

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. 24-13009-1

6   **Against:**

**FILED**

7   **JON LANE SIEMS, M.D.,**

**OCT 08 2024**

8   **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: White

9  
10                                   **COMPLAINT**

11                   The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board),  
12 by and through Donald K. White, Senior Deputy General Counsel and attorney for the IC, having a  
13 reasonable basis to believe that Jon Lane Siems, M.D. (Respondent) violated the provisions of Nevada  
14 Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630  
15 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and  
16 allegations as follows:

17                   The IC alleges the following facts:

18                   1.       Respondent is currently, and was at all times relevant to this Complaint, licensed in  
19 active-probation status (License No. 9250). Respondent was issued his license from the Board on  
20 December 20, 1999, pursuant to the provisions of NRS Chapter 630.

21                   2.       On December 19, 2023, Case No. 23-13009-1 came before the Board during a  
22 regularly scheduled Board Meeting and was adjudicated by the Board. The Board found that  
23 Respondent had violated a Board Order and issued its Findings of Fact, Conclusions of Law and  
24 Order, attached hereto as **Exhibit 1**.

25                   3.       In a letter dated December 19, 2023, Johnna LaRue, Deputy Chief of Investigations  
26 and Compliance Officer for the Board, in normal course mailed a letter via first class mail with  
27

28                   <sup>1</sup> 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 Bret W. Frey, M.D., Carl N. Williams, Jr., M.D.,  
and Col. Eric D. Wade (USAF (Ret.)).

1 return receipt required, postage prepaid to Respondent which provided explicit instructions  
2 regarding his specific requirements and the deadlines to achieve compliance with the Board-  
3 approved Settlement Agreement.

4 4. The Findings of Fact, Conclusions of Law and Order, as well as Ms. LaRue's letter  
5 clearly stated that Respondent had six (6) months to complete the Physician Assessment and Clinical  
6 Education Program at the University of San Diego School of Medicine (PACE) or a substantially  
7 similar program. Additionally, the Board stated that Respondent shall reimburse the Board the  
8 necessary costs and expenses actually incurred in the investigation and prosecution of the case in  
9 the amount of seven thousand four hundred and ninety-nine dollars and twenty cents (\$7,499.20)  
10 within six (6) months of service of the Findings of Fact, Conclusions of Law and Order.

11 5. Respondent did not reimburse the Board for the expenses as Ordered. At this time,  
12 the Board has still not received his payment for costs and expenses in the amount of seven thousand  
13 four hundred and ninety-nine dollars and twenty cents (\$7,499.20) which is beyond the time limit  
14 provided in the Order, June 1, 2024.

15 **COUNT I**

16 **NRS 630.3065(2)(a) - Knowing or Willful Failure to Comply with a Board Order**

17 6. All of the allegations in the above paragraphs are hereby incorporated by reference  
18 as though fully set forth herein.

19 7. NRS 630.3065(2)(a) provides that the knowing or willful failure to comply with an  
20 order of the Board constitutes grounds for initiating disciplinary action.

21 8. Respondent knowingly or willfully failed to comply with an order of the Board when  
22 he failed to pay the costs and expenses due in the amount of seven thousand four hundred and  
23 ninety-nine dollars and twenty cents (\$7,499.20) by June 1, 2024.

24 9. Additionally, the Findings of Fact, Conclusions of Law and Order clearly states that  
25 Respondent was to reimburse the Board in the amount of seven thousand four hundred and ninety-  
26 nine dollars and twenty cents (\$7,499.20) within six (6) months of the receipt of the Order or  
27 June 1, 2024.

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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 8<sup>th</sup> day of October, 2024.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
\_\_\_\_\_  
BRET W. FREY, M.D.  
*Chairman of the Investigative Committee*

# **EXHIBIT 1**

# **EXHIBIT 1**



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.<sup>2</sup> 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  
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28 <sup>2</sup> 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.

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

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.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

13  
14 By:   
15 NICK M. SPIRTOS, M.D., F.A.C.O.G.  
16 *President of the Board*  
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OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521  
(775) 688-2559

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*

# EXHIBIT 1

# EXHIBIT 1

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**

2  
3 **OF THE STATE OF NEVADA**

**FILED**

MAY - 9 2023

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: \_\_\_\_\_

4  
5  
6 In the Matter of Charges and Complaint

Case No.: 23-13009-1

7 Against

(Case No.:19-13009-2)

8 JON L. SIEMS, M.D.,

9 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 counsel<sup>1</sup> was confirmed via documentary evidence showing that  
26 it was received on December 18, 2021. T.21-22, 26, IC Exhibit 4;

27 \_\_\_\_\_  
28 <sup>1</sup> 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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18 Charles B. Woodman, Hearing Officer

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