Nevada Supreme Court Hears Appeal by Las Vegas Hepatitis C Outbreak Doctor

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The Nevada Supreme Court is hearing an appeal of former physician Dipak Desai for his role in a 2007 outbreak of hepatitis C virus (HCV), the Las Vegas Review-Journal reports. Desai's defense is arguing that was unfairly convicted almost three years ago because of the high-profile nature of his case and the community's emotional stake in the proceedings.

In 2011, Desai was indicted by a federal grand jury on charges of conspiracy and health care fraud. Then, in July 2013, the former gastroenterologist was found guilty of 27 criminal counts related to the outbreak, including second-degree murder for the death of one of seven HCV-positive people referenced in the case.

Leading up to the conviction, prosecutors alleged in a lengthy court battle that Desai had instructed his staff to "cut corners" and reuse medical equipment at his endoscopy practice for years, which exposed nearly 64,000 people to potential blood-borne illnesses. Desai was also accused of inflating the length of his medical procedures and overbilling Medicare, Medicaid and private insurance companies for them since at least 2005.

In this latest appeal, Desai's defense attorneys are arguing that there was little evidence to support a second-degree murder conviction against the former physician. They also are arguing that since his conviction, Desai has suffered several strokes and may not have been fully competent to stand trial.

Prosecutors have countered that Desai's actions, including ordering staff members to double-dip syringes into propofol bottles used on multiple people provided a sufficient "foundation for how and why" the hep C cases occurred. They also pointed out that another HCV-positive person treated by Desai died in 2013, but that prosecutors have not pursued additional murder charges.

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