



# Nevada Legislature

May 12, 2008

Javaid Anwar, M.D., President  
Board of Medical Examiners  
3006 S. Maryland Parkway #400  
Las Vegas, Nevada 89109

Dear Dr. Anwar:

On February 27, 2008, the Southern Nevada Health District informed the public that from March 2004 through January 11, 2008, the Endoscopy Center of Southern Nevada put its patients at risk for exposure to Hepatitis C, Hepatitis B and HIV, and has since estimated that approximately 50,000 patients of the Center should be tested for exposure to those diseases. The most recent media reports indicate that the Southern Nevada Health District has identified 77 people who may have contracted Hepatitis C as a result of the medical practices used at the Endoscopy Center.

Pursuant to NRS 630.003, the Legislature has declared by law that the Board of Medical Examiners is created for the protection and benefit of the public and is required to exercise its powers “to ensure that the interests of the medical profession do not outweigh the interests of the public.” The law also requires the Board to employ an Executive Director, who serves as the chief administrative officer of the Board and who serves at the pleasure of the Board. (NRS 630.103) The Executive Director of the Board is responsible for overseeing the administrative functions of the Board and tending to its day-to-day operations. This person frequently acts on behalf of the Board and serves to represent the interests of the Board. Therefore, the Executive Director should be qualified to handle the demands of representing the Board and should have a strong working knowledge of the laws that prescribe the duties and powers of the Board.

According to the most recent media reports, law enforcement officers have been attempting to obtain records pertaining to certain physicians who were practicing at the Endoscopy Center during the relevant period. The Executive Director of the Board made the decision that the Board would refuse to assist law enforcement in order to protect the confidentiality of the physicians who were involved. However, NRS 630.336 specifically authorizes the Board to communicate or cooperate “with any other licensing board or agency or any agency which is investigating a licensee, including a law enforcement

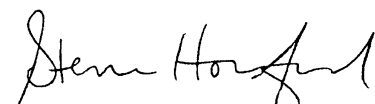
agency.” It was not until the final day to comply with a grand jury subpoena that the records were turned over. This abuse of discretion by the Executive Director in response to a public health crisis created an unacceptable delay for law enforcement in conducting its investigation. The actions of the Executive Director in response to this crisis have not instilled confidence that the Board understands its role to protect the public from harm caused by physicians who use unsafe medical practices.

It is also our understanding that the Executive Director has on several occasions misled the public in media interviews and testimony before the Legislative Committee on Health Care regarding the authority of the Board to immediately suspend the licenses of the physicians who were practicing at the Endoscopy Center. Whether those inaccuracies were intentional or a result of inadequate knowledge of the law is not material; the actions of the Executive Director have established a clear pattern of unwillingness to uphold the laws of this State and to protect the public.

In light of the serious deficiencies in the actions of the Executive Director referenced above, we respectfully request that the Board ensure that the persons who are making decisions on behalf of the Board during this critical time have adequate knowledge of the laws of this State and carry out their duties in a dignified and forthcoming manner that adequately protects the interests of the public. These persons must not impede law enforcement agencies and other governmental entities in their efforts to ensure the safety of Nevada’s residents in response to these tragic occurrences. Your immediate action and response to our concerns is appreciated.

Sincerely,

  
Assemblywoman Sheila Leslie  
Washoe Assembly District No. 27

  
Senator Steven Horsford  
Clark Senate District No. 4

Dr. Javaid Anwar

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Cc: Honorable Jim Gibbons, Governor of Nevada  
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