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**FOR IMMEDIATE RELEASE**

## JUDGE ISSUES TEMPORARY RESTRAINING ORDER PREVENTING NEVADA BOARD OF MEDICAL EXAMINERS FROM ENFORCING EMERGENCY RULES REGARDING MEDICAL ASSISTANTS

**LAS VEGAS, Nevada** – Nevada District Court Judge Kathleen Delaney granted a motion by Tracy Hurst and Amber Tsang enjoining the Nevada State Board of Medical Examiners (Medical Board) from enforcing emergency rules regarding medical assistants which they passed at an emergency meeting on September 18, 2009. The temporary restraining order will be in effect pending a September 29, 2009 preliminary injunction hearing before Judge Delaney.

Monday morning, Hurst and Tsang filed a complaint in the Eighth Judicial District Court, alleging that the Medical Board violated Nevada Open Meeting Laws (NRS Chapter 241, et. seq.). The complaint stems from a September 18, 2009 meeting of the Nevada Board of Medical Examiners, during which Hurst and Tsang allege that the Medical Board abruptly and illegally terminated public comment to pass a regulation which is ambiguous, vague and broad. Pursuant to Nevada law, agency actions taken in violation of the Open Meeting Law may be declared void.

“While it may seem technical, requiring strict adherence to the Open Meeting Law is critical,” stated Jacob Hafter, Esq., attorney for the plaintiffs. There is no other mechanism for accountability of the Medical Board. Medical Board members are appointed for four year terms by the Governor. The Governor, however, has no ability remove a board member even if that member engages in egregious behavior. The only way that the public can ensure that the Medical Board has some semblance of accountability is through the Open Meeting Law.

The Open Meeting Law was enacted by the Legislature with the recognition that public bodies are responsible for the conduct of the people’s business. The Legislature of the State of Nevada took action to ensure that their actions be taken openly and that their deliberations be conducted openly through the Open Meeting Law. This law states that when public comment is scheduled at a meeting of a public body, all members of the public are entitled to be heard.

“Today is a great day for the citizens of the State of Nevada,” said Tracy Hurst. “While it is just a temporary restraining order, the Judge has made a strong statement in support for the rights of every citizen in the State,” continued Ms. Hurst. It is Ms. Hurst’s hope that the Medical Board will take this opportunity to work with the medical community to develop clear, concise and appropriate medical regulations related to the scope of practice of medical assistants, rather than continuing its fight for regulations that were hastily drafted in the office of the executive director.



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