

BEFORE THE BOARD OF MEDICAL EXAMINERS
 OF THE STATE OF NEVADA

* * * * *

In The Matter of Charges and)
)
 Complaint Against)
)
 KARL FAZEKAS, M.D.,)
)
 Respondent.)

Case No. 10-4909-1

FILED
 JUN 09 2010

NEVADA STATE BOARD OF
 MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing was approved of Benjamin J. Rodriguez, M.D., Van V. Heffner and Beverly Neyland, M.D., having a reasonable basis to believe that Karl Fazekas, M.D., hereinafter referred to as Dr. Fazekas, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Fazekas currently holds a license to practice medicine in the state of Nevada (License No. 3298), and has been so licensed since March 13, 1977 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Dr. Fazekas resides and practices medicine in the Las Vegas area. His primary specialty is listed with the Board as internal medicine.

3. Patient Margaret Underwood, a seventy-five year old female, was admitted to Sunrise Hospital on June 13, 2009 with congestive heart failure. Ms. Underwood has given her permission to utilize her true identity.

4. Early on the morning of June 14, 2009, Dr. Fazekas entered Ms. Underwood's hospital room.

///

///

1 5. Dr. Fazekas spoke to Ms. Underwood regarding her medical history and indicated a
2 need to examine her. Dr. Fazekas examined Ms. Underwood's chest area, and while doing so,
3 fondled her breasts inappropriately. Ms. Underwood told him to stop.

4 6. Dr. Fazekas lowered his hands on Ms. Underwood's chest and proceeded to move
5 his hands down to Ms. Underwood's pubic region, indicating that she needed a pap smear.
6 Ms. Underwood told him to stop and attempted to push her hospital call button, however,
7 Dr. Fazekas moved the button from her reach.

8 7. Ms. Underwood informed Dr. Fazekas he had no reason to examine her pubic area
9 and he left her hospital room shortly thereafter.

10 8. The Las Vegas Metropolitan Police Department arrested Dr. Fazekas on
11 April 13, 2010, in regard to a criminal complaint filed on February 24, 2010 in Justice Court,
12 Las Vegas Township. The criminal complaint charges one count of attempted sexual assault, a
13 felony, one count of coercion, a felony and one count of open or gross lewdness, a gross
14 misdemeanor, all concerning Ms. Underwood.

15 9. Patient Kathi Swanson, a fifty-nine year old female, presented to the emergency
16 room of Sunrise Hospital in the early morning of February 8, 2008 with complaints of nausea for
17 the past three days and new abdominal pain. Ms. Swanson has given her permission to utilize her
18 true identity.

19 10. Ms. Swanson was admitted to Sunrise Hospital for overnight observation after a
20 CT scan reported negative findings.

21 11. Dr. Fazekas presented to Ms. Swanson's hospital room in the late afternoon on
22 February 8, 2008 to examine her.

23 12. Dr. Fazekas asked Ms. Swanson about breast examinations and proceeded to
24 demonstrate how to perform one by touching Ms. Swanson's breast. Dr. Fazekas then proceeded
25 to turn Ms. Swanson on her side to perform a rectal examination, instead he examined
26 Ms. Swanson's vagina with his fingers and reportedly told her she had a polyp. Dr. Fazekas then
27 proceeded to perform the rectal examination.

28 ///

1 13. Dr. Fazekas re-examined Ms. Swanson's vagina and again informed her she had a
2 polyp.

3 Count I

4 14. NRS 630.301(5) provides that the engaging by a practitioner in any sexual activity
5 with a patient who is currently being treated by the practitioner is grounds for the initiation of a
6 disciplinary action against a licensee.

7 15. Dr. Fazekas' inappropriate fondling of Ms. Underwood's breasts and his touching
8 of her vaginal area were for no legitimate medical purpose were acts of a sexual nature and
9 accordingly Dr. Fazekas is in violation of NRS 630.301(5).

10 16. By reason of the foregoing, Dr. Fazekas is subject to discipline by the Nevada State
11 Board of Medical Examiners as provided in NRS 630.352.

12 Count II

13 17. NRS 630.301(5) provides that the engaging by a practitioner in any sexual activity
14 with a patient who is currently being treated by the practitioner is grounds for the initiation of a
15 disciplinary action against a licensee.

16 18. Dr. Fazekas' touching of Ms. Swanson's breast and vaginal area were not for any
17 legitimate medical purpose and were acts of a sexual nature and accordingly Dr. Fazekas is in
18 violation of NRS 630.301(5).

19 19. By reason of the foregoing, Dr. Fazekas is subject to discipline by the Nevada State
20 Board of Medical Examiners as provided in NRS 630.352.

21 Count III

22 20. NRS 630.301(6) provides that disruptive behavior with patients, if the behavior
23 interferes with patient care or has an adverse impact on the quality of care rendered to a patient is
24 grounds for initiating a disciplinary action against a licensee.

25 21. Dr. Fazekas' actions towards Ms. Underwood were disruptive and had an adverse
26 impact on the quality of care rendered to Ms. Underwood and accordingly Dr. Fazekas is in
27 violation of NRS 630.301(6).

28 ///

1 22. By reason of the foregoing, Dr. Fazekas is subject to discipline by the Nevada State
2 Board of Medical Examiners as provided in NRS 630.352.

3 **Count IV**

4 23. NRS 630.301(6) provides that disruptive behavior with patients, if the behavior
5 interferes with patient care or has an adverse impact on the quality of care rendered to a patient is
6 grounds for initiating a disciplinary action against a licensee.

7 24. Dr. Fazekas' actions with Ms. Swanson were disruptive and had an adverse impact
8 on the quality of care rendered to Ms. Swanson and accordingly Dr. Fazekas is in violation of
9 NRS 630.301(6).

10 25. By reason of the foregoing, Dr. Fazekas is subject to discipline by the Nevada State
11 Board of Medical Examiners as provided in NRS 630.352.

12 **Count V**

13 26. NRS 630.301(9) provides that engaging in conduct which brings the medical
14 profession into disrepute is grounds for the initiation of a disciplinary action against a licensee.

15 27. Dr. Fazekas' conduct towards Ms. Underwood was inappropriate and allegedly
16 criminal and has therefore brought the medical profession into disrepute. Accordingly Dr. Fazekas is
17 in violation of NRS 630.301(9)

18 28. By reason of the foregoing, Dr. Fazekas is subject to discipline by the Nevada State
19 Board of Medical Examiners as provided in NRS 630.352.

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

21 1. That the Nevada State Board of Medical Examiners give Dr. Fazekas notice of the
22 charges herein against him and give him notice that he may file an answer to the Complaint herein
23 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service
24 of the Complaint.

25 2. That the Nevada State Board of Medical Examiners set a time and place for a
26 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

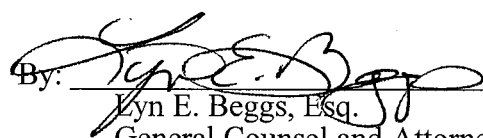
3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Dr. Fazekas; and

4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr. Fazekas its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and

5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 9th day of June, 2010.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Lyn E. Beggs, Esq.
General Counsel and Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF CLARK)

4 BENJAMIN J. RODRIGUEZ, M.D., having been duly sworn, hereby deposes and states
5 under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada
6 State Board of Medical Examiners that authorized the complaint against the Respondent herein;
7 that he has read the foregoing Complaint; and that based upon information discovered in the
8 course of the investigation into a complaint against Respondent, he believes that the allegations
9 and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

10 DATED this 9th day of June, 2010.

11
12
13 

14 BENJAMIN J. RODRIGUEZ, M.D.
15
16
17
18
19
20
21
22
23
24
25
26
27
28


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 9th day of June 2010; I served a file copy of the COMPLAINT & Fingerprint Information, by mailing via USPS certified return receipt to the following:

Kirk T. Kennedy, Esq.
815 S. Casino Center Blvd.
Las Vegas, NV 89101

Dated this 9th day of June 2010.



Angelia L. Donohoe
Legal Assistant