

STEVEN A. HORSFORD

SENATOR

Clark No. 4

MAJORITY FLOOR LEADER

COMMITTEES:

Co-Chair

Finance

Member

Government Affairs

Health and Education



State of Nevada Senate

September 22, 2009

DISTRICT OFFICE:

1306 W. Craig Road, Suite E-310
North Las Vegas, Nevada 89032-0215

LEGISLATIVE BUILDING:

401 S. Carson Street
Carson City, Nevada 89701-4747

Office: (775) 684-1429 or
(775) 684-1401

Fax No.: (775) 684-6522

www.leg.state.nv.us

The Honorable Jim Gibbons
Office of the Governor
101 North Carson Street, Suite 1
Carson City, Nevada 89701-4786

Re: Nevada State Board of Medical Examiners

Dear Governor Gibbons:

Considering the role improper injection practices played in the Hepatitis C scare of 2008, I know that you are taking a keen interest in recent concerns regarding Botox injections by medical assistants. It was difficult enough addressing improper injection practices when those doing the injections were licensed professionals, but this issue involves unlicensed personnel. I understand that you are working with Nevada's Board of Medical Examiners to address this issue. However, I believe that much more needs to be done to ensure the safety of Nevada citizens and to restore confidence in our State's Board of Medical Examiners.

I was greatly disturbed to read reports that a medical assistant of a recently reappointed member of Nevada's Board of Medical Examiners, Benjamin Rodriguez, M.D., "has been injecting patients for years." Even more disturbing was the noticeably disparate treatment of medical assistants that have engaged in this practice. One medical assistant who engaged in this practice at a spa was arrested and is accused of illegally injecting Botox, yet the medical assistant seen in photographs injecting Dr. Rodriguez has not met the same fate.

Based on the information provided through an investigative report, Dr. Rodriguez violated the very laws he is expected to enforce as a member of the State Board of Medical Examiners, and for that reason alone should have his appointment rescinded. Even considering the emergency regulations recently adopted by the Board, he would be in violation because the new regulation does not permit injection of Botox by medical assistants.

The Honorable Jim Gibbons

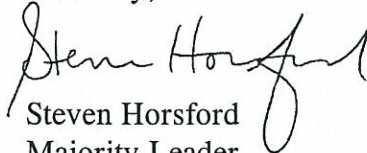
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With the grave responsibility licensing boards are given to protect the public, we cannot overlook board members that tacitly condone illegal conduct. With this in mind, I respectfully request that you call for the resignation of Dr. Benjamin Rodriguez from Nevada's Board of Medical Examiners. This is a first step in demonstrating Nevada's commitment to require all licensing boards to enforce the law without partiality.

In closing, I question the statutory authority of the Board of Medical Examiners to regulate medical assistants through the adoption of an emergency regulation. It is my view that the proper response to such an issue is not to attempt to make something that is clearly illegal, legal; but rather to enforce the laws as they stand. My ultimate goal is the protection of the citizens of this State. I trust that you share in that effort. I am available to discuss this issue with you in greater detail at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Horsford", written in a cursive style.

Steven Horsford
Majority Leader
Nevada State Senate

SH/av:W91910

cc: Catherine Cortez Masto, Attorney General
Louis Ling, Executive Director, Board of Medical Examiners
Senator Valerie Weiner, Chair, Legislative Committee on Health Care