

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

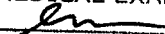
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5 **In The Matter of Charges and**) **Case No. 12-4879-1**
6 **Complaint Against**)
7 **JOHN JOSEPH DUDEK, JR., M.D.,**)
8 **Respondent.**)

FILED

APR - 9 2012

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

10
11 **COMPLAINT**

12 The Investigative Committee of the Nevada State Board of Medical Examiners, composed
13 at the time filing was approved of, Theodore B. Berndt, M.D., Ms. Valerie J. Clark, BSN, RHU,
14 LUTCF, and Michael J. Fischer, M.D., having a reasonable basis to believe that
15 John Joseph Dudek, Jr., M.D. hereinafter referred to as Dr. Dudek, has violated the provisions of
16 Nevada Revised Statutes (NRS) Chapter 630, hereby issues its formal Complaint, stating the
17 Investigative Committee's charges and allegations, as follows:

18 1. Dr. Dudek is licensed to practice medicine in the state of Nevada
19 (License No. 3293), and was originally licensed on March 13, 1977, by the Nevada State Board of
20 Medical Examiners pursuant to the provisions of Chapter 630 of the NRS

21 2. Dr. Dudek practices urology at 2020 Goldring Avenue, Suite 506, in Las Vegas,
22 Nevada.

23 3. Dr. Dudek rents space within his office to Riveka Frey, R.N., aka Reva Frey, who
24 owns and operates her independent business, "Facial Enhancements by Reva," in the office space
25 rented from Dr. Dudek.

26 4. Dr. Dudek purportedly acts in the capacity as "medical director" for Ms. Frey's
27 practice and is available if there is a medical issue that arises from Ms. Frey's procedures.
28 However, Ms. Frey performs evaluations of the patients upon which she performs procedures and

1 determines the treatment to be provided, including which dangerous drug(s) to administer to
2 patients, independently from Dr. Dudek. Pursuant to NRS 454.213, dangerous drugs may only be
3 possessed and administered by a licensed practitioner, as defined by NRS 454.00958, or they may
4 be administered by a registered nurse at the direction of a prescribing physician. Ms. Frey's
5 patients are not evaluated by Dr. Dudek nor are they prescribed dangerous drugs by Dr. Dudek.

6 5. Dr. Dudek, until very recently, knowingly allowed Ms. Frey to order dangerous
7 drugs, including, but not limited to, Botox, Restylane, Juvederm and other dangerous drugs used
8 commonly in cosmetic procedures, through his account with the drug wholesalers. Ms. Frey
9 would indicate to Dr. Dudek's office manager what drugs she wished to order and would pay for
10 them with her credit card. Dr. Dudek signed an acknowledgment for receipt of the drugs after
11 delivery of the drugs to his office and the drugs would be turned over to Ms. Frey.

12 6. The dangerous drugs ordered by Ms. Frey and delivered to Dr. Dudek's office
13 included Latisse, a drug that is to be dispensed only. Pursuant to NRS 454.215(3), a licensed
14 physician may only dispense a dangerous drug if authorized by the Nevada State Board of
15 Pharmacy in accordance with NRS 639.23505 Respondent does not, nor has he ever, held a
16 certificate of registration to dispense in the state of Nevada. Ms. Frey is not legally authorized to
17 dispense any dangerous drug.

18 7. Dr. Dudek has little or no experience and training in cosmetic procedures,
19 including the performance of facial cosmetic procedures, and therefore would not be qualified to
20 have performed the evaluations or make the diagnoses and treatment determinations for those
21 patients that saw Ms. Frey in her independent practice operating in Dr. Dudek's office.

22 Count I

23 8. NRS 630.305(1)(e) provides that aiding, assisting, employing or advising, directly
24 or indirectly, any unlicensed person to engage in the practice of medicine is grounds for the
25 initiation of discipline.

26 9. NRS 630.020(1) states that the practice of medicine means "[t]o diagnose, treat, correct,
27 prevent or prescribe for any human disease, ailment, injury, infirmity deformity or other
28 condition...by any means or instrumentality."

1 10. Dr. Dudek allowed and assisted an unlicensed individual, directly and indirectly, to
2 engage in the practice of medicine when he knowingly allowed Ms. Frey to operate her own
3 independent practice out of his office from which she independently evaluated and treated patients
4 and administered dangerous drugs, which is the practice of medicine.

5 11. Accordingly, Dr. Dudek is in violation of NRS 630.305(1)(e) and is subject to
6 discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

7 **Count II**

8 12. NRS 630.306(3) provides that administering, dispensing or prescribing a controlled
9 substance or dangerous drug except as authorized by law is grounds for initiating discipline
10 against a licensee.

11 13. As indicated above, NRS 454.213 provides dangerous drugs may only be possessed
12 and administered by a licensed practitioner or by a registered nurse at the direction of a prescribing
13 physician.

14 14. Dr. Dudek knowingly allowed Ms. Frey to possess and administer dangerous drugs
15 to patients for whom he had not evaluated, diagnosed, nor prescribed dangerous drugs.

16 15. Accordingly, Dr. Dudek is in violation of NRS 630.306(3) and is subject to
17 discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

18 **Count III**

19 16. NRS 630.306(3) provides that administering, dispensing or prescribing a controlled
20 substance or dangerous drug except as authorized by law is grounds for initiating discipline
21 against a licensee.

22 17. As indicated above, NRS 454.215 provides that a licensed physician may only
23 dispense a dangerous drug if authorized by the Nevada State Board of Pharmacy in accordance
24 with NAC 639.742(1).

25 18. Ms. Frey dispensed Latisse, a dangerous drug meant to be dispensed only, which
26 she ordered and obtained possession of through Dr. Dudek's account with drug wholesalers and
27 which Ms. Frey was not lawfully authorized to dispense any dangerous drug nor was Dr. Dudek as

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1 he does not, and has not, held a certificate of registration to dispense from the Nevada State Board
2 of Pharmacy.

3 19. Accordingly, due to Dr. Dudek allowing a dangerous drug to be dispensed in a
4 manner not authorized by law, Dr. Dudek is in violation of NRS 630.306(3) and is subject to
5 discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

6 **Count IV**

7 20. NRS 630.306(5) provides that practicing or offering to practice beyond the scope
8 permitted by law or performing services which the licensee knows or has reason to know that he is
9 not competent to perform or which are beyond the scope of his training is grounds for initiating
10 discipline against a licensee.

11 21. Dr. Dudek has little or no training or experience in the performance of facial
12 cosmetic procedures and accordingly, if Dr. Dudek did evaluate or prescribe dangerous drugs for
13 the purpose of facial procedures for any of Ms. Frey's patients/clients, he was practicing beyond
14 the scope of his training and was not competent to perform said procedures.

15 22. Accordingly, Dr. Dudek may be in violation of NRS 630.306(5) and is subject to
16 discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

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

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

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

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

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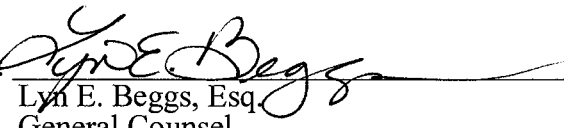
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4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr. Dudek its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed;

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 April, 2012.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

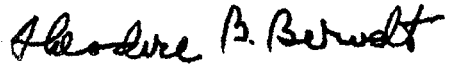
By: 
Lyn E. Beggs, Esq.
General Counsel
Counsel for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

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

DATED this 9th day of April, 2012.



THEODORE B. BERNDT, M.D.