

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

3                                   \* \* \* \* \*

4  
5   **In The Matter of Charges and**                                    )  
6    )  
7   **Complaint Against**    )  
8    )  
9   **STEVEN VICTOR KOZMARY, M.D.,**                                    )  
10    )  
11                                   **Respondent.**    )  
12                                   \_\_\_\_\_ )

Case No. 12-8148-1

**FILED**  
**FEB 15 2012**  
NEVADA STATE BOARD OF  
MEDICAL EXAMINERS  
By: \_\_\_\_\_

11                                   **COMPLAINT**

12                                   The Investigative Committee of the Nevada State Board of Medical Examiners, composed  
13                                   at the time of filing of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark,  
14                                   BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through  
15                                   Bradley O. Van Ry, Deputy General Counsel, having a reasonable basis to believe that  
16                                   Steven Victor Kozmary, M.D., hereinafter referred to as "Respondent", has violated the provisions  
17                                   of Nevada Revised Statutes (NRS), Chapter 630, hereby issues its formal Complaint, stating the  
18                                   Investigative Committee's charges and allegations, as follows:

19                                   1.       Respondent is currently licensed in active status (License No. 5695), and has been  
20                                   so licensed since July 1, 1988 and was originally licensed by the  
21                                   Nevada State Board of Medical Examiners pursuant to the provisions of  
22                                   Chapter 630 of the NRS.

23                                   2.       On or around November 11, 2011, Respondent entered into a Settlement  
24                                   Agreement with the United States Department of Justice ("DOJ") and the Department of Health  
25                                   and Human Services ("HHS"). The agreement settled claims made against Respondent by the  
26                                   DOJ and the HHS arising from his medical practice and participation in Medicare, Tricare and  
27                                   FEHBP.

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1 3. As part of the agreement, Respondent agreed to pay \$1,062,072.00 no later than  
2 December 23, 2011.

3 4. The investigations, charges, negotiations and settlement all stemmed from patient  
4 billing and records submitted to Medicare, Tricare and FEHBP. Respondent's records were not  
5 accurate or complete as required under Nevada law.

6 **Count I**

7 5. All of the allegations in the above paragraphs are hereby incorporated as if fully set  
8 forth herein.

9 6. NRS Section 630.3062(1) provides that the failure to maintain timely, legible,  
10 accurate and complete medical records relating to the diagnosis, treatment and care of a patient is  
11 grounds for initiating discipline against a licensee.

12 7. Medicare's, Tricare's and FEHBP's billing investigation of Respondent and charges  
13 against Respondent arise from and/or are related to incomplete and inaccurate medical records of  
14 patients and the diagnosis, treatment and care of patients.

15 8. By reason of the foregoing, Respondent is subject to discipline by the Nevada State  
16 Board of Medical Examiners as provided in Section 630.352 of the NRS.

17 9. By reason of the foregoing, Respondent is subject to discipline by the  
18 Nevada State Board of Medical Examiners as provided in Section 630.352 of the  
19 NRS.

20 **Count II**

21 10. All of the allegations in the above paragraphs are hereby incorporated as if fully set  
22 forth herein.

23 11. NRS Section 630.301(9) provides that the engaging in conduct that brings the  
24 medical profession into disrepute is grounds for initiating discipline against a licensee.

25 12. Medicare's, Tricare's and FEHBP's billing investigation of Respondent and charges  
26 against Respondent arise from Respondent's actions and constitute conduct that brings the medical  
27 profession into disrepute.

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1 13. By reason of the foregoing, Respondent is subject to discipline by the  
2 Nevada State Board of Medical Examiners as provided in Section 630.352 of the  
3 NRS.

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

5 1. That the Nevada State Board of Medical Examiners give Respondent notice of the  
6 charges herein against him and give him notice that he may file an answer to the Complaint herein  
7 as set forth in Section 630.339 of the NRS within twenty (20) days of service of the Complaint;

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

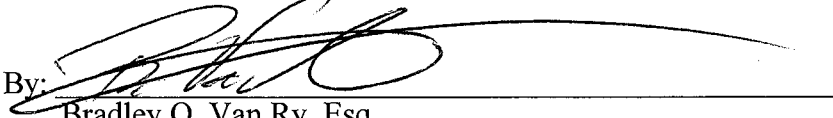
10 3. That the Nevada State Board of Medical Examiners determine what sanctions it  
11 agrees upon to impose if it finds and concludes that there has been a violation or violations of the  
12 Medical Practice Act (NRS Chapter 630) committed by Respondent;

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

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

18 DATED this 15<sup>th</sup> day of February, 2012.

19  
20 INVESTIGATIVE COMMITTEE OF THE  
21 NEVADA STATE BOARD OF MEDICAL EXAMINERS

22 By:   
23 Bradley O. Van Ry, Esq.  
24 Deputy General Counsel and Attorney for the Investigative Committee  
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VERIFICATION

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STATE OF NEVADA            )  
  : ss.  
COUNTY OF WASHOE        )

Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 17<sup>th</sup> day of February, 2012.

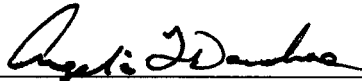
Theodore B. Berndt  
Theodore B. Berndt, M.D.

**CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 17<sup>th</sup> day of February 2012; I served a filed copy of the Complaint, Settlement letter & Fingerprint information, via USPS e-certified mail to the following:

Steven Kozmary, M.D.  
2851 El Camino Ave., Ste. 101  
Las Vegas, NV 89102

Dated this 17<sup>th</sup> day of February 2012.



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Angelia L. Donohoe  
Legal Assistant