

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

3 * * * *

4 **In The Matter of an Investigation of**)

Case No. 10-4909-1

5 **KARL FAZEKAS, M.D.,**)

6 **License No. 3298**)
7)
8)

FILED

MAY 26 2010

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

9 **ORDER OF SUMMARY SUSPENSION**

10 On May 26, 2010, Board Staff presented evidence and information to the Investigative
11 Committee, composed of Benjamin J. Rodriguez, M.D., Chair, Mr. Van Heffner, Member, and
12 Beverly Neyland, M.D., Member, regarding Karl Fazekas, M.D. Upon review of the evidence and
13 information presented by Board Staff, the Investigative Committee hereby **IMMEDIATELY**
14 **SUSPENDS** the license to practice medicine of Dr. Karl Fazekas (hereinafter "Dr. Fazekas")
15 pursuant to NRS 630.326(1) based upon the following preliminary findings:

16 1. Dr. Fazekas is a physician licensed to practice medicine in the state of Nevada and
17 was originally licensed on March 13, 1977. Dr. Fazekas resides and practices medicine in the Las
18 Vegas area. His primary specialty is listed with the Board as internal medicine.

19 2. Through investigation it was discovered that on the evening June 13, 2009, patient
20 Margaret Underwood, a seventy-five year old female patient at the time, was admitted to Sunrise
21 Hospital with congestive heart failure. At approximately 1:30 a.m. on June 14, 2009, Dr. Fazekas
22 presented to patient Underwood's hospital room to examine her. During the examination,
23 Dr. Fazekas inappropriately fondled patient Underwood's breasts and placed his hand on the pubic
24 hair of patient Underwood telling her that he needed to perform a pap smear. Dr. Fazekas also
25 moved the hospital call button from Patient Underwood's reach so she was unable to call for
26 assistance. Patient Underwood completed an affidavit which is attached hereto, detailing the
27 examination performed by Dr. Fazekas on June 14, 2009.

1 3. On February 24, 2010, a criminal complaint was filed in Justice Court, Las Vegas
2 Township regarding patient Underwood and charging Dr. Fazekas with one count of attempted
3 sexual assault, a felony, one count of coercion, a felony, and one count of open or gross lewdness, a
4 gross misdemeanor. Dr. Fazekas was arrested on the charges on April 13, 2010. A preliminary
5 hearing is set on the matter for June 28, 2010. Dr. Fazekas is currently not in custody.

6 4. Additional investigation revealed that on February 8, 2008, patient Kathi Swanson, a
7 fifty-seven year old woman at the time, was admitted to Sunrise Hospital with nausea and abdominal
8 pain. Dr. Fazekas presented to Patient Swanson's hospital room after her admission on February 8,
9 2008 to perform an examination of patient Kathi Swanson. Dr. Fazekas performed a breast exam in
10 spite of patient Kathi Swanson protesting that was not why she was in the hospital and then
11 proceeded to exam her vagina with his finger and subsequently performed a rectal examination.
12 Patient Kathi Swanson completed an affidavit detailing the examination performed by Dr. Fazekas
13 on February 8, 2008 which is attached hereto.

14 The Investigative Committee believes that due to Dr. Fazekas's apparent pattern of
15 inappropriate touching and conduct towards female patients as evidenced by the attached affidavits
16 and based upon the recent arrest of Dr. Fazekas for three criminal counts involving inappropriate
17 conduct towards a female patient, that the health, safety and welfare of the public is at imminent risk
18 of harm and that a summary suspension of Dr. Fazekas's medical license is necessary to remove said
19 risk of imminent harm to the health, safety and welfare of the public. Accordingly, pursuant to NRS
20 630.326(1):

21 **IT IS HEREBY ORDERED** that the license to practice medicine in the state of Nevada of
22 Karl Fazekas, M.D., (License No. 3298) is hereby suspended until further order of the Investigative
23 Committee or Board; and

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1 AFFIDAVIT OF MARGARET UNDERWOOD

2
3 STATE OF NEVADA)
4 COUNTY OF CLARK) ss.
5

6 I, Margaret Underwood, being first duly sworn upon oath, hereby depose and state under penalty
7 of perjury as follows:

- 8 1. I am currently seventy-five years of age.
- 9 2. On the evening of June 13, 2009, I was admitted to Sunrise Hospital with congestive
10 heart failure.
- 11 3. I was asleep and was awakened by Dr. Fazekas at approximately 1:30 a.m. the morning
12 of June 14, 2009. I had never met Dr. Fazekas prior to this occasion.
- 13 4. Dr. Fazekas made a comment that I was a smoker and a drinker which I told him was a
14 lie. He then told me that I was a liar to which I responded that I did not lie, smoke, drink or use drugs.
15 His demeanor seemed very unprofessional to me.
- 16 5. Dr. Fazekas asked about surgeries I had in the past. I indicated to him that I had
17 undergone triple bypass open heart surgery, a hysterectomy, an appendectomy and cataract surgery. He
18 insisted on seeing my scars.
- 19 6. Dr. Fazekas examined my chest and when he checked my breast area he fondled my
20 breasts; he did not appear to be examining the chest area as I have experienced in the past. His
21 examination seemed sexual in nature and it did not seem part of a medical examination. I told him to
22 stop.
- 23 7. Dr. Fazekas continued to look at my chest scar and moved his hands lower on my chest
24 and abdomen. He proceeded to move his hand from my abdomen to my pubic hair and told me I
25 needed a pap smear. His conduct made me scared and I told him to stop. I attempted to push my
26 hospital call button to call for assistance but he moved the button so that I could not reach it. This made
27 me very nervous and scared. I informed Dr. Fazekas that I had not had sex since my husband died in
28

1 1999 and that I had had a hysterectomy and that there was no reason for him to be examining that area.
2 Dr. Fazekas left the room shortly after I said this.

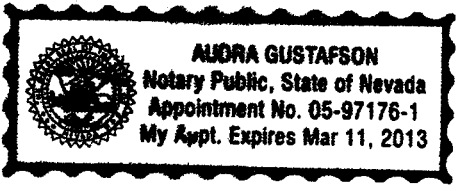
3 8. I believe that Dr. Fazekas' actions towards me on ^{June} ~~July~~ 14, 2009 were inappropriate and
4 were of a sexual nature and not professional or part of a proper medical examination.

5 9. Further, your affiant sayeth naught.

7 Margaret Underwood
8 Margaret Underwood.

10 Subscribed and sworn to before me
11 this 23rd day of April, 2010

12 Audra Gustafson



AFFIDAVIT OF KATHI SWANSON

STATE OF CONNECTICUT)
) ss.
COUNTY OF FAIRFIELD)

I, Kathi Swanson, being first duly sworn upon oath, hereby depose and state under penalty of perjury as follows:

1. I am currently fifty-nine years of age.
2. I reside in the state of Connecticut but visited Las Vegas, Nevada in February 2008
3. On February 8, 2008, at approximately 4:30 a.m., I went to the emergency room of Sunrise Hospital in Las Vegas, as I had been nauseous for three days and had begun to experience abdominal pain. I also had not been eating or drinking anything and was concerned about what might be wrong with me.
4. I waited several hours before being seen by someone in the emergency room. I informed the nursing staff several times as I was waiting that I was in tremendous pain.
5. After I was able to explain my symptoms to the nursing staff, I was told that I would be given IV fluids for dehydration and that the doctor, whom I believe was Dr. Brown, wanted a CT scan performed to rule out a problem with my appendix or gall bladder. I was given a large quantity of contrast to drink for the CT scan which took me almost two hours to finish due to my nausea.
6. I was informed after the procedure that the CT scan was negative. Dr. Brown informed me that I would be admitted overnight to be watched and that he would have a doctor see me.
7. I was not transported to a room in the hospital until approximately 4:15 p.m. that afternoon and still had not been provided anything to relieve the nausea I had experienced for over three days.
8. After arriving in my hospital room, Dr. Karl Fazekas came in to my room to examine me. Dr. Fazekas listened to my chest with a stethoscope and then asked me if I did regular breast exams and began to demonstrate how to do a breast exam by touching my breast. I informed him that that was not why I was in the hospital. He then proceeded to tell me that he needed to perform a rectal exam and

he turned me on my side. He then proceeded to exam my vagina with his fingers and told me I had a polyp. I repeated that that was not why I was in the hospital and then he mentioned that he was examining the wrong area and proceeded to do the rectal examination.

9. Dr. Fazekas then changed his glove and told me he wanted to reexamine my vagina and proceeded to do so and again told me that I had a polyp. I have followed up with my own gynecologist who informed me that I do not have a vaginal polyp.

10 I did send Sunrise Hospital a letter requesting to file a complaint against the doctor and regarding my care in the emergency room.

11. I believe that Dr. Fazekas' examination of me on February 9, 2008 was inappropriate and sexual in nature and that his actions were not necessary for the examination of my symptoms.

12. Further, your affiant sayeth naught.



Kathi Swanson

Subscribed and sworn to before me
this 17 day of May, 2010.

