

**CITY COUNCIL MEETING OF**  
*May 7, 2008*  
**VERBATIM TRANSCRIPT – ITEM 59**

1 **Discussion and possible action regarding proposed use of monies received from**  
2 **Gastroenterology Center of Nevada and Endoscopy Center of Southern Nevada, LLC, in**  
3 **return for accepting surrender of their business licenses – All Wards**

4

5 **Appearance List:**

6 OSCAR GOODMAN, Mayor

7 ELIZABETH FRETWELL, Deputy City Manager

8 LAWRENCE SANDS, Doctor and Chief Health Officer of the Southern Nevada Health District

9 LARRY BROWN, Councilman

10 RICKI Y. BARLOW, Councilman

11 GARY REESE, Councilman

12 STEVE WOLFSON, Councilman

13 LOIS TARKANIAN, Councilwoman

14 CARL HEARD, Doctor and Chief Medical Officer and Interim CEO for Nevada Health Centers,  
15 Inc.

16 TOM MCGOWAN, Las Vegas resident

17 ANTHONY HODGES

18

19 38 minutes

20

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23 **MAYOR GOODMAN**

24 Item 59 is discussion and possible action regarding proposed use of monies received from the  
25 Gastroenterology Center of Nevada and Endoscopy Center of Southern Nevada, LLC, in return  
26 for accepting surrender of their business licenses. This pertains to all Wards.

27 I would like to summarize, if I may, a brief history of what leads us to this particular discussion.  
28 It was brought to our attention that the Health District had received information about the  
29 practices which were taking place at the center, located at 700 Shadow. Mayor Pro Tem and  
30 Councilman Barlow are members of the Health District, and Mayor Pro Tem called me and  
31 indicated that he had received this information. And we then began to research what, if  
32 anything, the City could do about it.

33 The information was conveyed to us on a Wednesday afternoon. By Friday afternoon, due to  
34 excellent efforts on the part of the City Attorney in obtaining sufficient documentation in order  
35 to go and prepare a temporary suspension order, that order was served upon the clinic at about 3  
36 o'clock in the afternoon. The clinic, for all intents and purposes, was closed pursuant to that  
37 temporary suspension order.

38 Thereafter, the principals of the Endoscopy Center exercised their right to have a (sic) appeal  
39 heard by members of the City staff. The City Manager, Director of Finance and the Director of  
40 Business Licensing heard the appeal the following Monday, and they affirmed the decision to  
41 have the temporary suspension remain in effect.

42 And thereafter, the City Council conducted a hearing. At the hearing, the City Council accepted  
43 surrender of the business licenses and, at the same time, imposed a five hundred thousand dollar  
44 civil fine upon the Endoscopy Center. And the money was paid forthwith to the City Council  
45 and placed in the hands of our Finance Director. And we then directed the staff to come up with  
46 some suggestions as to how the City should spend the five hundred thousand dollars because, to  
47 a person on this Council, we felt that it should not go into our General Fund but should be  
48 utilized for those who were subjected to the behavior which took place at the Endoscopy Clinic.

49 Ms. Fretwell was kind enough to provide us with her research and her recommendations. And  
50 several things took place in the interim. One, we were advised that the Las Vegas Metropolitan  
51 Police Department was having a horrific time in trying to sort out the patient records. There –  
52 were folks who had used the services of the Clinic who were trying to get access to their records

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53 which had been seized after the City had taken its action closing the clinic. And the Sheriff's  
54 Office was in a position where they were unable to find a particular record in a timely manner, in  
55 a manner which would satisfy the needs of persons such as the young lady who appeared in front  
56 of us who had Crohn's disease and needed her records. And there was no way that she could get  
57 them, so a request was made that the City Council fund the ability of Metro to assemble the  
58 records so that our constituents and the patients at the Endoscopy Clinic would be able to have  
59 access to them.

60 The amount of money that is required for the preparation of that – procedure is two hundred and  
61 sixty one thousand dollars. We have been advised that the State of Nevada is going to provide  
62 one hundred thousand dollars, but because time is of the essence here, as part of my motion, I'm  
63 going to ask the Council to approve the payment of two hundred sixty one thousand dollars, and  
64 then when the one hundred thousand dollars is received from the State, that that be given to us so  
65 that could replenish the – advance that we'll be making, should the motion be adopted.

66 Secondly, after the meeting took place, I received a letter from our District Attorney, David  
67 Roger, and Mr. Roger set up a meeting with me. And he said that he wanted to proceed  
68 vigorously in ascertaining whether or not criminal charges should be filed and prosecution  
69 should take place. And without a specific monetary amount, he said that it'd be necessary for his  
70 office to have money available to pay for the expertise of somebody in a very complex case to  
71 take over the investigation and the presentation of a case, and was asking us, out of the five  
72 hundred thousand dollars that we had received, for a contribution.

73 Subsequent to that, he had a conversation with Councilman Wolfson where some issue was  
74 raised as to whether or not, if in fact the, a complaint or an indictment was not returned, what  
75 would happen with the money. And basically, an accord was reached between them that the  
76 monies would then be returned.

77 I had a subsequent conversation with Mr. Roger in the last day or so and he indicated that the  
78 better way to proceed, and I would tend to agree with him, is that we retain the hundred thousand  
79 dollars which we'd make available to him, and if and when an indictment or a criminal  
80 complaint was returned and, in fact, a prosecution were to take place, that the City would then  
81 make available to him the hundred thousand dollars immediately.

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82 I, we get the sense, as a Council, that the public wants this to be resolved and – wants it to be  
83 resolved in a stern and principled manner. And they feel that we should participate in that  
84 process in making sure that justice is going to be done here. And I thought that this is a way that  
85 we could make a contribution to ensure that justice will be done. I see Mr. Lalli of the District  
86 Attorney’s Office is present here. Mr. Roger had another matter, I believe, that took him out of  
87 town, but Mr. Lalli’s here in case anybody has any questions of him.

88 And the third area, and this was looked into with great detail by Ms. Fretwell, was the ability of  
89 Nevada Health Centers, Inc, a 501(c)(3), to provide certain treatment, particularly of uninsured  
90 patients or underinsured patients who are directly linked to the Endoscopy Center of Nevada  
91 who have contacted, who have contracted Hepatitis C and also, we’re advised, Hepatitis A and B  
92 vaccinations for active Hepatitis C cases discovered but not necessarily directly linked to the  
93 Endoscopy Center could use funding and also future testing of patients.

94 So, my motion’s gonna be, after we have input from the Council, that the staff will be directed to  
95 issue a check for two hundred sixty-one thousand dollars to the Las Vegas Metropolitan Police  
96 Department to pay the – folks who are going to establish the record management contracts that,  
97 if and when, the – State or any other source were to, Ms. Fretwell?

98

99 **ELIZABETH FRETWELL**

100 I just thought you might want, there’s a reference in your backup material that basically, with a –  
101 request from the Sheriff’s Office which may have already happened, I’m not sure. Dr. Sands  
102 may be able answer. The Health District’s already received the hundred thousand from the State  
103 and communicated to Metro that all they needed to do was make a contact to facilitate the  
104 transfer. So my point is the transfer may have already occurred.

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105 **MAYOR GOODMAN**

106 Fine. Dr. Sands, are you able to advise us? I was – advised that the transfer had not been made,  
107 but –

108

109 **ELIZABETH FRETWELL**

110 Okay.

111

112 **MAYOR GOODMAN**

113 – let’s check that out then. What my intention is, is to make sure Metro has the two hundred and  
114 sixty-one thousand. My intention, further, is that if there’s a hundred thousand dollars out there,  
115 that we should be recompensed for that, as far as this is concerned.

116

117 **LAWRENCE SANDS**

118 Right.

119

120 **MAYOR GOODMAN**

121 Could you state your name for the record, please?

122

123 **LAWRENCE SANDS**

124 Is this on? Okay. Dr. Lawrence Sands with the Southern Nevada Health District, Chief Health  
125 Officer. Yes, Ms. Fretwell’s correct. The Health District has received a sub-grant or  
126 amendment to our sub-grant that we have with the State of, State Health Division and amended  
127 it. They transferred a hundred thousand dollars to that sub-grant, specifically for medical record  
128 management by the Sheriff’s Office. Right now, actually this morning, we just received draft  
129 interlocal agreement that we’re gonna be working on to facilitate the transfer of that hundred  
130 thousand dollars to Metro as soon as –

131

132 **MAYOR GOODMAN**

133 Is –

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134 **LAWRENCE SANDS**

135 – we can finalize that.

136

137 **MAYOR GOODMAN**

138 Is that given?

139

140 **LAWRENCE SANDS**

141 Pardon me. Is that a given –

142

143 **MAYOR GOODMAN**

144 Yes.

145

146 **LAWRENCE SANDS**

147 – in terms of, yes. It is.

148

149 **MAYOR GOODMAN**

150 All right. All right. Based on that –

151

152 **COUNCILMAN BROWN**

153 Who has to approve it?

154

155 **MAYOR GOODMAN**

156 Who has to approve that, Dr. Sands?

157

158 **LAWRENCE SANDS**

159 That will be approved by our Board of Health and, I think, and – the Sheriff's Office, I believe.

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160 **MAYOR GOODMAN**

161 All right. Well, accepting that representation then, I'm – going to assume that the hundred  
162 thousand dollars is going to be transferred to Metro and **my motion would say that a hundred**  
163 **and sixty-one thousand dollar will go from the City to Metro for that purpose. And, in**  
164 **addition, that we retain a hundred thousand dollars in a reserve. If and when an**  
165 **indictment or criminal complaint is returned to the, given to the District Attorney's Office,**  
166 **to assist their prosecution. And further, the balance, which I believe would be three, two**  
167 **hundred forty thousand dollars –**

168

169 **ELIZABETH FRETWELL**

170 Approximately.

171

172 **MAYOR GOODMAN**

173 – approximately two hundred forty thousand dollars be used for treatment of uninsured or  
174 underinsured patients directly linked to the Endoscopy Center Nevada who've contracted the  
175 Hepatitis C and that Hepatitis A and B vaccinations be available for those who need them and  
176 future testing of patients, in that particular order. I'm also going to make as part of my motion  
177 that this be brought back to us, basically, for review and accounting as to how the monies have  
178 been expended every four months. So when you make an arrangement with Nevada Health  
179 Centers, they would be expected to report back to us quarterly, or – I guess, every four months,  
180 that'd be thirdly, to, so that we're advised as to how the money's being spent.

181 Same thing for the DA's Office, that if, in fact, a complaint or indictment is returned, that you  
182 would advise us of that so we'll be able to tender to you the money immediately. And Dr.  
183 Sands, if you'd be kind enough to let us know when that interlocal is completed, that would put  
184 our mind to rest that we're all doing the right thing here. So that's basically what –

185

186 **COUNCILMAN BARLOW**

187 Mayor.

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188 **MAYOR GOODMAN**

189 – my motion would be.

190

191 **COUNCILMAN REESE**

192 Your Honor, if I could.

193

194 **MAYOR GOODMAN**

195 Yes. Mayor Pro Tem, and then Councilman Barlow.

196

197 **COUNCILMAN REESE**

198 Your Honor, I think that's really spreading the money – out where it's needed. My only request  
199 is in the – reviews that we have, we have the Health District or if Metro, in the next four months,  
200 if they have pressing needs for more money or more funding, that they could come back to us,  
201 make that, you know, make a recommendation or ask us if we could, you know, give them some  
202 more money, for their needs or whatever, if that is, you know, if we have any money left, so that  
203 we are keeping that money going where it's needed.

204

205 **MAYOR GOODMAN**

206 Thank you. Councilman Barlow.

207

208 **COUNCILMAN BARLOW**

209 Yes. Thank you. You – requested for a report to come back quarterly. I just wanna be specific  
210 as far as understanding that report coming back. Would they be coming back before this Council  
211 to do a presentation or will it be an administrative –

212

213 **MAYOR GOODMAN**

214 What I – had in mind is that the Manager's Office would report to us every four months, every  
215 three months, pardon me, exactly how the monies have been expended.

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216 **COUNCILMAN BARLOW**

217 So this will come from Dr. Selby as far as his report –

218

219 **MAYOR GOODMAN**

220 Right –

221

222 **COUNCILMAN BARLOW**

223 – his City Manager –

224

225 **MAYOR GOODMAN**

226 Right. But they'd have to receive the information from the various agencies that we're giving  
227 the money to. I wanna make sure the money's being spent wisely, as we intend it to be spent,  
228 that it's being spent to – address these immediate problems. And it's the City's money at this  
229 point in time. It's our largesse which allows us to use it for this particular purpose to help those  
230 who were involved here. And we wanna make sure it's being expended properly and not in  
231 some dark hole. That's one of the reasons that we just weren't willy-nilly going to give the  
232 money to the District Attorney's Office. If there's not going to be a criminal prosecution, no  
233 sense them having the money. If there's gonna be a criminal prosecution, we want this money to  
234 go towards a successful prosecution.

235

236 **COUNCILMAN BARLOW**

237 Right. And I can respect that and that's why I wanted to know how, in fact, the reporting will  
238 come. Will it come through emerging issues through Dr. Selby's report or will there be a formal  
239 presentation before the Council in another format, so I'm just trying to get an understanding.

240

241 **MAYOR GOODMAN**

242 As far as a formal presentation to – us, we're the ones who have to get the information. But  
243 would you like to have the various entities that involved report to us, like the Sheriff's Office?

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244 **COUNCILMAN BARLOW**

245 What, no. I'm – asking as far as your under –

246

247 **MAYOR GOODMAN**

248 What I – was trying to do –

249

250 **COUNCILMAN BARLOW**

251 – your understanding, where you're coming from –

252

253 **MAYOR GOODMAN**

254 Where I was coming from was I was going to ask, like the Sheriff's Office to advise the  
255 Manager's Office how they spent the money, how the Health Center spent the money, they  
256 would advise the Manager's Office. They would then come before us in a public setting and tell  
257 us how the money was spent.

258

259 **COUNCILMAN BARLOW**

260 Okay. They being the Manager's Office?

261

262 **MAYOR GOODMAN**

263 Yes.

264

265 **COUNCILMAN BARLOW**

266 That's what I was trying –

267

268 **MAYOR GOODMAN**

269 But they would be reporting the information which was given to them by the various recipients  
270 of the money.

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271 **COUNCILMAN BARLOW**

272 Okay.

273

274 **MAYOR GOODMAN**

275 But if you ever, of course, if you'd like to have those recipients come before us, all we have to  
276 do is ask and they'll be –

277

278 **COUNCILMAN BARLOW**

279 No. It's just a matter of clarification 'cause I didn't understand as far as how that report would  
280 come back.

281

282 **MAYOR GOODMAN**

283 Okay.

284

285 **COUNCILMAN BARLOW**

286 So you just explained that, so I appreciate it.

287

288 **MAYOR GOODMAN**

289 Good.

290

291 **COUNCILMAN BARLOW**

292 Thank you.

293

294 **MAYOR GOODMAN**

295 Thank you.

296

297 **COUNCILMAN WOLFSON**

298 Mayor Goodman.

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299 **MAYOR GOODMAN**

300 Yes.

301

302 **COUNCILMAN WOLFSON**

303 Thank you. I'd like to, likewise, acknowledge and recognize and thank Chris Lalli for coming  
304 today. He's the Assistant District Attorney. Mr. Roger couldn't be here today. And I'd like to  
305 state that originally I was a little skeptical at the District Attorney's request because I –  
306 recognize that this is a highly complex, sophisticated investigation and normally these types of  
307 investigations are done by the Federal Government. So in my conversations with David Roger a  
308 few days ago, he assured me of the seriousness and the genuine desire to investigate this case  
309 and, if appropriate, prosecute. And I was very glad to hear that David Roger and Chris, you have  
310 that opinion and that desire, so you have my support for this motion and I hope to see a  
311 prosecution if it's appropriate.

312

313 **MAYOR GOODMAN**

314 Thank you. Anybody else.

315

316 **COUNCILWOMAN TARKANIAN**

317 Mayor.

318

319 **MAYOR GOODMAN**

320 Yes, Councilwoman.

321

322 **COUNCILWOMAN TARKANIAN**

323 I – just wanna make sure I'm clear on all of this. What we would be giving out to the Sheriff's  
324 Office would a hundred and sixty-one thousand.

325

326 **MAYOR GOODMAN**

327 Correct.

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328 **COUNCILWOMAN TARKANIAN**

329 And the District Attorney was sort of setting aside a hundred thousand in which would be used  
330 as needed and verified by our Manager's Office.

331

332 **MAYOR GOODMAN**

333 Only after there was a return of a criminal process.

334

335 **COUNCILWOMAN TARKANIAN**

336 Yes.

337

338 **MAYOR GOODMAN**

339 Either an indictment or a complaint.

340

341 **COUNCILWOMAN TARKANIAN**

342 Right. Okay.

343

344 **MAYOR GOODMAN**

345 It would remain in our fund until that event were to take place.

346

347 **COUNCILWOMAN TARKANIAN**

348 Right.

349

350 **MAYOR GOODMAN**

351 If it doesn't take place within a reasonable period of time –

352

353 **COUNCILWOMAN TARKANIAN**

354 Okay.

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355 **MAYOR GOODMAN**

356 – we could do we wanted with that money.

357

358 **COUNCILWOMAN TARKANIAN**

359 And I understand those clearly. The one I'm a little concerned about is the Health District  
360 because one, when you talk about willy-nilly, and some people talk about nebulous, and some  
361 people talk about big bureaucracies and black holes, this were, these were some of the comments  
362 that came to me from people when they saw the request. And I – would like to ensure somehow,  
363 maybe to Betsy, the Manager's Office, that the money goes, is not slipped into other areas. And  
364 I'm not begrudging anybody to spend money where it's needed, except that this money, very  
365 specifically, I think should go to those who are with the endoscopy problem.

366

367 **MAYOR GOODMAN**

368 Yes, Ms. Fretwell.

369

370 **ELIZABETH FRETWELL**

371 What we would need to do, to follow your direction, would be to bring back a grant agreement  
372 for your approval anyway. With, and it's not with the Health District. It would be with the  
373 separate 501(c)(3) who primarily serves uninsured and underinsured people. At our request,  
374 they provided, litany I gave to you during briefings last week of areas of need that between  
375 UMC, the Health District and this Nevada Health Centers, Inc., have indicated the highest areas  
376 of need. The highest area of need was, obviously, the treatment of the uninsured or underinsured  
377 individuals who are directly linked to the Endoscopy Center activities that tested positive for  
378 Hepatitis C and have active cases of Hepatitis C. They actually requested a hundred eighty  
379 thousand dollars for that treatment because apparently the treatment per individual is close to  
380 thirty thousand dollars.

381

382 **COUNCILWOMAN TARKANIAN**

383 And –

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384 **ELIZABETH FRETWELL**

385 Okay.

386

387 **COUNCILWOMAN TARKANIAN**

388 And have we, we have a recognized valid number of people now who have this Hepatitis C  
389 related to the Endoscopy Center and that, or do not have insurance to cover it?

390

391 **ELIZABETH FRETWELL**

392 Yes.

393

394 **COUNCILWOMAN TARKANIAN**

395 So, you, how many numbers do you have that would take a hundred, what did you say, hundred

396 –

397

398 **ELIZABETH FRETWELL**

399 Well, we –

400

401 **COUNCILWOMAN TARKANIAN**

402 – thirty thousand –

403

404 **ELIZABETH FRETWELL**

405 They requested a hundred and eighty thousand dollars. They would only be reimbursed for  
406 people that they actually treated, so I don't know how many people of those that have been  
407 exposed, directly linked through the Health District's epidemiological research back to the  
408 Endoscopy Center, how many of those are insured or not insured. So we would have to work on  
409 that and that would be something we would specify in this grant.

410

411 **COUNCILWOMAN TARKANIAN**

412 I just think that's very important because, believe me, I know the need for others too. And I –  
413 know how hard it is to meet the need in a non-profit organization such as the one with which

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414 we'll be dealing. It's just that I feel so strongly that this has to go for those who were affected by  
415 this problem in the Endoscopy Center. And so you're saying you're gonna come back with a  
416 plan –

417

418 **ELIZABETH FRETWELL**

419 We're gonna come back with a –

420

421 **COUNCILWOMAN TARKANIAN**

422 – like a grant –

423

424 **ELIZABETH FRETWELL**

425 We would have to come back with a grant agreement for the two hundred and thirty-nine  
426 thousand dollars, if you follow the Mayor's recommendation today. That would be set aside for  
427 treatment for people who are directly linked to the Endoscopy Center issues and have Hepatitis  
428 C.

429

430 **COUNCILWOMAN TARKANIAN**

431 Excuse me, Betsy. Could I just ask, how did we get into the A and B shots?

432

433 **ELIZABETH FRETWELL**

434 Well –

435

436 **COUNCILWOMAN TARKANIAN**

437 Related to –

438

439 **ELIZABETH FRETWELL**

440 I'm not an expert.

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441 **COUNCILWOMAN TARKANIAN**

442 those who have –

443

444 **CARL HEARD**

445 (Inaudible)

446

447 **ELIZABETH FRETWELL**

448 – may wanna come up. Apparently people who are infected with Hepatitis C are at much greater

449 risk to also contract Hepatitis A and B. And – they, all of those diseases are highly

450 communicable and if, but you can vaccinate for A and B.

451

452 **COUNCILWOMAN TARKANIAN**

453 Okay.

454

455 **ELIZABETH FRETWELL**

456 So maybe Dr. Heard could come up and –

457

458 **COUNCILWOMAN TARKANIAN**

459 I understand that now. That's okay.

460

461 **ELIZABETH FRETWELL**

462 Okay.

463

464 **COUNCILWOMAN TARKANIAN**

465 I understand that.

466

467 **ELIZABETH FRETWELL**

468 Okay.

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469 **COUNCILWOMAN TARKANIAN**

470 But now you're talking about, in this grant, it would be two hundred and thirty thousand, is that  
471 what you're saying?

472

473 **ELIZABETH FRETWELL**

474 Two hundred thirty nine –

475

476 **COUNCILWOMAN TARKANIAN**

477 Two thirty nine –

478

479 **ELIZABETH FRETWELL**

480 – if you transfer one sixty one in that term.

481

482 **COUNCILWOMAN TARKANIAN**

483 Okay. Two thirty nine. I'm just wanting to know the number of those who have been identified,  
484 I mean, how, what is our number now? Is it ten? Is it eight?

485

486 **LAWRENCE SANDS**

487 Right now, Dr. Sands with the Health District, for the record. Currently we have confirmed  
488 eight acute Hepatitis C cases that are associated with the centers. Seven with the center on  
489 Shadow Lane and one at the center located at Burnham that we're, again, still waiting to get  
490 records so that we can confirm the details of that – facility before making a notification.

491

492 **COUNCILWOMAN TARKANIAN**

493 And you're saying that if you have eight, it takes approximately thirty thousand to treat each of  
494 those eight?

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495 **LAWRENCE SANDS**

496 It takes, ul (sic), again, somebody who has acute Hepatitis C, that – may require anti-viral  
497 treatment. It can cost up to thirty thousand dollars –

498

499 **COUNCILWOMAN TARKANIAN**

500 Right.

501

502 **LAWRENCE SANDS**

503 – for an individual. One of the things, it's important to understand is that about twenty to thirty  
504 percent of people who are infected with Hepatitis C have acute symptoms. In other words, they  
505 usually develop symptoms of Hepatitis within about, anywhere (sic) from six to twelve weeks  
506 following their exposure. Many other people, though, become infected and never have any  
507 symptoms, may not know that they're infected unless they've a reason to go get tested. And  
508 certainly, in this situation, a lot of people are getting tested who would not had otherwise,  
509 because of this – situation.

510

511 **COUNCILWOMAN TARKANIAN**

512 Right.

513

514 **LAWRENCE SANDS**

515 Not everybody who's infected requires to be treated. Sometimes the infection does clear itself  
516 over time. But it also depends, but that's why it's important for people who test positive to  
517 follow up with their primary care physician and sometimes with a specialist to stage where they  
518 are in their disease, whether they have active disease and how it's affecting their liver. And  
519 usually, the way anti-viral treatment is usually required, if there's evidence that their liver is  
520 being affected to – a point, that anti-viral treatment would be indicated.

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521 **COUNCILWOMAN TARKANIAN**

522 So really, with the eight that you have, and there possibly could be more, of course –

523

524 **LAWRENCE SANDS**

525 Certainly.

526

527 **COUNCILWOMAN TARKANIAN**

528 – Some of those will have some of their expenses covered by insurance and some will have  
529 nothing covered by insurance. Some, it might go away, hopefully.

530

531 **LAWRENCE SANDS**

532 Right.

533

534 **COUNCILWOMAN TARKANIAN**

535 And some it will get very, very severe. So when we do our grant, we'll just be very specific as  
536 to how, what the – perimeters are, right?

537

538 **ELIZABETH FRETWELL**

539 Absolutely. We – need some time to work on this grant agreement.

540

541 **COUNCILWOMAN TARKANIAN**

542 Right.

543

544 **ELIZABETH FRETWELL**

545 But if we knew the top of the range, then we can back in to what could be delivered through the  
546 grant agreement to the community as far as health services. Then we can be a lot more specific  
547 about what qualifies, what doesn't, who's gonna be providing it, et cetera, et cetera. And –  
548 obviously this would be something that would be done a bill-back kind of basis.

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549 **MAYOR GOODMAN**

550 Right.

551

552 **ELIZABETH FRETWELL**

553 So we keep the funds and then as qualifying claims come in, we would pay –

554

555 **COUNCILWOMAN TARKANIAN**

556 And I think my questions have been answered now, Betsy.

557

558 **ELIZABETH FRETWELL**

559 Okay.

560

561 **COUNCILWOMAN TARKANIAN**

562 I understand. And you're going to build this in a way that you have the parameters set, that we  
563 know specifically what's happening because this is what people aren't understanding there. Is it  
564 eight? Is it seventeen? Do you have it? Do you not have it? And who has insurance, who  
565 doesn't. And – I know it's part of what medicine is about. You just don't know for sure. But if  
566 we have that set in a good framework, then that's fine. I just wanted to ask about that and make  
567 sure it's on the record we're gonna have a good framework.

568

569 **LAWRENCE SANDS**

570 Right.

571

572 **MAYOR GOODMAN**

573 Yes. And Ms. Fretwell, you understand we're not handing over a blank check. What we're  
574 doing is, basically, we're setting that money aside and that's, the grant will be paid as we're, as  
575 it's justified.

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576 **ELIZABETH FRETWELL**

577 Yes.

578

579 **MAYOR GOODMAN**

580 Okay. Yes – Doctor.

581

582 **CARL HEARD**

583 Yes.

584

585 **MAYOR GOODMAN**

586 Please identify yourself.

587

588 **CARL HEARD**

589 Dr. Carl Heard –

590

591 **MAYOR GOODMAN**

592 Yes.

593

594 **CARL HEARD**

595 Chief Medical Officer and Interim CEO for Nevada Health Centers. I just wanted to add one  
596 other bit or one other insight into this dilemma. The recommendation that I had made was really  
597 pursuant to a conversation that I'd had with Dr. Sands and also a Mr. Eddie who is in charge,  
598 Chief Administrator over out-patient services at UMC. What we're trying to do is look at the  
599 overall testing, how much testing is being done in this current circumstance. We received a  
600 grant from the Anthem Blue Cross Foundation to provide screening and testing free of charge for  
601 underinsured or uninsured patients. In that effort, we've screened about seven hundred patients  
602 in just under a thousand patient visits as follow-up consultation and testing pursued. In our  
603 system alone, we've identified about forty patients that are Hepatitis C cases and are in the  
604 course of being referred to specialists for further evaluation and determinations of whether

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605 they're gonna be qualified for treatment. We also identified about eight Hepatitis B cases as  
606 well. Again that assessment is still underway with those patients.

607 The reason I bring this up is because the patients that we're seeing, and as you can see, within  
608 that one sampling, our – incidence rate is about five or six percent within this particular  
609 population that we've screened. It's not going to be possible to trace each and every one of  
610 those to absolutely, solidly back to the Endoscopy Center, although they presented as a result of  
611 having had a procedure done at that time or there were sexual contacts to direct and immediate  
612 contacts of patients that had had procedures at the Endoscopy Center.

613 So there's really gonna be three categories: patients that are probably infected as a result of the  
614 Endoscopy Center, patients that are probably not as a result of the Endoscopy Center exposure,  
615 and then there's gonna be a fairly significant gray zone in that. And the recommendation that I  
616 made was really one to, trying to acknowledge that there really is no certainty in which patients  
617 are gonna be absolutely traceable back to the Endoscopy Center. And as a result, I'd like to see  
618 the middle and – first third considered in – the approaches of this and future efforts that will  
619 come.

620

621 **MAYOR GOODMAN**

622 And – we appreciate that and when the grant is being designed –

623

624 **CARL HEARD**

625 (Inaudible)

626

627 **MAYOR GOODMAN**

628 – part of this, the discussion as to where you feel the greatest needs are, it's my personal feeling  
629 that there has to be at least a prima facie nexus to the Endoscopy Center in order for one to  
630 receive the benefit of these monies.

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631 **CARL HEARD**

632 And what I'll do is, I'll work with staff because I believe there – are already GI doctors calling  
633 our company and saying, we'd like to be able to pitch in. I think there's really been a –  
634 consistent interest in support and assistance that the physicians in the community would like to  
635 participate in the resolution of this. And what I'll do is work with them to make sure there's a  
636 referral network available to support that effort.

637

638 **MAYOR GOODMAN**

639 Very good. I – think everybody understands what our intention is here. Our attention is three-  
640 fold. Help the Sheriff get these records together so the people will be able to get their records.  
641 Help the District Attorney if there's a complaint or indictment returned to obtain a conviction or  
642 convictions. And third, to help those folks out there who have had a connection with the  
643 Endoscopy Clinic who have medical problems and that's our intention.

644

645 **COUNCILMAN REESE**

646 Your Honor, if I could.

647

648 **MAYOR GOODMAN**

649 Yes.

650

651 **COUNCILMAN REESE**

652 I mean, I yield, Councilman Brown, he had a few comments and I'm gonna follow Councilman  
653 Brown after he makes his comments.

654

655 **COUNCILMAN BROWN**

656 Mayor, I support those three areas. I'd just need additional clarification. Just from some of the  
657 numbers in the backup, this – is into the millions of dollars. We – have five hundred thousand  
658 dollars, so absent this money, I think what you've just indicated that there are other people, the  
659 insurance companies, other doctors stepping up. So my – concern, if there is one, Your Honor –

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660 **MAYOR GOODMAN**

661 Yes, Sir.

662

663 **COUNCILMAN BROWN**

664 – would be, this is certainly found money and I would, since we are – not gonna be able to solve  
665 nor are we going to be able to address so many of the costs associated with what we’re dealing  
666 with today, I’d really like to be focused. For instance, Metro, one piece of the documentation  
667 has a number down here as four hundred and ninety one. Now they’ve requested from us two  
668 sixty-one which is now one sixty-one with the additional grant. But if Metro, if Metro now, is  
669 going to fund additional monies from the Metro budget, that’s the City’s budget. That’s fifty  
670 percent of the City’s budget, so I – wanna have staff double-check with that. That’s it. If we’re  
671 gonna end up paying out of the General Fund, City’s General Fund, to supplement Metro’s  
672 efforts, I’d like to balance that against that number.

673 Then secondly, in support of the DA’s request, I’d certainly wanna ensure that if we’re gonna  
674 fund this, or allow this hundred thousand to be drawn down against, I would hope that there are  
675 other public agencies involved in supporting the DA. I wouldn’t want the City to be the – only  
676 ones supporting that and if – we are going to support it, to make sure that that is a specific  
677 allocation, a one-time and not some kind of obligation from the City for the ongoing, ‘cause this  
678 – case, you’d know better, Your Honor, but it may not last six months. It may last six years.  
679 And if there’s any kind of indication that we intend to fund this beyond that set amount, we can  
680 clarify that.

681 And then the third, this is just overwhelming. And if we have two hundred and seventy  
682 thousand, who makes the decision on how to best use that two hundred and seventy thousand.  
683 That could be gone in one patient or – one day. So, again, I would defer, just so staff can come  
684 back to us, but as far as the three areas, Your Honor, you have my support.

685

686 **MAYOR GOODMAN**

687 All right. Thank you. Well, I’m just gonna say this, I don’t want to be critical of anybody else,  
688 but I haven’t seen too many folks in this community and in this State step up. This Council  
689 stepped up. I – ask myself sometimes what would happen if we didn’t close ‘em down. Might

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690 still be going on. I read in the newspaper, you know me, I don't believe the newspapers, but I  
691 read the newspaper that apparently the Medical Board or – people have jurisdiction over doctors,  
692 that law enforcement wants to have access to their records, won't turn 'em over. I mean, you  
693 know, sometimes, Mr. Bumble said, the law is an ass. And I think that's what we're seeing  
694 around here. People are saying they can't do this, they can't do that. I mean, that's the typical  
695 bureaucratic response to just about everything. I've often said that when I was actively  
696 practicing law, Mr. Lalli will back this up, where there was a fee, there was a remedy. And I'm  
697 asking everybody, as Councilman Brown said, stand up. You oughta be ashamed of yourselves.  
698 It's outrageous that people haven't come forward who have jurisdiction over these matters and  
699 assert their – position. As Mr. McGowan would say, that's their sworn oath. I'm calling for  
700 them to participate. And it – looks and it feels, it falls on deaf ears. This is not our problem.  
701 This is a community's problem. I don't know whether the majority of the people who used the  
702 services at the 700 Shadow are even Las Vegas constituents; came from all over the Valley. So  
703 step up.

704

705 **COUNCILWOMAN TARKANIAN**

706 Mr. Mayor, I think as a Council, we should go on record, informally, it doesn't have to be  
707 formally, to back up what you're saying here and urge; you're talking about people in the  
708 community. It's the government agencies –

709

710 **MAYOR GOODMAN**

711 Right.

712

713 **COUNCILWOMAN TARKANIAN**

714 – the other entities. Where are they? I mean, are there, a little bit seems to be coming in and  
715 some type of address to the doctors that were involved. But where were they at the beginning  
716 and where are they now? You would think that they would be coming through with more help.  
717 And I – just want to just, I don't often get to say this, Mr. Mayor, but I really support you  
718 wholeheartedly with the greatest sincerity.

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719 **MAYOR GOODMAN**

720 Geez, I wonder whether I made a mistake then.

721

722 **COUNCILMAN REESE**

723 Probably did.

724

725 **COUNCILWOMAN TARKANIAN**

726 But it's the truth. We don't know who these people are and I'm so proud that our  
727 representatives, and I know it was Councilman Reese, particularly that day, and our attorneys  
728 and everybody moved so quickly to help and we were there. We're not the richest entity out  
729 here either. I – just wanted to back that up, if I could. I have a great opportunity to say how  
730 great I think the Mayor and everybody else is in doing this.

731

732 **MAYOR GOODMAN**

733 Thank you. But it's everybody with the City.

734

735 **COUNCILMAN REESE**

736 Your Honor, if I could, I just wanna put on record, from the Burnham location, is in the County  
737 and Metro has many, many of their files mixed in with Shadow Lane's. And just to let people  
738 know, these aren't alphabetical, they're not by names. They're by dates. So if you wanna go in  
739 there and get your record, you gotta know the exact date you went in there, 'cause they're gonna  
740 have to go through there like this in order to find out where your records are at. It's gonna be a  
741 monumental task for Metro to get in there and organize all these records. And they aren't just  
742 from the City, there's also some from the County.

743

744 **MAYOR GOODMAN**

745 All right. I think we've made our position very, very clear. Yes, Ms. Fretwell.

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746 **ELIZABETH FRETWELL**

747 Mayor, just to clarify. What we will do is we will probably end up bringing back three items: an  
748 interlocal agreement to transfer the money to Metro unless we can determine through the City  
749 Attorney's Office that we can do it without that. Second, we'll have some sort of interlocal  
750 agreement with the County that would specify any transfer of funds, as you indicated,  
751 Councilman Brown, to make sure we're paying for what we think we're paying for out of these  
752 funds. And then a grant agreement that we will work, begin working to negotiate with – the  
753 Nevada Health Care Centers to try and aid in the treatment of people who have been exposed.  
754 And we'll do some additional research on any additional Metro costs, Councilman Brown,  
755 before we bring that interlocal back.

756

757 **MAYOR GOODMAN**

758 All right. Did you wanna be heard briefly?

759

760 **TOM McGOWAN**

761 Yes. Very briefly.

762

763 **MAYOR GOODMAN**

764 All right.

765

766 **TOM McGOWAN**

767 Sorry.

768

769 **MAYOR GOODMAN**

770 Thank you, Doctors.

771

772 **TOM McGOWAN**

773 Thank you, Mr. Mayor. I was, Tom McGowan, Las Vegas resident and victim of the Depak  
774 Desai, my asthma. I was going to ask you if you will allow public comment prior to Council  
775 action on this item. I recommend that you do that. That's what you did. That doesn't change

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776 my course of action, however. I won't orate to you, in deference to time and sensibilities, but I  
777 will submit my comments in writing. I recommend all of you promptly read the submission. It  
778 was submitted yesterday, in entirety, to the Legislative Council on Health Care. It will also be  
779 submitted to the Office of the Attorney General of the State of Nevada and the United States.  
780 There's far more to this issue than you have addressed so far. Not necessarily they're your fault,  
781 for being perhaps misinformed, uninformed or a little tardy but this issue goes back as far as  
782 1975, at the beginning of the malpractice issue. So it's been about thirty-three years in the going  
783 and it's going to go on lots more. I recommend that you backup your announced positions today  
784 with real action. First of all, how much of the County – Board of Commissioners provide, or the  
785 DA or anybody else? I believe he works for them. How much did they put up. What's the  
786 answer? Zero? Well, I think they ought to put up the entire rest of the amount that's required. It  
787 may get up into the many millions. And as a victim, I'd say this, we're not done talking. This  
788 may be the major topic from here on out. So those of you who may or may not be seeking re-  
789 election for this or any other office, you're gonna need to keep that in mind that there are people  
790 in this City, not robots.

791

792 **MAYOR GOODMAN**

793 All right. This really isn't for public hearing, but go ahead.

794

795 **ANTHONY HODGES**

796 I – understand, Mr. Mayor, but you gave him his crack, you gotta give me mine. Okay. The  
797 truth is this, this is very big. It covers the State, the County. See, you're not in this by yourself.  
798 The citizens are in it. I mean this, you opened a big can of worms here. And what I'm trying to  
799 say, that all financial matters, and it's just not the City's responsibility. You may have opened  
800 the gate, but the – flood gate is open and the people are not even stepping it, forty thousand or  
801 whatever, fifty thousand victims. A lot of them people aren't even stepping up. You have  
802 something huge here. This is no game you're playing. This is serious. And – like I say, I'm not  
803 coming back, it's been, Oscar, I'm sorry, ya'll opened a can of worms, but it's not just your  
804 ballpark. This is huge. The State gotta get in it. The County gotta get in. It might even hit the  
805 Federal level. You got some heavy things going on here. You're talking about people's health.

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806 There, a lot of these people are gonna make other people sick and this thing could spread. You  
807 know what I'm saying? This ain't, you're dealing with something heavy here, Oscar. You  
808 opened up something very big and you should not take this battle on by yourself. This is heavy.  
809 It involves all of us. I'm going to run down a little country road, don't matter about me, but I'll  
810 pray for you later. Have a good day.

811

812 **MAYOR GOODMAN**

813 All right. I, I'm hoping that Senator Reid, who I understand is attempting to get substantial  
814 funding, will be able to be successful by, and this is not a partisan issue. I hope that both sides of  
815 the aisle back there get off their duff and understand that we're trying to help everybody.  
816 They're not ours or they're not D's. They're people who were in the wrong place at the wrong  
817 time. All right. There's motion. Let's vote on it. Post. **(Motion carried unanimously with**  
818 **Tarkanian not voting.)** Thank you. Thank everybody on the Council.

819

820

**(END OF DISCUSSION)**

821 /cv;da