

SPECIAL CITY COUNCIL MEETING OF
April 7, 2008
COMBINED VERBATIM TRANSCRIPT – ITEMS 4 and 5

1 **Hearing, discussion and possible action regarding complaint seeking disciplinary action**
2 **against Gastroenterology Center of Nevada, and Endoscopy Center of Southern Nevada,**
3 **LLC, 700 Shadow Lane, Las Vegas, Clark County, Nevada, for violations of the Las Vegas**
4 **Municipal Code - Ward 5 (Barlow)**
5 **and**

6 **Citizens Participation**

7

8 **Appearance List:**

9 OSCAR GOODMAN, Mayor
10 BILL HENRY, Senior Litigation Counsel
11 JAY BROWN, Attorney for respondents
12 ABE VIGIL, Attorney for respondents
13 GARY REESE, Councilman
14 STEVE WOLFSON, Councilman
15 JIM DiFIORE, Manager, Business Services
16 MARK VINCENT, Director, Finance and Business Services
17 ROY INSCO
18 BRENDA BUTTS
19 JOSEPH HEINZE, 4148 Annie Oakley Drive
20 STEPHANIE (INAUDIBLE) THORNTON
21 JAMES MORRISON
22 TOM McGOWAN
23 JOHN FRITZ
24 MICHELLE BALTZ, 3646 Tamal Court
25 JUNE INGRAM
26 LOIS TARKANIAN, Councilwoman

27

28 49 minutes

29

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32 **MAYOR GOODMAN**

33 Item Number 4. Hearing, discussion and possible action regarding complaint seeking
34 disciplinary action against the Gastroenterology Center of Nevada and Endoscopy Center of
35 Southern Nevada, LLC, 700 Shadow Lane, Las Vegas, Clark County, Nevada, for violations of
36 the Las Vegas Municipal Code. This is in Ward 5. Counsel, will you announce your
37 appearance, please.

38

39 **BILL HENRY**

40 Good morning, Mayor, or good afternoon. My name's William Henry, Senior Litigation
41 Counsel for the City of Las Vegas.

42

43 **MAYOR GOODMAN**

44 All right. Thank you.

45

46 **JAY BROWN**

47 Jay Brown, 520 South 4th Street, representing the respondents.

48

49 **MAYOR GOODMAN**

50 Yes, Sir.

51

52 **ABE VIGIL**

53 Abe Vigil, 3993 Howard Hughes Parkway, representing the respondents as well.

54

55 **MAYOR GOODMAN**

56 All right. Thank you very much. Before I have some comments, I'd like to ask Mr. Henry to
57 lead the proceedings off.

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58 **BILL HENRY**

59 Mayor, if I might, I'd like to state for the record that I have prepared hearing books which I've
60 distributed to members of the Council and to the respondent –

61

62 **MAYOR GOODMAN**

63 Those were distributed on Friday afternoon?

64

65 **BILL HENRY**

66 Yes.

67

68 **MAYOR GOODMAN**

69 Right.

70

71 **BILL HENRY**

72 – the respondent. And I've given the original to the Clerk. Under Tab 1 of the book is proof of
73 notice of today's hearing. We are gathered here today for hearing on a previously approved
74 disciplinary complaint to determine whether or not the Council finds a violation of the City
75 disciplinary code against two of its business licensees, being the Gastroenterology Center of
76 Nevada and the Endoscopy Center of Southern Nevada, LLC.

77 It's alleged that the actual conduct of their business has been illegal, unlawful and impermissible
78 and that they've operated their business as a public nuisance.

79

80 **MAYOR GOODMAN**

81 Do you have any pleadings which you wish to have lodged with the Court?

82

83 **BILL HENRY**

84 In the hearing book, under Tab 2, there is a copy of the disciplinary complaint. There are copies
85 of certain documents that, if the matter proceeds to hearing, I would offer as proof, along with
86 testimony of witnesses. One, under Tab 4, is the statement of deficiencies by the Nevada State

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87 Bureau of Licensure and Certification. Another, under Tab 5, is the Health District Report on
88 Endoscopy Center of Southern Nevada Hepatitis C Investigation. And finally, under Tab 6, are
89 the instructions for use of the sedative or – anesthetic Propofol by its distributor, AstraZeneca.

90

91 **MAYOR GOODMAN**

92 Very good. Thank you. Before we begin the presentation of the matter, I believe that it's
93 important for the public and, not only the public that's here today, and we appreciate everybody
94 coming down, of course, but also the viewing public and the media to have a thumbnail sketch as
95 to what has led us to these proceedings today.

96 The City of Las Vegas has very limited jurisdiction. Basically, the only jurisdiction that we have
97 which applies to the Endoscopy Clinic is their business license. And it is to that which we will
98 be addressing our attention today.

99 On February the 27th of this year, the City of Las Vegas was notified of a potential problem
100 regarding a possible Hepatitis C outbreak due to activity at the Endoscopy Center of Southern
101 Nevada, LLC, and the Gastroenterology Center of Nevada. This was brought to our attention by
102 our Mayor Pro Tem, Gary Reese, who is a member of the Health District and advised that earlier
103 that day there was a discussion about this potential problem. When that was brought to our
104 attention, we began to see what jurisdiction, if any, we had as a City to address the allegations
105 that the Mayor Pro Tem had brought to our attention.

106 I have to say at this time that I have never experienced such cooperation as we received from our
107 City Attorney's Office and our Business License (sic) Department. They went to work and
108 virtually worked through the night in order to report back to us that they believe that we would
109 be able to take some action concerning the business license of these LLCs.

110 Two days after this was brought to our attention, the City staff met with the Southern Nevada
111 Health District investigator and learned that the cause of the outbreak was reuse of syringes and
112 bottles of sedation, of Propofol. The same day, February 29th, 2008, the City staff shut the
113 business down by executing an immediate emergency suspension of City business licensure at
114 the clinic.

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115 Pursuant to due process requirements, the clinic and the LLC had the opportunity to appeal that
116 decision and shortly thereafter, three days after, as a matter of fact, they met with a panel of our
117 Finance Director, our License Director and our City Manager and the City's action concerning
118 the emergency suspension was upheld. On March the 19th, the City Council approved a
119 complaint for disciplinary action against the clinic. The Council set the matter for hearing at one
120 o'clock today, April the 7th of 2008.

121 After the complaint was filed, the attorneys for these LLCs came to my office and tendered the
122 business license to me. Now we all know that, even though I'm the Mayor, no action could be
123 taken by myself without the approval of the City Council. And I indicated that I, personally, was
124 not inclined nor disposed to accept the tender of the license. That triggered my requesting Mr.
125 Henry and his staff to advise me what was the legal ramification of a tender of a license after a
126 disciplinary complaint had been filed. There are no cases in the State of Nevada which speak to
127 this issue. However, there is authority from other jurisdictions which would suggest that once a
128 disciplinary complaint is filed, the filing entity may proceed with the hearing, notwithstanding
129 the tender of the license which was at issue.

130 After I advised the City Attorney of the conversation that I had with the attorneys, the attorneys
131 for the LLC'S called me and wanted to know what would it take to avoid a full and complete
132 hearing on this and what did we want in addition to the license, which was the subject matter of
133 the disciplinary complaint. I said that I would recommend a fine of five hundred thousand
134 dollars to be paid forthwith to the City of Las Vegas upon the surrendering of the license.
135 Shortly thereafter, the counsel for the LLCs responded, indicated that that would be acceptable
136 and tendered the license and are ready and prepared today to hand over a check in the amount of
137 five hundred thousand dollars to the City of Las Vegas.

138 I had a discussion with the City Manager and the City Manager's Office and told them that
139 because of the way this proceeding came to our attention, fact that governmental entities were
140 not acting with the alacrity that I believed the City of Las Vegas had utilized, that the five
141 hundred thousand dollars should be spent in order to assist those who were affected by the
142 actions of the LLCs.

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143 At the conclusion of these proceedings, I'm going to direct the City Manager to follow through
144 with that and there are two areas that I believe have to have immediate attention. And I would
145 expect to hear back from the City Manager's Office as to how we'll be able to use that money for
146 these good causes: one, the need for free testing for individuals who have been notified by the
147 Health District that they should be tested for Hepatitis and other diseases and second, there's
148 been an enormous demand for access to the seized medical records currently in the Las Vegas
149 Metropolitan Police Department's custody. They have indicated to the Mayor Pro Tem that
150 there has been a bid where five hundred thousand dollars would be required in order to assemble
151 these records so that they can be dispensed to those parties who so desperately need them. So
152 those are issues that I would hope that the City Manager, assuming that we're going to follow
153 through with this, will be able to report back to us as to the best and most expeditious way that
154 the monies could be well spent for helping those who have been injured as a result of the conduct
155 which is alleged in our disciplinary complaint.

156 So with that, I'm going to turn this over to Mr. Henry for a brief presentation. The purpose of
157 the presentation is to have a factual basis for the action that I would move that we take and that is
158 to accept the surrender of the license and to impose a five hundred thousand dollar fine to be
159 paid immediately. Mr. Henry.

160

161 **BILL HENRY**

162 If I could have the PowerPoint, please.

163

164 **MAYOR GOODMAN**

165 Mr. Brown, if you and your associate would like to be seated, that's fine. Otherwise you're
166 welcome to stay up at the –

167

168 **JAY BROWN**

169 Thank you.

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170 **MAYOR GOODMAN**

171 Roger. Mr. Henry.

172

173 **BILL HENRY**

174 Mayor, Members of the Council, if this matter proceeded to hearing, I would anticipate being
175 able to prove the allegations in the complaint by the presentation of witnesses whose testimony
176 would be illustrated with information that I have in a PowerPoint presentation.

177 Initially, I would call Jim DiFiore, the Business Licensing Manager, to establish the licenses at
178 issue. After that, I would call Dorothy Sims, a surveyor with the Bureau of Licensure and
179 Certification, who would testify that she, along with a colleague who was part of the team from
180 the BLC, the Southern Nevada Health District and Center for Disease Control that went to
181 Endoscopy Center in January and began their investigation. As a result of that investigation, the
182 Bureau of Licensure and Certification made certain findings, that, which they included in a
183 document that they entitled, Statement of Deficiencies and Plan of Correction, which they served
184 on the Endoscopy Center.

185 As you can see from the first slide, they found that the management was deficient and that must
186 be corrected. Specifically, they found that Propofol vials were use, were to be used for single
187 use as opposed to using one vial for multiple patients and that that was per the manufacturer's
188 recommendation. And they found that staff at the Endoscopy Center had failed to ensure that the
189 manufacturer's labeled directions for the use of detergent for cleaning endoscopes was used, was
190 followed, rather. To buttress their findings and their notice of deficiencies, they set forth the
191 directions from, for use from AstraZeneca for Propofol which provide that a single sterile
192 disposable needle and syringe are to be used for each injection and thereafter discarded intact,
193 and that medications from a single dose vial were not to go to multiple patients or combined
194 thereafter.

195 I've included in your hearing book, as I previously mentioned, the relevant portion of the
196 instructions for use of Propofol, the anesthesia at issue here from AstraZeneca. And, as I set out
197 in bold, Astra, Propofol, also know as Diprivan, when it is aspirated, it must be drawn aseptically

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198 into a sterile syringe. And Diprivan and any syringe containing Diprivan are for single use in an
199 individual patient.

200 My next witness would be Brian Labis, an epidemiologist with the Southern Nevada Health
201 District. He would tell you that on January 2nd, 2008, the Health District found that there was a
202 cluster of acute Hepatitis C which they linked to the Endoscopy Center. They believed that an
203 investigation was necessary and they asked the Federal Center for Disease Control for assistance
204 on January 4th of 2008. The Health District and the CDC formed an outbreak investigation team
205 and on the afternoon of January 9th, this, members of this team along with the surveyors from
206 BLC went to the Endoscopy Clinic. Their investigation went on for the next eight days.

207 Findings made by the Southern Nevada Health District and reported in their interim report,
208 which is part of your hearing book, included that detergent labeled for use on one endoscope was
209 observed to be used on the processing of two endoscopes. This was contrary to the instructions
210 for use on the bottles. However, they believed that they could rule out that this was the likely
211 source of the outbreak of Hepatitis C.

212 They interviewed staff members, employees of the Endoscopy Center, and several staff members
213 reported that biopsy equipment, labeled for use on a single patient had been used for multiple
214 patients after disinfection. One staff member stated that the rule was to reuse single-use
215 equipment, of all types, three times if possible.

216 There was a review of clinic purchase records which identified irregularities in the purchasing
217 patterns of biopsy forceps, devices attached to endoscopes and used for removing suspect tissue
218 or polyps from patients. They noted that over 7,800 biopsies or polyp removals were performed
219 in 2007, but a total of 6,200 biopsy forceps or polyp removal wires were purchased for the same
220 period.

221 Their interviews of clinic staff also reviewed or also revealed that bite blocks, used in certain
222 procedures in patients, were being used on multiple patients. That is, a single bite block was
223 being taken out of the mouth of a patient and put into the mouth of another patient in a
224 subsequent procedure, and these are also labeled for single use. One staff member reported that
225 they were only allowed to use four bite blocks per day per procedure room, despite the number
226 of procedures performed. Review of purchasing records identified that the clinic purchased

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227 2,000 bite blocks in 2007 but performed 5,800 procedures in the same year, requiring the use of
228 bite blocks.

229 The clinic, the Health District, once again, was able to, in their opinion, rule out that disposable
230 equipment reuse was the likely source of the outbreak, although the risk from reuse of biopsy
231 equipment for individual patients could not be exactly determined.

232 The outbreak investigation team investigators, as well as the BLC surveyors, observed the reuse
233 of single-use Propofol vials for multiple patients on January 11th. Investigators examined the
234 Propofol checkout logs and identified that they were, that is Endoscopy Clinic staff, were reusing
235 vials on multiple patients. The outbreak investigation team observed procedures and they
236 observed a CRNA, a Certified Registered Nurse Anesthetist, reuse a syringe on a patient during
237 a procedure, January 11th. The syringes were reused to re-dose a patient but were not used on
238 most, multiple patients.

239 The outbreak investigation team investigators went on with their interview of staff members at
240 the Endoscopy Clinic and multiple staff members reported that they were directed to reuse
241 syringes, although staff were unwilling to elaborate on who told them to reuse syringers (sic),
242 syringes as interviews were conducted in the clinic, in the view of administrators.

243 A CRNA formerly employed by the clinic reported to the outbreak investigation team that
244 syringes were regularly reused at the facility. An RN reported that he had observed the practice
245 of reusing syringes on multiple occasions and complained to the management about it. The same
246 RN reported that Dr. A, to use the term used in the report, had directed them to reuse the
247 syringes and other equipment. He stated that the standard practice was to reuse single-use items,
248 such as biopsy forceps, three times. Another staff member reported quitting after one day of
249 work because of concerns about equipment reuse and being told to document things that did not
250 happen. When this staff member voiced complaints to other staff members about the practice, a
251 Certified Registered Nurse Anesthetist told her that it was, begin quotes, how things were done
252 there, close quotes.

253 During initial conversation with clinic management on January 9th, where there was a general
254 discussion of policies and procedures, the statement was made that they had been doing,
255 following the same policies and procedures and conducting medical procedures in exactly the

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256 same way since remodeling in 2004. Bryan Labis will tell you that he determined that that
257 remodeling occurred and was completed in March of 2004.

258 This lead the Health District to its conclusion, which I'll read verbatim. Through the
259 combination of observation, interviews and evaluation of records, it was determined that the
260 reuse of syringes to re-dose a patient, combined with the reuse of single-use vials for multiple
261 patients was the most likely source of transmission during the outbreak. The continuation of this
262 practice over the course of a day could have serially contaminated vials.

263 The Health District put up on its website and I caused to be attached as Exhibit 1 to the
264 complaint for disciplinary action which you approved at the last meeting concerning this matter,
265 an illustration of how this happened. I – think we all understand it by now so I'm not going to
266 talk you through it.

267 The Health District wrote that a total of six cases of acute Hepatitis C have been identified
268 among clinic patients. One of the cases had a procedure on July 25, 2007, and five had
269 procedures on September 21, 2007. Patients who had procedures at the Endoscopy Center of
270 Southern Nevada on September 21, 2007, were nearly twenty-eight million times more likely
271 than non-patients to develop acute Hepatitis C.

272 That would conclude my presentation with the exception that I would call Dr. Sands from the
273 Health District and he would testify that the policies and procedures and medical practices
274 followed for nearly four years at the clinics, who are your business licensees, fell well below
275 accepted medical practice.

276

277 **MAYOR GOODMAN**

278 All right. Thank you, Mr. Henry. Are there any questions of Mr. Henry? All right. Hearing
279 none, I have a motion to make.

280

281 **COUNCILMAN REESE**

282 I would like, if I could. I just – wanna make a quick comment, if I could. I wanted to thank Dr.
283 Sands, and other board members and the staff at the Health District for their straight-forwardness
284 (sic) on this incident. I think it was through their prompt action that we was (sic) able to take the

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285 action that we took as a City. I wanna thank you, Mayor, for believing and doing those things
286 that you thought you needed to do for the protection of those residents of the City of Las Vegas.
287 I think it's because of you, that you showed your strong leadership, that we've been able to be
288 here, where we're at today. Without that type of leadership, I don't know where we would have
289 been. I also wanna thank Brad Jerbic and Mr. DiFiore for their quick response to my request and
290 I – would just like to see something like this never happen again in the City of Las Vegas or
291 Clark County. Thank you.

292

293 **MAYOR GOODMAN**

294 Thank you.

295

296 **COUNCILMAN WOLFSON**

297 Mayor Goodman.

298

299 **MAYOR GOODMAN**

300 (Inaudible)

301

302 **COUNCILMAN WOLFSON**

303 Is it your intention to make a motion and then have us vote, and then assuming our vote is
304 consistent with your motion, to then open it up for public comment?

305

306 **MAYOR GOODMAN**

307 No. We'll take our vote, and that will terminate the meeting and then we'll be Citizens'
308 Participation where anybody who wants to be heard may be heard.

309

310 **COUNCILMAN WOLFSON**

311 Okay. May I ask just a question or two, please?

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312 **MAYOR GOODMAN**

313 Certainly.

314

315 **COUNCILMAN WOLFSON**

316 Okay. What we're doing here today, Mr. Henry, is we're going to consider the surrender of a
317 business license from two entities, is that correct?

318

319 **BILL HENRY**

320 That is correct.

321

322 **COUNCILMAN WOLFSON**

323 And these are entities that hold business license in a corporation capacity, not as an individual
324 person, is that right?

325

326 **BILL HENRY**

327 One entity is a limited liability corporation and the other is a limited liability partnership, but
328 they're both artificial legal entities.

329

330 **COUNCILMAN WOLFSON**

331 What I wanna know is that, hypothetically, if the principals of either of these two entities were to
332 apply for a like license, whether it be within the City or the County, is there some sort of
333 flagging system where we could flag that – principal from one of the entities today a year or two
334 from now is applying for a like license? Do we have the ability to see that it's Dr. X or Dr. Y
335 who's applying for a license and flag it so that we'll know that they were the principals from
336 these entities?

337

338 **BILL HENRY**

339 I suspect that that question is – better put to Mr. DiFiore. I am not certain of the answer.

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340 **COUNCILMAN WOLFSON**

341 With Your Honor's permission.

342

343 **MAYOR GOODMAN**

344 Mr. DiFiore.

345

346 **JIM DiFIORE**

347 Jim DiFiore, Manager of Business Licensing. Councilman Wolfson, to answer your question,
348 yes, these individuals who appear before us today, on paper, they will be flagged. We have ways
349 of identifying those individuals in our system and should they come forward for an application at
350 a later date, it will be, we'll decide and it will be reviewed for the type of activity that they
351 intend to apply for. And at the appropriate time, it'll be decided upon, either administratively or
352 brought back before the City Council.

353

354 **COUNCILMAN WOLFSON**

355 Because what we have before us, and let me just make sure, the complaint for discipline is
356 against the entities, though. But what you're telling me is, though, that below that or within that,
357 behind those entities are individuals and we have those names flagged, so it would pop up in
358 some sort of search and we'd know that it was the individuals that can't hide behind some other
359 corporate entity.

360

361 **JIM DiFIORE**

362 That is true.

363

364 **COUNCILMAN WOLFSON**

365 I would like to make another comment after you make your motion –

366

367 **MAYOR GOODMAN**

368 Sure.

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369 **COUNCILMAN WOLFSON**

370 – if I could hear your motion first.

371

372 **MAYOR GOODMAN**

373 All right. Certainly. All right. At this time, and Mr. Brown, you represent the respondents, is
374 that correct?

375

376 **JAY BROWN**

377 Yes. I do. We both –

378

379 **MAYOR GOODMAN**

380 Were my representations accurate?

381

382 **JAY BROWN**

383 Yes. They were, Your Honor.

384

385 **MAYOR GOODMAN**

386 All right. Then **I'm gonna move to accept the proposed negotiation by allowing the**
387 **Gastroenterology Center of Nevada and the Endoscopy Center of Southern Nevada, LLC,**
388 **to surrender their business licenses, which are in the custody of Mr. DiFiore at this time**
389 **and will remain there, in return for a contemporaneous tender to the City of Las Vegas of a**
390 **cashier's check in the amount of five hundred thousand dollars. Do you have that?**

391

392 **JAY BROWN**

393 It's already been tendered, Your Honor.

394

395 **MAYOR GOODMAN**

396 All right.

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397 **BILL HENRY**

398 I have what appear to be two cashier's checks, each one for two hundred and fifty thousand
399 dollars, each one emanating from one of the licensees mentioned in the disciplinary complaint.

400

401 **MAYOR GOODMAN**

402 Very good. Thank you. **I'm going to direct counsel for the Department of Finance and**
403 **Business Services to execute the settlement agreement and, thereafter, deeming the**
404 **complaint for disciplinary action dismissed with prejudice. Going to further direct, as part**
405 **as the motion, the City Manager's Office to accomplish the need of having any additional**
406 **testing on a free basis for those who have been notified by the Health District and also to**
407 **follow through with Metro's assemblage of the seized medical records so that those folks**
408 **who have been injured as a result of this activity will be able to have their records for**
409 **future use. And then report back to us as to the status of these two requests on May the 6th.**

410 All right. That's the motion. Did you wanna be heard now or can we vote?

411

412 **COUNCILMAN WOLFSON**

413 We can vote.

414

415 **MAYOR GOODMAN**

416 All right. Let's vote on that, please. Post. **(Motion carried unanimously with**
417 **COUNCILMAN ROSS excused.)** Motion carried. Thank you very much.

418

419 **JAY BROWN**

420 Thank you.

421

422 **BILL HENRY**

423 Mayor, if I might.

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424 **MAYOR GOODMAN**

425 Yes.

426

427 **BILL HENRY**

428 Could we call the Finance Director forward to take possession of the checks?

429

430 **MAYOR GOODMAN**

431 Certainly.

432

433 **BILL HENRY**

434 And may the record reflect that I am executing the settlement agreement.

435

436 **MAYOR GOODMAN**

437 All right. Thank you very much. Are they in order, Mr. Vincent?

438

439 **MARK VINCENT**

440 They look in order, Your Honor.

441

442 **MAYOR GOODMAN**

443 Very – good. Thank you.

444

445 **BILL HENRY**

446 Finally, may the record reflect that I'm lodging the original of the release and settlement

447 agreement with the Clerk.

448

449 **MAYOR GOODMAN**

450 All right. Thank you very much. And also, have we made a – provision for your booklet to be

451 part of the record?

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452 **BILL HENRY**

453 I believe I did, but just out of an abundance of caution, I'd ask that the record reflect that the
454 hearing book I've referred to has been lodged with the Clerk.

455

456 **MAYOR GOODMAN**

457 Very good. Thank you. All right. Thank you very much.

458

459 **JAY BROWN**

460 Thank you.

461

462 **MAYOR GOODMAN**

463 Did you wanna be heard before Citizens Participation?

464

465 **COUNCILMAN WOLFSON**

466 Yes, Your Honor. Just –

467

468 **MAYOR GOODMAN**

469 Sorry about that.

470

471 **COUNCILMAN WOLFSON**

472 Just that I wanted to applaud the City Attorney's Office and all staff that worked on this case. I
473 think you did a great job and the expression I used a couple days ago, when I heard that this
474 might be in the works, was a bird in the hand. Unlike past actions of this Council, sometimes we
475 fine people or fine entities and that fine is a piece of paper with an amount on it and it's still
476 swirling up there in the air. We don't have that today. We have five hundred thousand dollars in
477 the – pockets of the City to then hand over for a very worthy cause, to help some of the victims
478 of this crisis and to further the efforts in that regard. So we got something today to use to help
479 the people that were injured, so I just wanna applaud City and everybody else who worked so
480 hard on this case.

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481 **MAYOR GOODMAN**

482 Thank you.

483

484 **END OF DISCUSSION – RESUMED RELATED DISCUSSION**

485

486 **MAYOR GOODMAN**

487 Yes. Mayor Pro Tem.

488

489 **COUNCILMAN REESE**

490 I would just like to thank, we had in our audience today Steve Kirk, who is the City Councilman
491 from the City of Henderson. He serves as our Chairman of the Board of Health. He's done a
492 great job (inaudible) also. I want to thank Steve for coming over today and being a part of our
493 meeting. Thanks, Steve.

494

495 **MAYOR GOODMAN**

496 Yes, Sir.

497

498 **ROY INSCO**

499 My name is Roy Insko, retired pastor. I just wanted to say that I went into the, actually had
500 blood test in May of 2007. My primary care physician, who recommended that I should go to
501 the Endoscopic Clinic (sic), which I went June 13th. So actually I'm pre-dating everything
502 because I am positive for Hepatitis C. So I believe that you talk about one, two, six. I always
503 see six, six, six. And I got the proof that on May, that I had no Hepatitis C, that I was clean. I
504 went into the clinic on – June, and then I hear from our Governor who basically said that there
505 may be a problem. I was getting ready to do some humanitarian work over in Africa. I heard
506 that I maybe have a problem, so I went in to go, get tested. I found out on my birthday that I
507 have Hepatitis C. So what I'm trying to say is I have the proof here, and I bought the proof here
508 to give to you that this started, at least for me, back in May, I was clean; June 13th, I got –
509 infected.

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510 **MAYOR GOODMAN**

511 Very sorry to hear that, Sir.

512

513 **ROY INSCO**

514 Yeah. So, anyway, I bought all the evidence; these my – reports. If anyone would like to see
515 that, I would like to hand it over. I don't, I'm not – trying to be private about it. I just want to
516 share that this thing goes back. I know you keep talking about six –

517

518 **MAYOR GOODMAN**

519 No, I'm not keep on talking about six but –

520

521 **ROY INSCO**

522 Someone keeps talking about six.

523

524 **MAYOR GOODMAN**

525 The media talks about six.

526

527 **ROY INSCO**

528 The media talks about six.

529

530 **MAYOR GOODMAN**

531 But if you'd like to make that –

532

533 **ROY INSCO**

534 I want to be counted as at least number seven.

535

536 **MAYOR GOODMAN**

537 All right. That's fair.

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538 **ROY INSCO**

539 Okay.

540

541 **MAYOR GOODMAN**

542 If you'd like to make this part of the public record, we –

543

544 **ROY INSCO**

545 Absolutely.

546

547 **MAYOR GOODMAN**

548 We'd be happy to accept it if you hand that –

549

550 **ROY INSCO**

551 Yes.

552

553 **MAYOR GOODMAN**

554 – to the Clerk.

555

556 **ROY INSCO**

557 I will do that.

558

559 **MAYOR GOODMAN**

560 Very good.

561

562 **ROY INSCO**

563 Thank you.

564

565 **MAYOR GOODMAN**

566 Thank you. Yes, Ma'am.

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567 **BRENDA BUTTS**

568 Hi. My name is Brenda Butts and today I would be celebrating my husband's 56th birthday.
569 Unfortunately, he died of Hepatitis C, Liver Cancer. Thanks to these doctors who ran our
570 insurance up, my husband died at home in front of my family. It's a horrible death. I think you
571 ought, you all should know it's a horrible death, and these men should be held accountable. Not
572 just the entity, these men, they know right from wrong. They gave these people a death curse. I
573 don't understand why they're not being indicted. This is a criminal act. I mean, I – pleased that
574 their license are (sic) gone.

575

576 **MAYOR GOODMAN**

577 That's the only area that we have jurisdiction over as a City.

578

579 **BRENDA BUTTS**

580 Well –

581

582 **MAYOR GOODMAN**

583 There're other – agencies and entities that would be able to address –

584

585 **BRENDA BUTTS**

586 Is there anything will be done about that?

587

588 **MAYOR GOODMAN**

589 I can't tell you what other people are doing. We did the most we could do as a City.

590

591 **BRENDA BUTTS**

592 All right. Well, I appreciate what you did do.

593

594 **MAYOR GOODMAN**

595 Thank you. And I'm sorry about your husband.

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596 **BRENDA BUTTS**

597 Thank you.

598

599 **MAYOR GOODMAN**

600 Yes, Sir.

601

602 **JOSEPH HEINZE**

603 My name is Joseph Heinze. I live at 4148 Annie Oakley Drive. I just want to make it for the
604 record that these doctors and everybody seems to not, everybody seems to say that they don't
605 know what's going on. On – the 11th, I filed a criminal complaint against this, against the Doctor
606 Desai –

607

608 **MAYOR GOODMAN**

609 The eleventh of what?

610

611 **JOSEPH HEINZE**

612 Of March, I'm sorry.

613

614 **MAYOR GOODMAN**

615 Thank you.

616

617 **JOSEPH HEINZE**

618 On March –

619

620 **MAYOR GOODMAN**

621 Of this year – ?

622

623 **JOSEPH HEINZE**

624 Of this year, yes, Sir.

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625 **MAYOR GOODMAN**

626 Yes, Sir.

627

628 **JOSEPH HEINZE**

629 In regards to when I was in his office, the doctor came in and said give him – a used needle.

630 And I said, (inaudible) go, he wants to be a comedian, huh? Well, it turns out, they did. They

631 did use a used needle on me, and I just want to make that on the record; that there was an

632 anesthesiologist, two nurses and a doctor in there. How do you get four people in cahoots to act

633 like that? What does he have over these four people to be able to do that? Thank you.

634

635 **MAYOR GOODMAN**

636 Thank you for coming down. Yes, Ma'am.

637

638 **STEPHANIE (INAUDIBLE) THORNTON**

639 Thank you. I want to thank you too for the great job you've –

640

641 **MAYOR GOODMAN**

642 Please put – your name on the record, please.

643

644 **STEPHANIE (INAUDIBLE) THORNTON**

645 My name is Stephanie (Inaudible) Thornton. Professionally, I'm a registered medical assistant.

646 I'm also a victim of the Endoscopy Center on Burnham. In December of 2005 through January

647 2006, I underwent the same procedure three times. I had been tested and I'm positive being

648 exposed, not being active with Hepatitis C. So I had a three to one chance of getting the active

649 virus. As per my family physician, once a year, I have to be checked. My life and forty

650 thousand plus others are worth more than pennies, worth more than putting your checkbooks out

651 there to spend what you want and do what you want. I'm emotional now because there are

652 people I am positive that don't even know what's really going on as we speak here today. I

653 never received a letter. I watch t.v., I read the newspapers –

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654 **MAYOR GOODMAN**

655 As I understand, the letters only went out to – those patients at the 700 Shadow –

656

657 **STEPHANIE (INAUDIBLE) THORNTON**

658 Well –

659

660 **MAYOR GOODMAN**

661 – clinic.

662

663 **STEPHANIE (INAUDIBLE) THORNTON**

664 Sir, perhaps the, all the other locations, you should possibly look into sending something, but

665 they should have gone out registered or certified. You have the elderly that live alone; they

666 might of thought it was junk mail. You have mentally challenged people, who have no clue as to

667 what's going on unfortunately for them. Again, I want to thank you for taking away their

668 business license. But when these people took an oath to do no harm, they've got, done a great

669 deal of harm. Evil, the root of evil, is money. Take a look around; too bad that this chamber is

670 not big enough for forty thousand people. Thank you.

671

672 **MAYOR GOODMAN**

673 Thank you for coming down. Yes, Sir.

674

675 **JAMES MORRISON**

676 God bless you.

677

678 **STEPHANIE (INAUDIBLE) THORNTON**

679 God bless you too. Thank you.

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680 **JAMES MORRISON**

681 My name is James Morrison. I'm a resident here since 1986. I appeal to you guys for the
682 families and the families of the families that's gonna be affected by this, and I thank you for
683 pulling their license but that's just scraping the barrel. Okay. A lot of us are suffering from
684 post-traumatic stress as I am. I know that. And I think there's a lot more that can be done within
685 the Council here than is said. I think that, you know, you guys could, you know, do a lot more
686 than what you're – doing right now other than pulling their license. You ought to be activating
687 their butts to be put in jail. That's all I gotta say. If – a prostitute can go out and give you AIDS,
688 they go to prison. How come these people can't go to prison?

689

690 **MAYOR GOODMAN**

691 Thank you.

692

693 **JAMES MORRISON**

694 There's no excuse.

695

696 **MAYOR GOODMAN**

697 Thank you for coming down.

698

699 **JAMES MORRISON**

700 You're welcome.

701

702 **MAYOR GOODMAN**

703 Yes, Sir.

704

705 **TOM McGOWAN**

706 Tom McGowan, Las Vegas resident, and patient of the VA healthcare system Southern Nevada.

707 May I have the overhead, please? Is the overhead on?

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708 **MAYOR GOODMAN**

709 It's not on yet.

710

711 **TOM McGOWAN**

712 Can you zero in on that? You'll see what resembles the interior of a colon.

713

714 **MAYOR GOODMAN**

715 Yes, there it is.

716

717 **TOM McGOWAN**

718 And (inaudible) what happens here, stays here. (Inaudible) right side of the margin, it's a
719 graveyard. The RX prescription is murder. (Inaudible) exhibit, it's self-explanatory. The
720 subject issue is Page 1 of a multi-volume work in progress, where culpability and (inaudible)
721 complicity is not limited to the alleged perpetrators, alleged according to the system, and their
722 professional cohorts, (inaudible) to the extension (inaudible) jurisdiction, levels of society and
723 government in the State of Nevada, where the love of money exceeds the value of life itself.
724 That's the lesson. Because the problem is the absence of integrity, the lack of open public
725 accountability, refuses to accept individual responsibility, all of which are increasingly evident
726 as endemic and epidemic in the battle-born pioneer State of Nevada. With the consequences of
727 illicit acts and omissions are adversely impacted upon the genuine best public and private
728 interest as well as inter-generationally. The children are gonna get it and the grandchildren plus
729 (inaudible).

730 You were previously advised, in order to have a better city, county, state and nation, we, each
731 and all, have to strive to become better people, inclusively and without exception. To do that,
732 we have to attain to a higher idealized standard of quality in terms of ethics, morality, reason,
733 integrity, accountability, responsibility and above all, conscience in (inaudible) supreme being.
734 Now who wants to go first? The written text of my public comments submitted and requested
735 inclusion in the meeting minutes.

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736 **MAYOR GOODMAN**

737 Thank you.

738

739 **TOM McGOWAN**

740 Thank you.

741

742 **MAYOR GOODMAN**

743 Yes, Sir.

744

745 **JOHN FRITZ**

746 Mr. Mayor, Members of the City Council, I want to thank you for the actions you took this
747 morning in confiscating their license. Does that preclude them from practicing only in Las
748 Vegas or the entire State of Nevada?

749

750 **MAYOR GOODMAN**

751 All we have jurisdiction over is their City license. I believe what you heard from Mr. DiFiore,
752 who is our Licensing Director (sic), that there is a flag that is now up and that would probably be
753 applicable as far as the rest of the state is concerned.

754

755 **JOHN FRITZ**

756 I see. Is (sic) there any additional steps you could take? I realize that you –

757

758 **MAYOR GOODMAN**

759 This –

760

761 **JOHN FRITZ**

762 – the City of Las Vegas.

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763 **MAYOR GOODMAN**

764 As far as the City's concerned, our research indicates that we've gone the full extent of our
765 jurisdiction. There are other agencies and entities in the community that will be able to address
766 the issue. This proceeding today does not stop others from going forward that do have
767 jurisdiction.

768

769 **COUNCILMAN REESE**

770 We need his name.

771

772 **JOHN FRITZ**

773 Okay.

774

775 **MAYOR GOODMAN**

776 And your name, please.

777

778 **JOHN FRITZ**

779 John Fritz. I've been a resident of Las Vegas since 1995.

780

781 **MAYOR GOODMAN**

782 Thank you.

783

784 **JOHN FRITZ**

785 Thank you.

786

787 **MAYOR GOODMAN**

788 Yes, Ma'am.

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789 **MICHELLE BALTZ**

790 Good afternoon, Mr. Mayor, Councilmembers. Michelle Baltz, 3646 Tamal Court. I've,
791 actually I'm a resident of Clark County and I wish that I was before the County Commission. I
792 wish that they took this type of authoritative action, and I'd like to really thank you for what
793 you're doing. I have Crohn's disease, and I was a patient of Dr. Sharma for over six years, and
794 the process, well fortunately, I – tested negative for everything, and my empathy to the people
795 that have it. But for those of you that don't know, the process in order to find another doctor is –
796 almost impossible. For one, there's already a shortage of doctors, gastro doctors. And before a
797 doctor will even tell me if they'll take me as a patient, I have to get my records from the gastro
798 clinic that was closed. And I submitted my request with Metro three weeks ago, then I got a
799 phone call from Metro because the way they file these records, were done by the date of the
800 procedure and not by your name, and I don't know when my procedure was done because my
801 primary doctor was Dr. Sharma, who is no longer practicing. So I'm walking around with
802 Crohn's disease, and I can't even see a doctor right now.

803

804 **MAYOR GOODMAN**

805 Well, I – would hope that when we have our discussions, we can't take any action, but I would
806 hope, this is just a wish, that when we have our discussions about assisting Metro with getting
807 these records together that this young lady's records will be at the top of the heap under that
808 circumstance.

809

810 **MICHELLE BALTZ**

811 And any, everyone else too, but that would be most appreciated.

812

813 **MAYOR GOODMAN**

814 We appreciate that.

815

816 **MICHELLE BALTZ**

817 If they could, at least, organize them so they can find them.

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818 **MAYOR GOODMAN**

819 That's – they put out a bid, a request for a company to help them put these records together so
820 that folks such as yourself will be able to have access to them. And I think by virtue of our being
821 able to make a contribution of a substantial nature monetarily to accomplish that, you'll probably
822 get your records a little faster than you otherwise would.

823

824 **MICHELLE BALTZ**

825 Well, thank you. It's very much appreciated.

826

827 **MAYOR GOODMAN**

828 All right.

829

830 **MICHELLE BALTZ**

831 Thank you for your time.

832

833 **MAYOR GOODMAN**

834 Thank you. Would anyone else like to be heard? Yes, Ma'am.

835

836 **JUNE INGRAM**

837 Good afternoon, Mayor and City Council and attorneys. June Ingram, Charleston Neighborhood
838 Preservation. I have this little thing to – read from my group and then after that, I'd like to add a
839 couple comments of my own.

840 Doctors licensed to practice medicine in the State of Nevada, Dipak Desai, Vish Vinder Sharma,
841 Eladio Carrera and Clifford Carroll are business owners – who ordered the use of contaminated
842 needles, syringes, vials and other non-sterile pieces of equipment making each guilty of
843 attempted murder and each of us be treated accordingly.

844 Number one: Their license including these, those of nurses must be revoked. Their passports
845 must be seized, cancelled and no new ones issued. Their bank accounts in all countries must be
846 frozen. Their homes, cars and other property must be sold to help pay health costs for victims

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847 that were, that have, and their devastated families. They must be indicted, tried and convicted,
848 and if convicted, imprisoned proportionately to each crime which they attempted, which is
849 attempted murder as well as other, each crime where former patients later found to be infected
850 with HIV and AIDS and other and Hepatitis B and C.

851 People who, people with insurance may drop, people with insurance may be dropped once the
852 expenses gets (sic) too high. Thousands will die early and in pain due to greed and wanting
853 malpractice the, from these associates. The direct, the duty of the community, watchdog
854 community, is derelict too. They should've done been watching on this.

855 What – I don't understand, that's the end of my writing, but I – don't understand is why people
856 in the medical field, nurses, didn't have the brains and guts enough to tell somebody what was
857 goin' on. They could've saved lives. They should've reported it. They could've done it
858 anonymously if – they needed to, but they didn't do it. So that many people now, some people
859 will – never know that they even have it until they spread it on to other people. They won't
860 know where they got it, and it's gone on and on and on, but this is ridiculous. This is totally
861 ridiculous. This should not be happening.

862 So each, the nurses – that are found to have done this, their license should be revoked and all
863 those doctors, they should – theirs should be revoked. They should never be allowed to work
864 again, anywhere, because they'll do it some, someplace else and this is – just terrible. It should
865 never have happened. Thank you.

866

867 **MAYOR GOODMAN**

868 Thank you. Would anyone else like to be heard at this time? All right. Seeing none, I declare
869 this Special City Council –

870

871 **COUNCILWOMAN TARKANIAN**

872 Wait.

873

874 **MAYOR GOODMAN**

875 – Meeting as adjourned.

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876 **COUNCILWOMAN TARKANIAN**

877 Excuse me.

878

879 **MAYOR GOODMAN**

880 Yes.

881

882 **COUNCILWOMAN TARKANIAN**

883 Could I just say something, Mr. Mayor?

884

885 **MAYOR GOODMAN**

886 Certainly.

887

888 **COUNCILWOMAN TARKANIAN**

889 I just wanted to say that these were extremely egregious actions committed by the two medical
890 centers, and I wish, as I know all the other Councilmen feel, that we had more authority to do
891 more. It sickens me that individuals representing a profession in which we trust should so betray
892 their medical oath and also betray the medical profession which contains many doctors who
893 perform at the highest ethical level. What they've done to them is also a terrible shame.

894 I extend my respect to Councilman Reese and to our Mayor and to our legal department, who
895 moved so quickly to take action to get this matter before us today. And I only hope that other
896 entities within this whole county, who have additional authority, will move quickly also. Thank
897 you.

898

899 **MAYOR GOODMAN**

900 Thank you. All right. Anything else? All right, then the Special City Council Meeting is
901 adjourned. Thank you.

902

903 /cv,lc;lc,cv