.: 19-13009-2)

9 JON L. SIEMS, M.D.,

Respondent.

10
11 **SYNOPSIS AND ANALYSIS OF THE RECORD**

12 Hearing Officer Charles B. Woodman, having heard a formal pre-hearing
13 conference, as well as the formal Hearing of this matter, hereby presents the Nevada State
14 Board of Medical Examiners with his formal Analysis of this case. This Analysis is based
15 upon all evidence adduced at the formal Hearing, this Hearing Officer's findings of facts
16 and conclusions of law, which findings include the credibility of the witnesses who gave
17 evidence.

18 **RELEVANT BACKGROUND**

19 This is a combined case as shown in the caption, whereby the Investigative
20 Committee ("IC") of the Board of Medical Examiners of the State of Nevada ("Board")
21 alleged that Dr. Jon Lane Siems, M.D., ("Dr. Siems") failed to comply with the Settlement
22 Agreement he entered into as resolution to Board Case 19-13009-2. The final page of that
23 Settlement Agreement contains the Board's order mandating compliance with the
24 Agreement. A duly noticed formal hearing of the matter was held before the undersigned
25 Hearing Officer on April 13, 2023 at the Northern Nevada office of the Board in Reno.
26 Mr. Donald K. White, Esq., Senior Deputy General Counsel appeared on behalf of the
27 Board's IC. Dr. Siems appeared via videoconference from the Board's Southern Nevada
28 office representing himself in pro se. The matter was duly recorded by a licensed reporter
and is a matter of public record.

1 The formal Complaint in Board Case 23-13009-1 alleges a single count of
2 **Knowing or Willful Failure to Comply with a Board Order, a violation of NRS**
3 **630.3065(2)(a), which states that:**

4 The following acts, among others, constitute grounds for initiating disciplinary
5 action or denying licensure:

6 * * *

7 2. Except as otherwise provided in NRS 630.2672, knowingly or willfully
8 failing to comply with:

9 (a) A regulation, subpoena or order of the Board or a committee designated
10 by the Board to investigate a complaint against a physician;

11 More specifically, the IC alleges at paragraphs 8-9 of the Complaint that:

12 8. Respondent [Dr. Siems] knowingly or willfully failed to comply with
13 an order of the Board when he failed to complete 20 hours of CMEs or the PACE
14 Program by or within the deadline he agree to with the Board [in Case 19-13009-
15 2].

16 9. Additionally, the Settlement Agreement [in Case 19-13009-2] that
17 Respondent signed and was subsequently approved by the Board clearly states
18 that Respondent agreed to be placed on stayed suspension and that if he violated
19 any terms of the agreement that the IC shall be authorized to immediately suspend
20 Respondent's license to practice medicine in Nevada pending an Order to Show
21 Cause hearing.

22 Accordingly, the two cases are inextricably linked inasmuch as Dr. Siems' alleged
23 violation of the Order at the final page of the Settlement Agreement entered into in Case
24 19-13009-2 makes up the entirety of the basis for Case 23-13009-1. Further, it appears
25 that the Board may determine to take formal action in both such cases.

26 At commencement of the formal Hearing of this matter, Dr. Siems was again
27 advised of his right to be represented by counsel, as this Hearing Officer has so advised
28 him in prior proceedings. The Hearing proceeded with Dr. Siems electing to represent
himself. See Transcript at page 5 ("T.5").

 It is noted very significantly here that the Board has already determined that Dr.
Siems "willfully and knowingly violated his Settlement Agreement" via the Board's Order
of Suspension And Notice of Hearing filed December 27, 2022. That Order was issued
summarily based on evidence proffered by the IC. A duly noticed formal Order to Show

1 Cause hearing to determine whether that summary suspension should continue was heard
2 before the undersigned on February 2, 2023, with Dr. Siems in attendance, also
3 representing himself at that time. After that hearing and in light of evidence provided by
4 the IC and by Dr. Siems, this Hearing Officer confirmed the suspension pending further
5 decisions by the Board and pending adjudication of the new complaint in Case 23-13009-
6 1. The April 13 hearing was held to formally adjudicate Case 23-13009-1. At the hearing,
7 the IC's burden was to prove by a preponderance of the evidence that Dr. Siems committed
8 the violation alleged in the Complaint in Case 23-13009-1, i.e. that he knowingly or
9 willingly failed to comply with the Board's order confirming his Settlement Agreement.

10 THE EVIDENCE

11 The evidence adduced at the April 13 hearing is summarized as follows (bold and
12 italics are inserted by the Hearing Officer):

13 The IC's Deputy Chief of Investigations and Compliance Officer Johnna LaRue
14 testified that:

15 Following the Board's approval of the Settlement Agreement entered into between
16 Dr. Siems and the IC, Ms. LaRue mailed notice of the Board's decision to Dr. Siems' then
17 counsel on December 14, 2021. T.15-17;

18 Ms. LaRue's letter, including a copy of the Settlement Agreement, disclosed the
19 specific requirements with which Dr. Siems would have to comply to meet his obligations
20 under the Settlement Agreement, and the fact that he would have one year from the date of
21 the Board hearing to so comply, which would allow Dr. Siems until December 3, 2022 to
22 meet all the conditions outlined in the Settlement Agreement, and required by the Board's
23 Order thereon. T.18-20;

24 Receipt of Ms. LaRue's letter containing the Settlement Agreement and Board
25 Order by Dr. Siems' then counsel¹ was confirmed via documentary evidence showing that
26 it was received on December 18, 2021. T.21-22, 26, IC Exhibit 4;

27 _____
28 ¹ As noted, Dr. Siems was not represented by counsel at the formal Hearing in Case 19-
13009-2. However, he retained counsel after the Hearing which culminated in execution
of the Settlement Agreement.

1 Dr. Siems and his counsel both signed the Settlement Agreement. T.28;
2 Via a November 18, 2022 email to the IC's counsel Mr. White, Dr. Siems' counsel
3 advised Mr. White that he was no longer representing Dr. Siems. T.29-30;
4 At no time did Dr. Siems' counsel or any other person ever contact Ms. LaRue or
5 anyone else at the Board to request an extension of time for Dr. Siems to complete his
6 requirements under the Settlement Agreement. T.31-33;
7 Extensions of time to comply with settlement agreement conditions are routinely
8 given under reasonable circumstances. T.33-34;
9 Dr. Siems did not complete all his CMEs required by the Settlement Agreement
10 within the mandated one-year period, nor did he complete the PACE program. T.34-35.
11 Rather, the last required CMEs were completed within a few days following the February
12 2, 2023 hearing on the license suspension, (which would have been approximately two
13 months late) . T.35;
14 Dr. Siems pressed Ms. LaRue on whether the Board should have required him (Dr.
15 Siems) to complete the PACE program when he discovered that the program could not
16 accommodate him. However, Ms. LaRue responded by saying that the Board would have
17 amended the Settlement Agreement had Dr. Siems contacted the Board within the one-year
18 period to advise that PACE could not accommodate him. T.38-43;
19 In response to Dr. Siems raising the issue of possibly not receiving a copy of the
20 Settlement Agreement from his counsel, Ms. LaRue advised that she had worked a number
21 of times in the past with the same attorney who represented Dr. Siems, and she has never
22 had any issues with practitioners not receiving documents from that attorney. T.45-46;
23 Had the IC known at any time prior to expiration of his one-year timeline that the
24 PACE program could not presently accommodate Dr. Siems, arrangements would have
25 been made to take the matter back to the Board to alter the terms of the Settlement
26 Agreement. T.47-48;
27 Dr. Siems recognized a copy of the Settlement Agreement and acknowledged that
28 he signed it. T.51-52;

1 ***Dr. Siems acknowledged that he knew his deadline for complying with the terms***
2 ***of the Settlement Agreement was December 3, 2022. T.54;***

3 ***At some time during December, 2022, Dr. Siems had his manager Isabella call***
4 ***the IC to provide an update on his process of complying with the Settlement Agreement,***
5 ***but not to request an extension of time. T.55-56;***

6 ***Dr. Siems confirmed that while he does not recall receiving the IC's letter via his***
7 ***counsel following the approval of the Settlement Agreement, that does not mean that he***
8 ***does not remember the "settlement demands." "That's not my claim. I was aware of***
9 ***what the settlement demands were." On questioning by Mr. White, Dr. Siems***
10 ***acknowledged he was aware of the settlement demands as of the date he signed the***
11 ***document, i.e. November 24, 2021. T.57;***

12 ***Email correspondence between Dr. Siems and the PACE program showed that Dr.***
13 ***Siems was not yet enrolled with PACE as of December 20, 2022, as his outstanding***
14 ***balance due for participation was \$10,000.00. The balance due check was dated December***
15 ***30, 2022, three days after service of the suspension order. T.61, 63-65, Respondent's***
16 ***Exhibits p.0003, 00095;***

17 ***The first time that Dr. Siems, or his office personnel, contacted the PACE***
18 ***program was October 31, 2022 (or approximately 33 days prior to the compliance***
19 ***deadline in the Settlement Agreement). T.63;***

20 ***When asked directly if he complied with the terms of the Settlement Agreement,***
21 ***Dr. Siems answered "No." T.65;***

22 ***Dr. Siems was advised that he had the opportunity to present a defense case, but as***
23 ***the Board and its IC have the burden of proof, he (Dr. Siems) had no obligation to do so.***
24 ***Dr. Siems chose to provide a defense case. T.67-68;***

25 ***Beginning at page 75 of the transcript, Dr. Siems provided a quite thorough history***
26 ***of some highly traumatic personal crises which began happening in his life in November,***
27 ***2022, i.e. approximately one month or less before the December 3, 2022 deadline for***
28 ***complying with the Settlement Agreement. Those circumstances include a November 22,***
2022 trip to Europe for approximately two weeks due to family medical emergencies,

1 ongoing emergent care of a young man that Dr. Siems refers to as his step-son upon return
2 to the United States from Europe, and the necessity of a restraining order on December 23,
3 2022. The undersigned Hearing Officer declines to include details of those matters here to
4 protect the privacy of Dr. Siems' and his family members. Suffice it to say that
5 circumstances involving the mother of his children, and the young man whom Dr. Siems
6 refers to as his step-son, were in crisis stage, which, according to sworn testimony, were
7 physically and emotionally consuming. T.75-141;

8 Dr. Siems received a letter from the PACE program advising that the program
9 could not accommodate Dr. Siems. That letter was dated April 6, 2023. T.82,
10 Respondent's Exhibits p.0147;

11 Dr. Siems believes it is the Board's responsibility to determine whether or not the
12 PACE program could accommodate him. Dr. Siems does not feel it is his responsibility to
13 make that determination. T.84;

14 Dr. Siems testified that he waited four months, i.e. until the PACE program letter of
15 April 6, 2023, to discover / confirm that PACE could not accommodate him. T.89;

16 Dr. Siems asked his witness Amel Youssef, O.D., if the trauma they jointly
17 experienced because of her son's medical emergencies could distract a person "enough that
18 mundane parts of life, perhaps, were ignored and made oblivious?" She testified in the
19 affirmative. T.114-115;

20 ANALYSIS

21 This Hearing Officer did not find any witness who testified at the hearing to have
22 credibility issues. While the witnesses called by Dr. Siems could be argued to be self-
23 serving, those witnesses presented as genuine and factual. This Hearing Officer takes their
24 testimony, along with all of that elicited by the IC, at full face value.

25 Dr. Siems executed the Settlement Agreement on November 24, 2021. He soon
26 thereafter learned that pursuant to an Order of the Board, he had until December 3, 2022,
27 to complete the conditions of his resolution. He first contacted the PACE program on
28 October 31, 2022, one month and three days before his deadline for full completion of all
conditions. That deadline came and went without Dr. Siems handling his CME or PACE

1 obligations. On December 27, 2022, Dr. Siems' license was summarily suspended for his
2 failure to comply with the conditions of the Settlement Agreement. A formal noticed
3 hearing confirming the suspension was held February 2, 2023. It was after that hearing
4 that Dr. Siems completed his CME requirements, which was more than two months out of
5 compliance. Dr. Siems received a letter confirming that the PACE program could not
6 accommodate him on or after April 6, 2023, just a week prior to the formal Hearing on the
7 Complaint alleging his failure to comply. And while Dr. Siems had his office manager
8 contact the IC with a status update on his compliance at some time in December, 2022,
9 (most likely after his December 3 deadline), at no time -- either before or after the deadline
10 - did Dr. Siems or his staff ever request additional time to complete his requirements under
11 the Settlement Agreement.

12 Dr. Siems offered what is genuinely a compassion-evoking explanation of a series
13 of unfortunate and even tragic events in his life - not the results of his doing - and which no
14 doubt required a great deal of his time and attention. The evidence is clear that he
15 responded well to loved ones in need. His actions were indeed admirable.

16 Unfortunately, Dr. Siems' defense is measured against three harsh realities. First,
17 as he readily acknowledged, Dr. Siems failed to comply with the terms of his Settlement
18 Agreement and the Board's Order mandating such. Second, Dr. Siems made no contact
19 with the PACE program till he was only thirty-three days away from his deadline. Third,
20 Dr. Siems did not reach out to the IC until after his deadline passed, and even when he had
21 his office manager call, it was to provide a status update and not to seek additional time to
22 comply. Further, it is apparent from the record that the great majority of the challenges
23 that occurred in Dr. Siems' personal life arose either just prior to his compliance deadline --
24 and some even occurred thereafter (such as the necessity of obtaining a restraining order).

25 Dr. Siems also offers as part of his defense that it should have been the Board's
26 responsibility to ensure that the PACE program could accommodate his area of specialty /
27 expertise before including such in the Settlement Agreement. While not fully articulated in
28 the record, it appears to the Hearing Officer that those involved in crafting the Settlement
Agreement had ample cause to believe based on past experience that the PACE program

1 could serve a physician of Dr. Siems' specialty. It is also apparent from the record that
2 Covid-19 had impacted the ability of the PACE program to accommodate some specialties.
3 Accordingly, the Hearing Officer does not recognize a basis to leave upon the Board sole
4 responsibility for the potential availability of the PACE program to function for Dr. Siems.
5 As stated repeatedly by the IC's counsel Mr. White, had Dr. Siems not waited 333 days to
6 initiate contact with PACE, this case could have been quite different. Ms. LaRue made
7 sufficiently clear that timely notice of any deficiency in the ability of the PACE program to
8 serve in this case would have allowed the Board to amend its requirements. Finally, there
9 is the logical reality that the party on the hook, i.e. the one with his licensure at stake,
10 ought to engage in sufficient due diligence to ensure he is doing all that is required to
11 preserve his valuable practice. Dr. Siems offered no explanation as to why he did not
12 reach out to PACE until October 31, 2022, or why he did not complete his CMEs from the
13 time he signed the Settlement Agreement in November, 2021, until his personal challenges
14 arose in late November 2022. Finally, it must be recognized that Dr. Siems' counsel – who
15 was an extension of Dr. Siems, participated in the negotiating and crafting of the
16 Settlement Agreement. And it was Dr. Siems who executed that Agreement. And
17 accordingly, Dr. Siems shares responsibility for what that Agreement contains.

18 It is also significant that the statute at issue here is one of strict liability. While Dr.
19 Siems argues that the statute does not prohibit consideration of extenuating circumstances,
20 that does not obviate the plain language of the law that “knowingly or willfully failing to
21 comply with . . . [an] order of the Board constitutes grounds for initiating disciplinary
22 action. The Settlement Agreement became an Order of the Board when the Board
23 approved it. The Order is the final page of the Agreement. Dr. Siems candidly admitted
24 he knew that he did not comply with that Order. The knowing prong of the statute is thus
25 satisfied. And while not a necessary finding or conclusion since either a knowing *or*
26 willful violation will trigger the ramifications of the statute, it can reasonably be
27 determined that Dr. Siems' failure to comply was willful considering the long delay before
28 he took any action whatsoever. The Hearing Officer finds Dr. Siems' passive description
of the Board's Order as a “mundane part of life” as a reflection of the amount of concern

1 he had for the Order, which is further reflected in the long delay before any action was
2 taken whatsoever. In any event, the knowing violation is clear and convincing, thus
3 exceeding the IC's burden of proving their case by a preponderance of the evidence.

4 **CONCLUSION**

5 This Hearing Officer, while readily acknowledging the significant trying life events
6 experienced by Dr. Siems and his family, must recommend that the Board find that
7 Respondent Dr. Jon Lane Siems, M.D., violated the statute as alleged in the Complaint, in
8 that he knowingly failed to comply with the terms of the Order contained within the
9 Settlement Agreement. There is no doubt room for compassion for Dr. Siems in all he
10 experienced in his personal life right around the compliance deadline. But those
11 extenuating circumstances do not negate the knowing failure to meet his mandated
12 obligations, especially when he took no action to inform the Board of those circumstances
13 and/or to seek additional time to comply, or to have the requirements duly amended.

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15 Respectfully submitted this 8th day of May, 2023.

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19 Charles B. Woodman, Hearing Officer
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