

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

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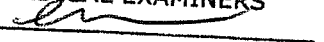
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6 **In the Matter of Charges and** )  
7 **Complaint Against** )  
8 **FRED J. FRICKE, JR., M.D.,** )  
9 **Respondent.** )

Case No. 13-4742-1

**FILED**

**JUN 25 2013**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

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11  
12 **COMPLAINT**

13 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners  
14 (Board), composed at the time of filing of Theodore B. Berndt, M.D., Chairman,  
15 Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and  
16 through Erin L. Albright, Esq., General Counsel and attorney for the IC, having a reasonable basis  
17 to believe that Fred J. Fricke, Jr., M.D. (Respondent), violated the provisions of Nevada Revised  
18 Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC)  
19 Chapter 630 (collectively, the Medical Practice Act), hereby issues its formal Complaint, stating  
20 the IC's charges and allegations as follows:

- 21 1. Respondent is currently licensed in active status (License No. 3167), and has been  
22 so licensed by the Board since June 7, 1976, pursuant to the provisions of the Medical Practice  
23 Act.  
24 2. Patient A was a forty-seven (47)-year-old male with decompensated cirrhosis,  
25 recovering from an inguinal hernia operation at the time of the incidents in question. His true  
26 identity is not disclosed in this Complaint to protect his identity, but his identity is disclosed in the  
27 Patient Designation contemporaneously served on Respondent with this Complaint.  
28 3. Patient A had been a patient of Respondent's since on or about July 13, 2006.

1 4. In August 2006, Respondent referred Patient A to another physician to repair a  
2 right inguinal hernia.

3 5. On or about January 6, 2007, Patient A underwent an out-patient right inguinal  
4 hernia repair performed by another physician.

5 6. On or about January 11, 2007, Patient A presented to Respondent at Respondent's  
6 office with complaints of abdominal pain, abdominal swelling and fever. An abdominal exam  
7 indicated the accumulation of fluid in the peritoneal cavity; however, Respondent did not order lab  
8 work to be performed on the patient.

9 7. Respondent determined that the large amount of fluid in Patient A's abdomen was  
10 secondary to his right inguinal hernia repair and borderline hepatic decompensation. Respondent  
11 ordered Patient A to take forty (40) milligrams of Lasix once daily for one month and one hundred  
12 (100) milligrams of Aldactone once daily for one month. Respondent also ordered Patient A to  
13 return to his office within one week for a follow-up appointment.

14 8. On or about January 13, 2007, Patient A presented to the emergency department of  
15 St. Mary's Hospital complaining of abdominal pain, chills, fever and increased abdominal girth.  
16 The patient was admitted to the hospital for septic shock and acute renal failure. The patient also  
17 had metabolic acidosis, leukocytosis and hyponatremia.

18 9. Approximately eight (8) hours after his admission to the hospital, Patient A  
19 developed multi-organ failure and passed away from spontaneous bacterial peritonitis.

20 10. Further, Respondent's medical records for Patient A are inaccurate, incomplete,  
21 illegible and/or untimely.

22 **COUNT I**  
**(Medical Records Violation)**

23 11. All of the allegations in the above paragraphs are hereby incorporated as if fully set  
24 forth herein.

25 12. NRS 630.3062(1) provides that the failure to maintain timely, legible, accurate and  
26 complete medical records relating to the diagnosis, treatment and care of a patient is grounds for  
27 initiating discipline against a licensee.

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1 13. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed  
2 to maintain accurate and/or complete medical records relating to the diagnosis, treatment and care  
3 of Patient A when he wrote incomplete, inaccurate, untimed and/or illegible entries in Patient A's  
4 chart.

5 14. By reason of the foregoing, Respondent is subject to discipline by the Board as  
6 provided in NRS 630.352.

7 **COUNT II**  
**(Malpractice)**

8 15. All of the allegations contained in the above paragraphs are hereby incorporated by  
9 reference as though fully set forth herein.

10 16. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating  
11 disciplinary action against a licensee.

12 17. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient,  
13 to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

14 18. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed  
15 to use reasonable care, skill or knowledge ordinarily used under similar circumstances when  
16 treating Patient A.

17 19. By reason of the foregoing, Respondent is subject to discipline by the Board as  
18 provided in NRS 630.352.

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

20 1. That the Board give Respondent notice of the charges herein against him and give  
21 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)  
22 within twenty (20) days of service of the Complaint;

23 2. That the Board set a time and place for a formal hearing after holding an  
24 Early Case Conference pursuant to NRS 630.339(3);

25 3. That the Board determine the sanctions it will impose if it finds Respondent  
26 violated the Medical Practice Act;


27 4. That the Board make, issue and serve on Respondent, in writing, its findings of  
28 fact, conclusions of law and order, which shall include the sanctions imposed; and

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5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 25<sup>th</sup> day of June, 2013.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:   
Erin L. Albright, Esq.  
General Counsel  
Attorney for the Investigative Committee

VERIFICATION

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

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

11 Dated this 25<sup>th</sup> day of June, 2013.

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13 Theodore B. Berndt  
14 Theodore B. Berndt, M.D.  
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OFFICE OF THE GENERAL COUNSEL  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 26<sup>th</sup> day of June 2013; I served a filed copy of the COMPLAINT, PATIENT DESIGNATION & FINGERPRINT INFORMATION, via USPS e-certified return receipt mail to the following:

Fred Fricke, Jr., M.D.  
751 Ryland Street  
Reno, NV 89502-1602

Dated this 26<sup>th</sup>, day of June 2013.

  
\_\_\_\_\_  
Angelia L. Donohoe  
Legal Assistant