

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

3 * * * * *

4
5
6 **In the Matter of Charges and**)
7 **Complaint Against**)
8 **KAREN F. ARCOTTA, M.D.,**)
9)
10 **Respondent.**)

Case No. 16-5972-1

FILED

MAY 17 2016

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

11 **COMPLAINT**

12 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
13 (Board) hereby issues this formal Complaint (Complaint) against Karen F. Arcotta, M.D.
14 (Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a
15 reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes
16 (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the
17 Medical Practice Act).

18 The IC alleges the following facts:

19 1. Respondent is currently licensed in active status (License No. 4896). At all times
20 alleged herein, Respondent was licensed in an active status by the Board pursuant to the
21 provisions of the Medical Practice Act.

22 2. Respondent is medically trained in Internal Medicine and Cardiovascular Diseases.
23 Respondent is not trained or certified in plastic surgery, liposuction, tumescent liposuction, fat
24 transfers, or surgery.

25 3. Mr. Trevor Schmidt is a physician assistant licensed by both the Board and the
26 Nevada State Board of Osteopathic Medicine. He is the owner and operator of MyShapeLipo,
27 where he performs liposuction, tumescent liposuction, fat transfers, and other procedures.

28
¹ The Investigative Committee of the Nevada State Board of Medical Examiners was composed of Board members Theodore B. Berndt, M.D., Michael J. Fischer, M.D., and Ms. Valerie J. Clark, BSN, RHU, LUTCF.

1 4. In late December 2014, Mr. Schmidt requested Respondent to serve as his
2 supervising physician.

3 5. Respondent agreed, and on December 29, 2014, Respondent executed a
4 Notification of Supervision of Physician Assistant. It is marked as “received” by the Board on
5 January 2, 2015.

6 6. Respondent was scheduled to undergo a major surgery on January 12, 2015. She
7 planned to arrange procedures for supervising Mr. Schmidt in February, after her surgery. She
8 developed complications from the surgery and was readmitted to the hospital on January 26, 2015,
9 and was transferred to rehabilitation on February 10, 2015.

10 7. Respondent never visited Mr. Schmidt’s facility, never reviewed any of his medical
11 records, and never observed him providing any medical services.

12 8. Mr. Schmidt’s medical records indicate that he saw approximately 44 patients
13 during the month of January 2015. These records indicate that he saw one patient on January 12,
14 2015, the date of Respondent’s surgery. Mr. Schmidt saw four patients on January 13, 2015.
15 Mr. Schmidt saw 4 patients on January 26, 2016, the date Respondent was readmitted to the
16 hospital after developing complications from her surgery. On January 27, 2015, Mr. Schmidt
17 performed three liposuction procedures on three different female patients.

18 9. On February 2, 2015, the Board received a Notice of Termination of Supervising /
19 Collaboration Agreement stating that, effective January 30, 2015, Respondent was no longer Mr.
20 Schmidt’s supervising physician. Also on February 2, 2015, the Board received a copy of a
21 Notification to the State Board of Osteopathic Medicine, dated January 29, 2015, that Dr. Leo
22 Capobianco, DO, was Mr. Schmidt’s supervising physician.

23 10. Previous to the preparation of this Complaint, the Board solicited the services of an
24 independent medical expert (IME) to render an opinion regarding whether Respondent through
25 her acts and omissions violated the Medical Practice Act related to her supervision of
26 Mr. Schmidt. The IME opined that the procedures performed by Mr. Schmidt were outside the
27 scope of Respondent’s practice, and that Respondent failed to adequately supervise Mr. Schmidt.

28 ///

1 18. Respondent failed to designate an alternate supervising physician to supervise
2 Mr. Schmidt, even though Respondent knew she was scheduled for surgery on January 12, 2015,
3 about two weeks after she signed the Notification of Supervising Physician.

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

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

7 1. That the Board give Respondent notice of the charges herein against her and give
8 her notice that she may file an answer to the Complaint herein as set forth in NRS 630.339(2)
9 within twenty (20) days of service of the Complaint;

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

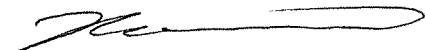
12 3. That the Board determine the sanctions it will impose if it finds Respondent
13 violated the Medical Practice Act;


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

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

18 DATED this 17 day of May, 2016.

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

22 By: 
23 Kevin Benson, Esq.
24 Deputy General Counsel for the Board
25 Attorney for the Investigative Committee

26 By: 
27 Robert Kikroy, Esq.
28 General Counsel for the Board
Attorney for the Investigative Committee

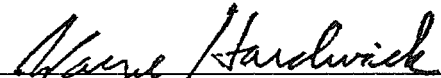
VERIFICATION

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

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

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

Dated this 17th day of May, 2016.



Wayne Hardwick, M.D.

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

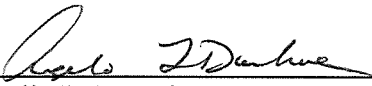
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 17th day of May 2016; I served a file stamp copy of the COMPLAINT & Fingerprint Information, by mailing via USPS e-certified return receipt mail to the following:

Karen Arcotta, M.D.
3695 E. Quail Ave.
Las Vegas, NV 89120

Dated this 17th day of May, 2016.



Angelia L. Donohoe
Legal Assistant