



## Nevada State Board of Medical Examiners

### ***Press Release – June 12, 2008***

#### **BOARD OF MEDICAL EXAMINERS INFORMATION UPDATE**

This to clarify and update the reader concerning the activities of the Nevada State Board of Medical Examiners related to the hepatitis C infections at the Endoscopy Center of Southern Nevada and related clinics. It seems that in the rush to blame someone or something for this tragedy, the Board has been inaccurately accused for not taking prompt action when in fact it is the only State agency that has taken formal, decisive action.

It is important to review the facts, actions and timelines of recent events and the legal limits and limitations under which the Board is by statute required to operate with the limited information it can access. We hope the following answers the concerns and invalid criticisms of recent media speculations.

The Board has no jurisdiction over the clinic in question. The Bureau of Licensure and Certification is the State agency with direct responsibility for regulating the clinic. Despite requirements for inspections every three years, the clinic had not been inspected for more than seven years.

The Bureau of Licensure and Certification, after being notified by the Southern Nevada Health District on January 2 of a potential problem at the clinic, did conduct an inspection and found that nurses were reusing syringes and single-dose medication vials. The Bureau, without closing the clinic, issued a corrective notice to the clinic and was assured that the errors would be corrected. The clinic was allowed to continue operations. The public and the Board were not notified of any of the above findings. If the Bureau or others had noted any wrong doings of a licensed physician, they did not report such to the Board. If such wrong doings were observed, they could have and should have filed a complaint with the Board.

The Board first became aware of the hepatitis C outbreak on February 28th, not by any official agency, but by an article in the Las Vegas Review Journal. The very next day, February 29th, the Board issued subpoenas to the clinic for the medical records of the six infected patients. The subpoenas were served on March 3rd.

The clinic was closed, not from any discipline by its overseeing agency, the Bureau of Licensure and Certification, but because the City of Las Vegas revoked its business license.

On March 10, the Las Vegas Metropolitan Police Department served the clinic with a search warrant, which superseded the Board's subpoenas. Metro seized all of the clinic's records, including those that the Board had already obtained, thereby depriving the Board of the necessary evidence to proceed with its investigation. To date, Metro has not released to the Board the records of two of the first eight patients.

As soon as it received sufficient evidence, the Board filed complaints against two doctors involved in performing procedures on the six patients for whom the Board had records.

The Board began working with the Attorney General from the time it first learned of the outbreak. Evidence was gathered and analyzed, and through our joint efforts, Drs. Desai and Carrera were enjoined from practicing medicine in Nevada by court order. Additionally, disciplinary hearings have been scheduled for the above doctors on September 8-10, 2008, and October 6-8, 2008, respectively. To repeat, the Board is the only State agency at this point to take any formal action against any of the parties.

Since its first notification of the outbreak, the Board has been working diligently with the FBI, the CDC, the Southern Nevada Health District and Metro Police. Weekly meetings with the foregoing are continuing. With the corrective measures instituted in the January inspection of the clinic and subsequent revocation of the business license and closure of the clinic, the Board judged that there was no imminent threat to the public of Nevada.

When the Board receives additional evidence from Metro that warrants additional actions against physicians, the Board will file and prosecute those complaints.

The Board has been pressured to arrive at conclusions in a way that would force it to ignore due process. The Board is proceeding as fast as circumstances will allow, but it will not act recklessly and without solid, credible, and defensible evidence. The Board will operate these investigations and prosecutions in a responsible manner as mandated and set forth by the laws of the state of Nevada.

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