



Memorandum

Date: February 16, 2010

To: Southern Nevada District Board of Health

From: Jennifer Sizemore, *Public Information Manager*
Lawrence Sands, D.O., M.P.H., *Chief Health Officer*

Subject: Public Information Monthly Report – January 2010

I. Health District News (Reporting period January 19, 2010 – February 16, 2010)

A. Print Media

The following are health district related articles covered in print media: (See attached articles).

- Tuesday, February 16, 2010:
"Lose the 'tobacco cessation program? Oh my!" Opinion, *Las Vegas Review-Journal*
"Settlement funds shouldn't be going for scholarships," Editorials and Letter, *Las Vegas Sun*
- Sunday, February 14, 2010:
"Letters: The horrors of cuts," Letter to the editor, *Las Vegas Review-Journal*
"Ill with terminal lung cancer, ex-floor manager presses for ban," *Las Vegas Sun*
"Despite health risks, casino dealers still exposed to cigarette smoke," *Las Vegas Sun*
- Wednesday, February 10, 2010:
'Pigeon buy' not flying coop," *Las Vegas Review-Journal*
- Tuesday, February 9, 2010:
"Anatomy of a travesty: The Dipak Desai colonoscopy scandal," *Las Vegas Weekly*

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- Tuesday, February 2, 2010:
"Pharmacy specializes in HIV/AIDS medications," *Your Community, Downtown View, Las Vegas Review-Journal*
- Monday, February 1, 2010:
"Drug has a role in hepatitis cases," *Las Vegas Sun*
- Wednesday, January 27, 2010:
"LVCVA seeks dismissal of lawsuit to stop smoking at tobacco shows," *Las Vegas Review-Journal*
- Tuesday, January 26, 2010:
"Some hepatitis C lawsuits settled," *Las Vegas Review-Journal*
"Outbreak Case Builds," *The Week in Review, Las Vegas Review-Journal*
- Thursday, January 21, 2010:
"Prosecutors to involve grand jury in hepatitis C outbreak investigation," *Las Vegas Review-Journal*
- Wednesday, January 20, 2010:
"Artisan gets new life," *Las Vegas Review-Journal*

B. Broadcast Media

The following topics were covered by the local broadcast media:

- Channel 3 KVBC Monday, February 15, 2010:
H1N1 numbers in CC are falling but that doesn't mean flu season is over or that people shouldn't continue to be vaccinated - Southern Nevada Health District's Brian Labus explains, as does Walgreen's pharmacist Melissa Shake, 6pm report; 12am report.
- Channel 8 KLAS Friday, February 12, 2010:
4:30pm v/o updates H1N1 stats nationally & in Clark County - graphic reads "37" deaths in CC thus far, but announcer says "137."
- Channel 8 KLAS Wednesday, February 10, 2010:
Southern Nevada Health District holding an evening H1N1 shot clinic on Feb 23 at Santa Fe Station, 4:30am v/o.
- Channel 13 KTNV Monday, February 8, 2010:
11pm Dirty Dining report on health inspection violations at local restaurants - Los Compadres, Kimchi restaurant, Kabob 'n' Curry & Esmeralda's Cafe, Southern Nevada Health District Environmental Health Supervisor Greg Wears comments.

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- Channel 15 KINC Thursday, February 4, 2010:
Univision Radio/Despierta Las Vegas: J. Viote and A. Buffington recorded a 30-minute interview regarding 10 in 10 Challenge. Show will air on Super Estrella and Tricolor.
- Channel 13 KTNV Friday, February 5, 2010:
9am in-studio with 2010 Miss Black NV Angel Qualls on National African-American HIV Testing Day on Sunday, Ravenholt Public Health Center & NV Gay & Lesbian Center offers testing.
- Channel 3 KVBC Monday, February 1, 2010:
12pm in-studio with Southern Nevada Health District's Amanda Riechert on the 10 in 10 fitness challenge beginning today.
- Channel 13 KTNV Monday, February 1, 2010:
Southern Nevada Health District launches its 10 in 10 fitness challenge today, 11am v/o.
- Channel 5 KVVU Monday, February 1, 2010:
Southern Nevada Health District launches its 10 in 10 fitness challenge today, Amanda Reichert comments, and 10:30 pm report.
- Channel 3 KVBC Sunday, January 31, 2010:
Southern Nevada Health District running its 10 in 10 Challenge again, 6:30am announcer read.
- Channel 3 KVBC Saturday, January 30, 2010:
Southern Nevada Health District reminding parents that children who received the H1N1 vaccine in the Fall are likely due for a second dose, 5pm report with comments from Bonnie Sorenson; 6pm re-edit; 11pm report.
- Channel 3 KVBC Friday, January 29, 2010:
Andrew Zuick, news assignment, called on Thursday to arrange an interview for today regarding the importance of getting kids under 10 a second dose of H1N1 vaccine. The story will air on Saturday. An interview has been arranged with Bonnie Sorenson.
- Channel 15 Friday, January 29, 2010:
Univision Radio/Despierta Las Vegas: Jorge Viote recorded a 30-minute interview regarding the health district's services and programs, including upcoming programs like the 10 in 10 Challenge, and the importance of a second H1N1 dose for kids under 10. The show will air this weekend on Univision's two stations, Super Estrella and Tricolor.
- Channel 3 KVBC Friday, January 29, 2010:
Melissa Steinhofer, a noon news producer, requested an in-studio live interview for Monday, Feb. 1 regarding the start of the 10 in 10 Challenge. An interview has been arranged interview with Amanda Reichert.

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- Channel 8 KLAS Thursday, January 28, 2010:
Southern Nevada Health District confirmed the death of an elderly woman last week in CC from H1N1 – she had underlying medical conditions, however, 4pm announcer read.
- Channel 13 KTNV Thursday, January 28, 2010:
Southern Nevada Health District reporting a 77 year old CC woman with underlying medical conditions lost her life to H1N1 last week, 5am announcer read.
- Channel 3 KVBC Wednesday, January 27, 2010:
Southern Nevada Health District reporting a 77 year old CC woman with underlying medical conditions lost her life to H1N1 last week, 11pm announcer read.
- Channel 13 KTNV Wednesday, January 27, 2010:
Southern Nevada Health District's 10 in 10 fitness challenge beginning Monday, 4 pm v/o.
- Channel 5 KVVU Wednesday, January 27, 2010:
Southern Nevada Health District reports a 77yr old woman has died from H1N1 with underlying medical conditions, 10pm v/o.
- Channel 15 KINC Wednesday, January 27, 2010:
Southern Nevada Health District reports a 77yr old woman has died from H1N1 with underlying medical conditions, 6pm v/o.
- Channel 8 KLAS Tuesday, January 26, 2010:
LVCVA is asking a judge to throw out a lawsuit filed by the American Cancer Society over the convention authority's request to permit smoking at tobacco-related conventions, 5pm v/o.
- Channel 3 KVBC Monday, January 25, 2010:
Judge approved the terms for settlements in 18 civil cases filed against the Endoscopy Center hepatitis C issue today, 6pm v/o.
- Channel 8 KLAS Monday, January 25, 2010:
Judge approved the terms for settlements in 18 civil cases filed against the Endoscopy Center hepatitis C issue today, 4pm live report on today's hearing at the federal courthouse; 5pm live report has hearing excerpts; 6pm report; 11pm re-edit.
- Channel 13 KTNV Monday, January 25, 2010:
Judge approved the terms for settlements in 18 civil cases filed against the Endoscopy Center hepatitis C issue today, 6pm v/o.

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- Channel 5 KVVU Monday, January 25, 2010:
Judge approved the terms for settlements in 18 civil cases filed against the Endoscopy Center hepatitis C issue today, 5pm v/o; 11pm v/o.
- Channel 8 KLAS Friday, January 22, 2010:
Free health & wellness fair to be held tomorrow at the Santa Fe, 4:30pm v/o; 6pm v/o.
- Channel 3 KVBC Thursday, January 21, 2010:
Fraud & neglect charges could soon be filed against Dr. Dipak Desai in the hepatitis C outbreak, 4:30am v/o.
- Channel 13 KTNV Thursday, January 21, 2010:
CC DA David Roger says Dr. Dipak Desai will face charges in the hepatitis C outbreak; grand jury will be seated for the case, 6:30am v/o.
- Channel 5 KVVU Wednesday, January 20, 2010:
Dr Dipak Desai now facing neglect and billing fraud charges, CC DA David Roger comments, 10pm report; 11pm report.
- Channel 15 KINC Wednesday, January 20, 2010:
Dr Dipak Desai now facing neglect and billing fraud charges, 11pm v/o.

C. News Releases

The following news releases were disseminated to local media outlets and/or posted to the health district website: (see attached).

- "Public Health Update - 2009 H1N1 Influenza," February 10, 2010
- "Public Health Update - 2009 H1N1 Influenza," February 3, 2010
- "Public Health Update - 2009 H1N1 Influenza," January 27, 2010
- "Lose 10 lbs in 10 weeks? Southern Nevada Health District kicks off 10 in 10 Challenge, February 1," January 27, 2010
- "Health District reminds parents kids under 10 should receive 2nd H1N1 dose," January 26, 2010
- "Public Health Update - 2009 H1N1 Influenza," January 20, 2010
- "Public Health Update: Solid Waste Hearing Officer Meeting," January 20, 2010

II. Public Information Activity - November 2009

A. Website:

- Southern Nevada Health District website page views: 236,645
- Approximately H1N1 related page views: 6,316
- FluRevolution.com page viewings: 245
- Get Healthy Clark County viewings: 33,662
- Received 18 NCIAA website complaints

- Southern Nevada Health District website inquiries -120
- YouTube Channel- approximately 142 video viewings
- Twitter EZ2STOP - 18 followers
- Twitter SNHD flu -117 followers
- SNHD website in response to clicks from Twitter posts to SNHD website - 114
- Twitter Get Healthy CC account - 24 followers
- SNHD Facebook account - 126 fans
- Get Healthy Facebook site -121 fans

B. Collateral/Products

- General products completed: 11
- General signs completed: 2
- H1N1 products completed: 6
- H1N1 signs completed: 1
- Coordinated 8 H1N1 and 6 general print estimates
- Wrote, edited and designed January-February 2010 issue of the *District Dish*
- Created 2010 marketing/outreach activity plan to general interest with H1N1 priority groups
- Took photos of "Toastmaster" "Tall Tales" contest
- Took 131 photographs for child care training video
- Designed products and logo for new 'ez2stop' HIV outreach campaign
- "Brief Intervention," resources available to health care providers," Clark County Medical Society article, Dr. Lawrence Sands, D.O., M.P.H., Chief Health Officer

C. Training/Meetings

- February 8- H1N1 After Action/Public Information
- January 14 - Outbreak Investigation Team meeting
- January 8 - met with vendor regarding H1N1 public awareness campaign
- January 28, 26, 14, 7 & 5- PHER planning meetings
- January 25, 15, 11, & 4 - H1N1 planning meetings

D. Public Outreach

- Prevention materials including *Keeping Your Family Safe during a Disaster* pocket guides were distributed during the month of January.

Volunteer Services

- January 28 - Participate in Univision Radio program
Volunteer Signup
- January 25 - Meeting with Avery Bailey of AHEC (Area Health Education Center of Southern Nevada)
Community Outreach Table - Distributed Health Education pamphlets
- January 22 - Catholic Charities Health Fair
- January 20 - Meeting with Chris Roman of Univision
- January 14 - Volunteer signup session

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- January 13- Community Outreach Meeting
- January 12 - Photographed nursing immunization program meeting
- January 05- Volunteer signup session

Salud en Accion

- January 28- Univision Radio
 Community Outreach Table - Distribute Health Education pamphlets
- January 27 - SEA presentation to State Health Insurance Assistance Program Volunteer
- January 22 -Catholic Charities Senior Programs Health Fair, 200 participants, 50 Blood pressure screenings & 100 participants visited SNHD table
- January 20 - Nevada Beneficiary Coalition Meeting
 Staff met regarding Three Square volunteer opportunity
 Nevada Beneficiary Coalition Meeting
- January 21 - Community Outreach Table Nursing - general health awareness
- January 15 - HIV event, 250 participants/ H1N1 literature distributed
- January 14 - Clark County Diabetes Group meeting
 Community Outreach Table Promoting STD/HIV Awareness
- January 13 - Community Outreach meeting
- January 11 - Community Outreach Table promoted STD/HIV Awareness
- January 07 - Community Outreach Table promoted H1N1 Vaccination
- January 4 - Community Outreach Table promoted H1N1 Vaccination
- Community Outreach Table total: 446 participants
- Telephone Calls: 68
- Medicare Counseling: 11
- Enrolled in Part D: 8

	Volunteers	Hours
AARP	16	1058
Catholic Charities	3	198
Community Health Volunteers	1	12
Salud En Accion	10	20
Students	6	114
State of Nevada	2	176
Monthly Total	38	1578
Year-To-Date Total	38	1578
AARP & Catholic Charity Volunteer Locations		
Building 400	1	
East Clinic	3	
Henderson Clinic	2	
North Clinic	2	
Main	13	
Totals	21	

Attachments: Print Media Clips, News Releases, Ads, Clark County Medical Society article, TV / Website Coverage

Opinion

FROM OUR READERS

Tuesday, February 16, 2010 • Page 11B

Lose the 'tobacco cessation program'? Oh my!

To the editor:

Ever since reading Nancy York's Sunday letter, "The horror of cuts," I have been consumed with the horrific vision of tens of thousands of men, women and children running into the streets in search of a nicotine fix as soon as the funding for the "Nevada tobacco prevention and cessation program" is eliminated.

Add to that the "tremendous job losses" that will result and it's a wonder that I can even sleep at night.

Thankfully, Ms. York has not only brought attention to this impending doom, she has also discovered a solution for our state's budget woes. By her

calculations, raising the tax on a pack of cigarettes by \$1 per pack will generate \$78.8 million in additional revenue and save an additional \$460.3 million in health care costs.

But why stop there? If we raise the tax to \$2 per pack, we could completely eliminate the state budget deficit, our legislators could cancel their special session and everything will be right with the world.

Then we can move on to other so called "burdens" on our society, such as obesity.

With new taxes on doughnuts and fast food, we will be swimming in money in no time at all.

Alas, I can sleep soundly tonight with the knowledge

that brilliant minds are hard at work looking out for the best interests of us lowly and gullible taxpayers.

BILL EDWARDS
LAS VEGAS

EDITORIALS & LETTERS

Settlement funds shouldn't be going for scholarships

Nancy L. York's Feb. 13 letter, "Smoking cessation programs have value," points to the success of tobacco prevention and cessation programs and argues against their elimination. So far, so good. But her proposal to raise yet another tax is off the mark.

Nevada was, in fact, awarded tens of millions of dollars in 1999 for the purpose of treating low-income sick smokers and implementing anti-smoking programs. Instead of using that money for its intended purpose, then-Gov. Kenny Guinn took the lion's share to create a new "Millennium Scholarship" for Nevada college students, awarding up to \$10,000 to those with modest grades and without the benefit of means.

Thanks to inevitable grade inflation in high schools, many of these "scholars" now need remedial help when they enter college. Some are even smokers.

In his 1999 State of the State address, Guinn promised that taxpayer money would not fund this new program. Now, more than a decade later, taxpayer money does indeed help fund the scholarship, while anti-smoking programs are being slashed, and UMC (where indigent sick smokers are treated) is crumbling.

Shouldn't the original tobacco settlement money be used for prevention and treatment as intended, rather than being spent on the ill-conceived and poorly managed Millennium Scholarship program?

Ellen Shaw, Henderson

reviewjournal.com **PRINT THIS**Powered by  ClickabilityFeb. 14, 2010
Copyright © Las Vegas Review-Journal**LETTERS: The horrors of cuts****To the editor:**

Included among the governor's budget recommendations is the elimination of funding for Nevada's tobacco prevention and cessation programs. Our legislators must be made aware of the devastating consequences if this occurs.

The youth smoking rate has dropped by 48 percent and the adult rate by 30 percent since the creation of these programs, and Nevada is no longer considered the "smokiest" state in the nation. Once tobacco prevention funding is eliminated or significantly reduced, smoking rates quickly rise, resulting in a dramatic reversal of positive trends. These cuts will lead to increased smoking rates and increased medical costs associated with the diseases that result from tobacco use.

The annual health care costs in Nevada directly caused by smoking are \$565 million a year. Additionally, the elimination of tobacco prevention funding would result in tremendous job loss within Nevada.

An alternative to these cuts would be an increase in the state tobacco tax. An increase of \$1 per pack would raise \$78.8 million in new annual revenue to help close the state's budget shortfall, while saving lives. This tax could prevent 18,700 children from smoking, spur 14,000 current smokers to quit, save 9,600 residents from premature, smoking-caused death and save \$460.3 million in health care costs.

Nancy L. York

HENDERSON

The writer is president of the Nevada Tobacco Prevention Coalition.

Ill with terminal lung cancer, ex-floor manager presses for ban



TIFFANY BROWN / LAS VEGAS SUN

Cheryl Rose, diagnosed with Stage 4 lung cancer in June 2008, worked in casinos in Las Vegas for 22 years. She wants to help transform the industry with a ban on smoking.

LAS VEGAS SUN, SUNDAY, Feb. 14, 2010

By Liz Benston (contact)

Sunday, Feb. 14, 2010 | 2 a.m.

In April 2008, 60-year-old Cheryl Rose got a bad cough that wouldn't go away.

Her doctors thought she had asthma — a bizarre turn for a woman who had never had difficulty breathing, not even during frequent workouts at the gym.

A few weeks later, an X-ray revealed that her right lung was filling with fluid at a frightening rate. Doctors told Rose, a woman who lived a healthy lifestyle and had never taken regular medications, that she probably wouldn't live to see 2009.

Rose was diagnosed with Stage 4 lung cancer in June 2008. She had never smoked, and there was no history of cancer in her family. Doctors told Rose what she had suspected: Her cancer likely resulted from years of inhaling smoke at work — in casinos.

And now that she's dying, Rose is on a mission to reform the industry where she spent the best years of her life. She wants smoking banned in casinos.

"God gives each of us a purpose in life," she says. "I'm someone who can't stand by and not do what I can to help. People are afraid for their jobs and they're afraid to take risks. I want to be an advocate for people who are afraid to speak up for themselves."

Working in casinos

Like others before her, Rose saw a career, and good money, in a casino job. She was good with numbers and had taken college-level accounting classes, so a job handling money made sense.

"This was the industry to be in — that's where the opportunities were."

Rose worked in Las Vegas casinos for 22 years, first as a slot attendant, or "change girl," who paid jackpots and made change for customers in the days when slot machines accepted coins. She worked her way up the corporate ladder for more than a decade, finally becoming a slot director, overseeing slot attendants and technicians and working with slot vendors to purchase machines and place them in strategic locations.

She wasn't around smoke much outside of work, as neither friends nor family smoked. But it was ever-present on the job. As a casino manager, Rose accepted that fact — even embraced it.

Allowing customers to smoke wasn't just a way of life in Nevada, with its "live and let live" culture. Enabling smoking, she says, was a profit-driven goal.

Although most gamblers don't smoke, there's plenty of anecdotal evidence — much of it from casino companies — that many repeat gamblers smoke. Several studies have uncovered a strong link between chain smoking and problem gambling. The behaviors reinforce each other.

Rose knew smoking seemed to be good for business, even if it wasn't good for customers.

She says some loyal customers stopped coming, because of doctors' orders to avoid smoke.

But to her, smoke was a small downside to an otherwise fulfilling job.

"This was a good company to work for," she says. "They offered me opportunities I never thought were possible."

Her employer didn't let her lack of a college degree prevent her ascent into management. The company paid for her to attend business leadership courses and UNLV classes in statistics and casino management. A high salary and performance-based bonuses were a testament to her skill as a manager.

All of which goes to explain why she wouldn't consent to be interviewed for this story unless the company's name was withheld. The company shouldn't be singled out, she says.

Rose's conflicted feelings toward her employer are typical of many casino workers who develop health problems linked to smoky environments or the high-stress nature of casino work.

Like many of her peers, Rose isn't suing her employer for health-related damages, nor did she file a workers' compensation claim.

It would be hypocritical, she said, because she had supported her employer's efforts to accommodate smokers. She had encouraged gamblers to light up.

Instead, she is approaching her fight against smoke the same way she is tackling her battle against cancer: by focusing on what can be done in the future rather than what should have been done in the past.

Secondhand smoke

Slot directors have one of the most important jobs in the casino business. Although table games give casinos their mystique, slots make most of the money — and for Rose, overseeing the operation created 60- to 70-hour workweeks.

Rose didn't always hole up in an office. She was a hands-on manager at a company that encouraged interaction between upper management, line workers and customers. She spent a lot of time walking the casino floor and talking to gamblers.

And, in hindsight, breathing in clouds of smoke.

She was aware of the risks of smoking, of course, but "when you're working in the casino industry you're not focused on health issues. You're focused on the bottom line," she explains.

Besides, she adds, "When you're healthy, and you eat right and exercise, you don't think bad things will happen to you."

What she didn't realize, until after her diagnosis, was that she didn't have to be a smoker to develop lung cancer.

Speaking out

Rose was laid off from her job in February 2008 — one of the thousands of Las Vegas casino workers who have lost jobs because of the recession. As a widow, she had no way to stave off foreclosure, so she lost her house, too.

She was left with not much more than that troublesome cough — and her determination to speak out about the danger of secondhand smoke.

A few months ago, she appeared in a public service announcement sponsored by anti-smoking advocates Smoke-Free Gaming and posted on YouTube, calling for a smoking ban in casinos. She joined a group of casino workers participating in a Smoke-Free Gaming rally at the Global Gaming Expo, the industry's largest trade show, in Las Vegas in November.

Mostly, though, Rose is preoccupied with staying alive.

Every three weeks a doctor hooks her up to an IV for chemo treatment. Once a week her doctor draws blood to make sure her blood cell counts are within normal ranges.

Now 61, Rose has so far beaten the odds, living well beyond the typical life expectancy for someone with terminal cancer.

But the cancer cells, which had previously lodged in her spine and hip, recently spread to her liver.

Despite health risks, casino dealers still exposed to cigarette smoke

LAS VEGASSUN

SUNDAY, FEBRUARY 14, 2010

By Liz Benston (contact)

Sunday, Feb. 14, 2010 | 2 a.m.

The danger of secondhand smoke is no longer an issue in most workplaces thanks to state and local smoking bans.

But Nevada has protected its casinos from smoking bans — the reason why chronic obstructive pulmonary disease kills at a higher rate in this state than others, according to the American Lung Association.

Don't look for that to change anytime soon.

Because many gamblers smoke, the gaming industry says smoking is good for Nevada's economy.

The courts have shrugged, saying lawmakers haven't banned it.

The state Legislature doesn't want to clear casino floors of smokers because it doesn't want to incur the industry's wrath or risk the loss of gaming revenue.

And even casino workers who are ill from smoke aren't complaining; they say their livelihoods depend on the revenue of gamblers who smoke.

This isn't to say that nothing is being done to minimize the effects of smoking in casinos.

Some of Las Vegas' newest megaresorts have spent millions of dollars on high-tech air-filtration systems that suck up smoke and pump in fresh, scented air. These casinos are noticeably less smoky than some older ones with cheaper systems.

Still, job applicants at Las Vegas casinos are notified that if they work on the gaming floor, they would be working in smoke-filled environments, regardless of whether they are at a luxury resort or a low-end joint.

And when they find the smoke is making them sick, the top concern of a majority of workers is keeping their job, so they don't rock the boat. They figure it wouldn't do them any good anyway.

The Legislature, state courts and employers are lined up against casino floor workers, despite secondhand smoke being classified by the Environmental Protection Agency as a cancer-causing substance responsible for thousands of lung cancer deaths among nonsmoking Americans each year.

That classification — reiterated in a federal study last year that found toxins linked to secondhand smoke in Las Vegas casino dealers — is one of the many reasons Wynn Las Vegas dealer Kanie Kastroll is pushing forward with the first class-action lawsuit aimed at secondhand smoke to hold its ground against Nevada casinos in nearly a decade.

The odds are stacked against her in Nevada, but not as much as they would have been in the past, experts say.

Howard Cole, an employment attorney in Las Vegas who has been a consultant to casinos on secondhand smoke liability, says "it's a changing ballgame right now" because of more smoking bans across the nation — including a partial one pushed through by Nevada voters in 2006 — and a few settlements in favor of casino employees in other states.

"Secondhand smoke is a legitimate concern. And this is still a developing area of law," he says.

Kastroll's Chicago lawyer Jay Edelson says the long-standing code of silence among casino employees is starting to break.

"I've been getting calls from people across Las Vegas and Atlantic City. These suits are not going to go away ... There will be others after them willing to go the distance against these powerful forces."

Stephanie Steinberg, who operates a nationwide support network for casino workers called Smoke-Free Gaming, isn't so sure.

Steinberg says she has been contacted by nonsmoking Las Vegas casino workers diagnosed with lung cancer after decades of breathing smoke at work.

"I ask them, 'Why do you continue to work there if you have lung cancer?' And the answer is always the same. They say

they need their jobs — and the health insurance — more than ever.

“People who complain about smoke are written up and could lose their jobs,” Steinberg says.

Kastroll, 42, is thought to be the first casino worker in Nevada to sue over secondhand smoke while still employed.

“I have everything to lose by doing this, but I’m the kind of person who will speak up if something is wrong,” says Kastroll, a dealer for more than 20 years. “Why is secondhand smoke in a casino restaurant, theater or shop viewed as toxic, but in a gaming area it is acceptable — even encouraged?”

She says her suit was spurred, in part, by another dealer who developed cancer. A study last year by the National Institute for Occupational Safety and Health on health risks of secondhand smoke in casinos also contributed to her decision.

The study “validated what we already knew” and served as a “wake-up call” for casino workers, she said.

Dealers who asked to be moved to nonsmoking tables were told no by Wynn Las Vegas, Kastroll alleges in her lawsuit.

Steinberg has been unsuccessful in her attempts to help Las Vegas dealers work at tables where gamblers can’t smoke — even a dealer who was seven months pregnant.

“The pit boss told me he doesn’t give people ‘special treatment,’” Steinberg says.

Kastroll has the clout of holding the presidency of Transport Workers Union Local 721, which represents dealers and is negotiating a contract with Wynn Las Vegas. But Joe Carbon, the union’s national gaming director, has publicly distanced himself from her lawsuit, saying the Wynn’s air-filtration system is “as good or better than any other property on the Strip.” He has also said that lawsuits like this don’t help contract negotiations.

Moreover, some dealers want smoking allowed because they think a ban would reduce the number of gamblers and therefore reduce tips, Carbon says.

Kastroll says health and a longer life are more important than money, and her lawsuit says federal and state laws that obligate all employers to provide a safe workplace back that up.

Kastroll is not after money. Instead she is asking the federal court to order improvements in air quality for Wynn’s casino workers. If she succeeds, her case would set a precedent and have implications for all casinos.

In its court filings, Wynn notes that Nevada “specifically endorses Wynn’s alleged policies and practices toward secondhand smoke” and that smoking is permitted in casinos under the partial smoking ban.

The American Heart Association has pointed out that Nevada’s failure to include gambling areas, where smoke is most concentrated, in its smoking ban is the reason the state has not seen a significant decrease in heart attacks. Other states saw such a drop after passing comprehensive smoking bans.

Proponents of Nevada’s ban didn’t even try to include casinos because they feared the gaming industry would then crush the initiative. A partial victory was considered better than the complete defeats of the past, including efforts to seek workers’ compensation for illnesses they claim they suffered as a result of inhaling smoke at work.

Health problems stemming from secondhand smoke — unlike those caused by asbestos, anthrax or other harmful substances — are not covered by Nevada’s workers’ compensation, the only outlet for workers injured on the job.

Nevada’s District and Supreme courts have ruled that workplace smoke claims “must fail” until the Legislature changes state law to specifically cover them. The power to protect casino employees harmed by smoke rests with the Legislature, they said, and not the courts.

Assemblyman Richard Segerblom, an employment attorney, says a smoking ban in casinos is “inevitable” but won’t come from state officials or lawmakers. “The Legislature is not going to tackle this because (casinos) are too big a revenue source for the state,” he says.

He predicts the ban will come from a ballot initiative driven by the majority of Nevadans who don't smoke or from the U.S. Occupational Safety and Health Administration, which regulates workplace safety and indoor air quality.

That agency tried to pass a bill in 1994 banning workplace smoke. Government workers blamed its failure on President Bill Clinton's need to curry favor with tobacco-growing states in advance of his re-election campaign.

"Under federal law, even workers who want to work around smoke don't have the right to work in a dangerous environment," Segerblom says. "But the administrative process takes time."

While successfully beating back liability claims in Nevada, casinos in other states face an increasingly uncertain legal battlefield over secondhand smoke.

A significant victory for casino employees was a workers' compensation case in 2008 when an Atlantic City resort was found liable for secondhand smoke in connection with a dealer's lung cancer.

Employees also have had some success suing riverboat casinos, but that is in part because federal law enables workers on seafaring vessels to sue employers for damages stemming from workplace injuries.

Casinos aren't entirely off the hook for secondhand smoke: Employers who fail to offer good ventilation systems or rely on pre-ban policies risk higher health care costs and potential legal expenses, according to Cole, the Las Vegas employment attorney. However, because the largest casinos have self-funded insurance programs, they could pass on those higher health care costs to employees in the form of higher health insurance premiums.

MGM Mirage spokesman Alan Feldman says his company — and the industry as a whole — are doing their best to juggle the needs of two vocal interest groups: smokers and nonsmokers.

"I think the industry is trying to do what's right amid conflicting policy directives," he says. "We're in a customer service business, and this is an activity that many customers enjoy very much. We all strive to be good and responsible employers ... but this is also an economic issue."

Kastroll sees it differently.

"We all need our jobs," she says. "But what price can you put on someone's health? On someone's life?"

Nevada Too

CONTACTING US
CITY EDITOR MARY HYNES
383-0264

SPECIAL USE PERMIT

'Pigeon guy' not flying coop

Police, businessman
resolve differences

By LYNNETTE CURTIS

LAS VEGAS REVIEW-JOURNAL

North Las Vegas finally might have resolved its pesky pigeon (guy) problem.

The city last month reached a compromise in its long-running feud with Nephi Oliva, better known as "the pigeon guy," over what officials said was an illegal pigeon sanctuary he was operating in an industrial area near Cheyenne Avenue and Commerce Street.

"We're doing everything we can to accommodate a businessman who is a bit outside the norm," Tim Bedwell, a North Las Vegas police spokesman, said Tuesday.

The agreement requires Oliva, 36, to apply for a special use permit to keep operating Nevada Pigeon Control, at 2920 Brookspark Drive. The permit would not, however, allow him to store hundreds of pigeons in a 6-foot-high, 65-foot-long aviary he built in the parking lot.

The city will allow Oliva to keep only a handful of pigeons for "operational use" as lures to help trap other birds.

"All other birds must be euthanized within 72 hours of capture," Oliva said.

That condition is in direct opposition to Oliva's original mission for the business he started more than a year ago. He envisioned a place where pigeons, which many consider vermin, could live

ON THE WEB

"Pigeon Police: Las Vegas"
► www.youtube.com/watch?v=r570ccG8gy4

out their lives in peace instead of being killed or simply released to create more problems for homeowners and businesses.

"I had to make some choices," Oliva said. "We're still absolutely committed to providing sanctuary to birds. It's just not going to happen right now at that facility."

The business wasn't licensed accurately, didn't comply with neighborhood zoning and posed a threat to public health, city officials said.

Officials also weren't crazy about Oliva's chosen uniform, which included a metallic, star-shaped pin that resembled a law enforcement badge.

"We didn't want it to look like he had authority from us to run around the city looking like a police officer," Bedwell said. "We drew a line in the sand."

Oliva has agreed to redesign the badges.

Meanwhile, he's working to extend his 15 minutes of fame, shopping around a reality show called "Pigeon Police: Las Vegas."

Oliva posted a five-minute "network teaser" of the show on YouTube. It includes staged scenes in which Oliva arrests a man for feeding pigeons and asks an employee to "incarcerate" a pigeon on charges of "public defecation." Oliva



GARY THOMPSON/LAS VEGAS REVIEW-JOURNAL

Nephi Oliva, owner of Nevada Pigeon Control, holds Delilah, a retired racing pigeon, inside Oliva's nearly deserted aviary near Cheyenne Avenue and Commerce Street in North Las Vegas. Oliva and city officials, who had for months been feuding over the pigeon sanctuary, have come to a compromise that allows Oliva to keep operating his business but doesn't allow him to keep more than a handful of birds at the site.

also composed a song, "Here Come the Bird Man," for the clip.

He hopes to use any profits from such a show to fund his ultimate dream: a public pigeon park, somewhere other than North Las Vegas.

Both the city and Oliva are relieved that the bad (bird) blood between them is

no more, at least for now.

"He's providing a service that the public wants," Bedwell said. "Nobody came to us and said, 'Get rid of the pigeon guy.' It was more, 'Why are you being mean to the pigeon guy?'"

Contact reporter Lynnette Curtis at lc Curtis@reviewjournal.com or 702-383-0285.



Dipak Desai

Photo: Steve Marcus

On April 2004, Eddie Felix, a healthy 38-year-old Las Vegas, went to the Southern Nevada Endoscopy Center for a routine colonoscopy. Dr. Dipak Desai, referred by Eddie Felix's personal physician, performed the procedure.

Almost four years later, Felix's life, and that of his wife and four kids, was shaken by a two-page letter from the Southern Nevada Health District. Dated February 27, 2008, the letter said he had been "identified in clinic records as a former patient of the clinic who was placed at risk for possible exposure to bloodborne pathogens. As a precaution, and in order to take appropriate steps to protect your health, we recommend you get tested for hepatitis C, hepatitis B, and HIV."

That's because, according to the SNHD in allegations that exploded onto the headlines nearly two years ago, some of Desai's employees had been reusing syringes and medical vials, creating the possibility that disease could spread from patient to patient. The SNHD notification went out to 50,000 people in February 2008.

Today Felix lives in fear, dreading the hematology report. Every few months, the lab technician draws a few syringes of his blood for testing. It takes awhile to get the report. Will it show hepatitis or HIV? Will he live or die? Will his insurance continue to cover this? If only his doctor had not referred him to that center for his colonoscopy ...

"It does get scary," Felix says. "I think about it. You're fighting a threatening disease that you don't know if you'll ever get. It makes me stronger. If it's not there right now, I'm not going to let it get me down. I think I'll deal with it when it does happen if it ever happens. Right now I'm not going to let it stop my life."

Approaching the two-year anniversary of the announcement involving Desai and the Endoscopy Center of Southern Nevada (ECSN), there have been no criminal charges brought, no personal-injury lawsuit taken to verdict or finalized settlement. There are none to

answer the question of accountability or responsibility. No witnesses named to testify or granted immunity. There is a complaint against Desai filed by the Nevada Board of Medical Examiners (BME) on April 25, 2008, which has not been heard due to numerous continuances. (A hearing is set for February 22-25.)

What are the actual acts Desai and others at the ECSN are alleged to have committed? "Certified registered nurse anesthetists (CRNAs) were observed reusing syringes on one patient, reusing propofol vials for multiple patients, reported being directed to do so, and reported routinely doing so," according to the SNHD final report of December 21, 2009.

The Board of Medical Examiners complaint says that Desai "knew, or should have known, of the unsafe practices and policies at ECSN, both as a physician at, and principle [sic] owner of, ECSN, which placed Patient A's health and safety at risk. Respondent failed to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when he performed a colonoscopy on Patient A, knowing, or being in a position to have known, that the unsafe practices and policies at ECSN could put Patient A's health and safety at risk. ... Respondent violated the trust of Patient A and exploited the physician-patient relationship for financial gain ... knowing, or being in a position that he should have known, of the unsafe practices at the facility that could put the health and safety of Patient A at risk ..."

Shortly after the news broke, the city of Las Vegas suspended the business licenses of Desai's two endoscopy centers.

In all, more than 110 chronic cases of hepatitis C have been allegedly linked to two endoscopy centers in which Desai had a major financial interest; 63,000 may have been exposed to HIV, hepatitis B and C.

The lid is tight on this case. until recently, the Metro officers investigating the case against Desai, and the district attorneys who will prosecute it, were incommunicado. It took 12 days to arrange an interview with someone from Metro. At last, Lt. Dave Logue of the criminal intelligence section said, "We are still pursuing criminal charges. We are coordinating with the district attorney's office. We are in the process of interviewing several witnesses and examining the voluminous pieces of evidence we collected." When asked about the statute of limitations, the maximum length of time after a crime is committed that legal proceedings may be brought, Logue said, "We are well within the time frame for us. This is not a concern for us. The shortest is four years total. We are fairly close, within several months of submitting a final report to the DA's office." He said this case is unique. "No one ever prosecuted this." Logue noted that one detective and one analyst are dedicated to this case full-time.

Herein lies the rub: It is of great concern to those tens of thousands of patients and their family members. If, as Logue said, the statute of limitations is four years (others in the district attorney's office say three years, depending on the charge) then nearly two years have already passed. There is no time for those who have been waiting. Is "still investigating" an adequate answer after 22 months?

Finally, the case was submitted to the district attorney. On December 3, District Attorney David Roger said, "Police detectives ... submitted their file to us within the last couple weeks. It is voluminous. Our prosecutors, Scott Mitchell and Michael Staudaer, will be reviewing the material. I am sure that the public will be informed of the charges sometime after the first of the year. One of the charges suggested is patient neglect. The investigation will be ongoing until a verdict."

Is Desai being charged? Roger would only say: "I don't identify targets until they are charged. They would be people who worked with or at the clinic."

That same day lead prosecutor Scott Mitchell said that the amount of supporting material delivered had to be wheeled in on a dolly. "We scanned over 8,600 pages; they interviewed and got statements from over 100 people." Asked how much the two boxes of material weighed, Mitchell went over and lifted both boxes, saying, "Approximately 25 inches long by one foot deep, together over 100 pounds."

While his main focus is on reading the file, Mitchell said, "It is intimidating enough. I haven't started reviewing it.

"We plan on going to the grand jury, which is a secret proceeding; nobody knows who is being taken to the grand jury. The identity is secret until the grand jury returns an indictment," Mitchell said.

Again time is of the essence and comes to the forefront. If one of the charges is of criminal allegations of medical negligence (NRS 200.495), which is a B felony with a possible sentence of one to six years prison time, the statute of limitations is three years and started running when the first individual was confirmed with hepatitis C, on a case-by-case basis. Other possible charges remain confidential at this time.

According to Mitchell, "The case has been moved from home plate to first base." However, Mitchell will be trying another case before Desai's and will be tied up for several weeks, if not longer. With thousands of pages to read, it may take months before he and Staudaer are able to prepare this case for trial. And since this is a case of "first impression" (a legal issue that has never been decided in that court's jurisdiction), in Las Vegas, who knows how long it will take them to cross home plate?

It's hardly surprising that Las Vegas hasn't had a case like this before. Indeed, the case may be unprecedented anywhere.

Dr. Jonathan Fielding, director of the Los Angeles County Department of Public Health, said through a spokesperson that "nothing like this has ever happened in Los Angeles County," the nation's most populous county, with 10,347,437 people.

New York City, with its approximately 8.3 million? Dr. Sharon Balter, a medical epidemiologist for the NYC Health Department's Bureau of Communicable Diseases, said, "Haven't had one of this magnitude."

Chicago's Cook County, population 5,278,738? "There has never been a large outbreak of any bloodborne pathogen (HIV, hepatitis B, C) from reuse of syringes in Chicago," said Tim Hadac, director of public information for the Chicago Department of Public Health.

Running parallel to the criminal allegations being investigated are the Board of Medical Examiners' charges, filed 21 months ago. Douglas C. Cooper, interim executive director, said, "As has been stated in recent news accounts in Clark County, the criminal case against the Endoscopy Center has met many obstacles. There seems to be a lack of appreciation that the Board of Medical Examiners has met many of the same obstacles, and more. Administrative hearings are currently scheduled for Dr. Desai, in February, 2010; however, we cannot predict how the ongoing issues in the civil and/or criminal matters may affect the board's hearing dates."

Concurrent with these obstacles was the two-year wait for the SNHD's final report. This report—all 266 pages—released December 21, 2009, cataloged and clarified with graphics, detailed cases, clinic practices, procedures and staff, a conglomerate of issues and inferences alluding to whom or what may or may not have caused the hepatitis C outbreak in those 114 or more patients who had colonoscopies at the Southern Nevada centers.

So here's the situation, nearly two years after the allegations came to light: The SNHD released its final report, there is a complaint filed by the BME, the police sent its findings to the district attorney, two prosecutors will be reviewing it and it is early 2010.

Eddie Felix still waits for his blood reports, still hopes and worries if and when he might have an all-clear from his doctor and still wonders if anything will be done in time to those involved in what he calls "the biggest greed and arrogant scam" he or anyone else has ever encountered.

"For the pennies they saved, from what I hear, they were just stupid, it was just nonsense.

"What worried me is that you can spread it and get other people sick. And now my wife, Maryann, and she wasn't even involved in it, she ... has to go in for testing, too. Now it's just waiting to see who does or who doesn't get sick from this."

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3 Comments So Far

Thanks for breaking this overwhelmingly awful story. The magnitude of ongoing terror spread across the city by Dipak Desai to save a few pennies is staggering. I don't know why this story is not on page one every single day until this criminal is brought to justice, and stronger controls are enforced to prevent this tragedy in the future. This story should be taught in every single medical school and nursing school as a preventative measure.

I look forward to your next article on the subject, Ms. Travis!

Posted by: [wiz](#) on 2/5/10 at 11:30 p.m. ([Suggest removal](#))

You can find full medical coverage at the lowest price from <http://bit.ly/atGzeD>

Posted by: [martindendy06](#) on 2/6/10 at 12:39 a.m. ([Suggest removal](#))

I live in Salina, KS, and received a Colonoscopy here in 2005.

I was diagnosed with Hep C in 2008.

I know this was the source because my low viral load and near normal lab results suggest recent exposure.

How can I pursue this? Anyone.

Thank you.

ludichrist2000 at yahoo dot com

Posted by: [xyloid02](#) on 2/6/10 at 6:32 p.m. ([Suggest removal](#))

Add your comments...

Commenting requires [registration](#).

Your Community

Pharmacy specializes in HIV/AIDS medications

New store is in same location as clinic and advocacy offices

By AMANDA LLEWELLYN

VIEW STAFF WRITER

Receiving quality care for HIV/AIDS can mean the difference between survival and death.

That's why the Jan. 14 opening of a new location of The Apothecary Shops, a retail pharmacy chain that caters to Southern Nevada's HIV/AIDS community, will have such a great impact upon the Las Vegas community, according to Fabian Mera, pharmacy sales specialist for the chain.

The 701 Shadow Lane location is the second Las Vegas site for the Arizona-based chain, but the new store's location has special significance, according to Mera.

"Because we are now in the same location as the Southern Nevada Health District's HIV/AIDS clinic, along with the AID for AIDS of Nevada offices, this signifies the establishment of what we believe will be a comprehensive level of services for people with HIV/AIDS," he said.

Mera said the pharmacy specializes in care for this specific disease and staffers are trained to deal with situations and questions clients may be facing with medication or drug interactions.

"Another common problem is that other pharmacies don't have these medications in stock, so the client has to wait days to have prescriptions filled. That will never happen at our stores," he said.

The staff also is available 24 hours a day for consultations, Mera said.

According to Mera, a strict adherence to medication regimens, a controlled diet and following doctors' orders can lead to people living longer.

"It is very typical for people with this disease to live up to 20 years, depending upon the person and the prescribed treatment," he said. "But adherence is the key."

Mera said there are more than 6,000 people in Las Vegas living with the virus.

The Apothecary Shops offer 10 specialty practices, including infectious disease and pain management, but it is in partnership with agencies such as AFAN, according to Mera, that it provides the best outcome for patients.

"Our goal is for patients to understand that with strict adherence to their drug regimens and by seeking out the needed support, their lives will be extended," he said. "A lack of adherence can, in these instances, result in death."

AFAN Executive Director Jennifer Morris said in a press release that because many of the agency's clients face transportation problems, the convenient location of The Apothecary Shops creates a less stressful situation when they are seeking treatment.

"Having these services in the same building can make a difference in a situation that is already fairly stressful," she



PHOTOS BY JERRY MENKEL/VIEW

Above, Angelica Salonga compounds a medication at The Apothecary Shops' new location at 701 Shadow Lane, Jan. 14. Below, pharmacist Todd Bleak checks out an AIDS medication in the new pharmacy.

said. "Now it is one stop and you have everything you need under one roof."

Las Vegas resident Elena Johns said she has no vehicle and was grateful to now have all the services she needs in the same place.

"Anything that makes my life easier is a plus," Johns said.

For more information, visit www.theapothecaryshop.com or call 380-2904.

Contact North Las Vegas and Downtown View reporter Amanda Llewellyn at allewellyn@viewnews.com or 380-4535.

LAS VEGAS SUN

LOCALLY OWNED AND INDEPENDENT | MONDAY, FEBRUARY 1, 2010

COURTS

Drug has a role in hepatitis cases

Sedative manufacturer
might share liability

By **STEVE KANIGHER**
Las Vegas Sun

Attorneys who represent former patients of the shuttered Endoscopy Center of Southern Nevada say that a sworn deposition from a drug company executive will help them prove that his company, which makes the sedative propofol used at the clinic, was partly responsible for the valley's hepatitis C outbreak.

If proved in court, the drug's role could expose its manufacturer to damages in connection with the outbreak, which unnerved the region when it was announced in February 2008.

In his deposition, Craig Lea, a marketing vice president of Teva Parenteral Medicines in Irvine, Calif., said that a version of the medication for dogs and cats, known by the brand name Rapinovel, has clearer instructions than the milky white propofol used in humans.

One major difference, he said: the Rapinovel label states that the entire contents of the vial should be drawn into sterile syringes, whereas the propofol label is not as specific.

That distinction may go to the issue of how the clinic's staff used single-use vials for more than one patient, leading to the infection of others.

Lea's deposition was taken in May but hadn't been available until last week. Portions were deleted to protect certain company secrets

The Southern Nevada Health District found that as many as 63,000 patients could have been exposed to infection through reuse of propofol vials and syringes. Plaintiffs' attorneys, who will begin trying Endoscopy Center cases in April, plan to argue that Teva failed to properly instruct medical professionals on propofol's use, contributing to the spread of potentially deadly blood-borne pathogens.

Las Vegas attorney Will Kemp and fellow plaintiffs' attorney Robert Cottle of Las Vegas said the clinic used 20-milliliter and 50-milliliter vials of propofol, with the larger vials more apt to be reused. With the average adult endoscopy requiring only 10 milliliters — give or take a few milliliters depending on

[See *Hepatitis*, Page 3]

MAKER DISCONTINUED ONE-USE VIALS OF PROPOFOL

the size of the patient — they said clinic personnel were encouraged to reuse the 50-milliliter vials for multiple patients to avoid having to discard unused propofol.

"Hospitals account for all the propofol that they use," Cottle said. "In this case, no one was counting the milliliters that were used. No one was counting the waste because no one at the clinic wanted to waste any propofol."

It was precisely to avoid the

possible reuse of large vials that Teva at one time made a single-use, 10-milliliter vial intended for procedures such as endoscopies.

Lea confirmed as much when he said 50-milliliter vials are intended to be used only by one patient for medical procedures that can last many hours, as opposed to endoscopies, which can take less than a half-hour.

"I think a smaller vial size is more ... probably more appropriate for that, for a shorter duration case," Lea said. A short

time later, he said that the vials are labeled for single-dose use because "you're trying to minimize the amount of product you're throwing away." He also answered affirmatively when Kemp asked whether the 10-milliliter vials would reduce the temptation and opportunity for dosing multiple patients from a single propofol container.

Kemp also read into the record a written statement from Lea indicating that the 10-milliliter vials would "enhance

patient safety."

Lea, though, said Teva discontinued the 10-milliliter propofol vials the smallest manufactured by that company and available for endoscopies. Kemp and Cottle are left to question why the clinics even needed or were sold 50-milliliter vials.

"It's a shared responsibility," Kemp said of the hepatitis outbreak. "If Teva hadn't shared the 50-milliliter vials with the Endoscopy Center, the tempta-

tion wouldn't have been there to reuse the vials."

Teva is part of a massive company, Israeli-based Teva Pharmaceutical Industries, with deep pockets. Teva Pharmaceutical, one of the world's largest manufacturers of generic drugs, trades on Nasdaq and has a market value exceeding \$50 billion.

Steve Kanigher can be reached at 259-4075 or at steve.kanigher@lasvegassun.com.

LVCVA seeks dismissal of lawsuit to stop smoking at tobacco shows

By ARNOLD M. KNIGHTLY

LAS VEGAS REVIEW-JOURNAL

The Las Vegas Convention and Visitors Authority is asking a Carson City District Court to dismiss a lawsuit aimed at preventing smoking at tobacco shows, claiming the society does not have standing to sue.

The American Cancer Society sued in early December claiming a law enacted during the 2009 state legislative session violates the Nevada Constitution's one subject requirement. The law was tacked onto an anti-stalking measure.

The complaint seeks to revise the law so it addresses only stalking.

The lawsuit named the convention authority, Nevada Attorney General

Catherine Cortez Masto and public health officials for pushing for revisions to the Nevada Clean Indoor Air Act, which prevents smoking in public areas such as restaurants, malls, grocery stores and government buildings.

A date has not been set for a hearing.

The convention authority on Monday filed a motion saying the Cancer Society lacks standing to bring a lawsuit because the society has not been injured by the law's enactment. It also argues that opposition to smoking is a political and policy agenda, an agenda the society lost.

The convention authority called the law a "common-sense approach" to keep tobacco trade shows coming to Las Vegas.

"It is difficult to sell tobacco products

to potential buyers if they are prohibited from sampling products they are being urged to purchase," the convention authority's motion said. "Thus, our elected representatives took the common-sense approach to allow smoking within the narrow confines of a tobacco trade show."

The law affects two annual trade shows, according to the authority.

A tobacco convention was last held in Las Vegas in 2008, but exhibitors and attendees were not allowed to sample tobacco products.

The Tobacco Plus Expo and the Retail Tobacco Dealers of America conventions held drew a combined 10,000 attendees adding \$15.7 million in economic impact to the community.

Tom McCoy, director of government

affairs for the Nevada chapter of the American Cancer Society, did not return inquiries for comment Tuesday afternoon.

The Cancer Society's lawsuit, filed Dec. 9, on the eve of the measure's enactment, said a similar stand-alone bill did not make it out of committee early last session.

Dec. 8 marked the three-year anniversary of the Nevada Clean Indoor Air Act. It was passed by voters as an initiative and could not be amended for three years.

The state attorney general's office did not return a call for comment.

Contact reporter Arnold M. Knightly at aknightly@reviewjournal.com or 702-477-3893. Business Press reporter Valerie Miller contributed to this report.

Nevada Too

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MEDICAL MALPRACTICE

Some hepatitis C lawsuits settled

Desai lawyer objects to deal with 18 ex-patients

By BRIAN HAYNES
LAS VEGAS REVIEW-JOURNAL

A district judge Monday approved a settlement of 18 medical malpractice lawsuits stemming from the Las Vegas hepatitis C outbreak.

The settlement with 18 former patients of the clinics blamed for the outbreak was made by Nevada Mutual Insurance Co. on behalf of doctors and nurse anesthetists who handled their treatment.

Although the cases are a fraction of the roughly 250 filed against the Endoscopy Center of Southern Nevada, its sister clinics and medical workers,

Nevada Mutual Insurance's lawyer said this settlement could lead to many more.

"This starts the ball rolling," Nathan Arrington said.

The settlement amount was confidential. Nevada law limits pain-and-suffering damages in medical malpractice cases to \$350,000.

Lawyer Gerald Gillock, who represents all 18 plaintiffs, said the settlement was the result of four months of negotiations and nearly two years of legal wrangling with lawyers for the clinics, doctors and others.

"It's been a long road to get to this juncture," Gillock said.

The settlement saves thou-

sands of dollars in future legal costs and more than a year in court time by avoiding the medical malpractice trials, he said.

The settlement dismisses all medical workers from the lawsuits, including Dr. Dipak Desai, who was the doctor in seven of the 18 cases. The 18 lawsuits will go forward with product liability claims against the drug makers who produced propofol, the anesthetic used at the clinics.

Gillock's group included four of the nine genetically linked hepatitis C cases, including one case set for trial in October.

Desai's lawyer, Kurt Melchior

of San Francisco, objected to the settlement, saying his client never approved of it.

None of the other doctors or nurse anesthetists objected.

Melchior called the settlement an effort to exhaust the malpractice insurance coverage limits, which would leave the thousands of remaining plaintiffs with a smaller pot to collect from.

"They just cannot pay out their policy limits and run," Melchior said of Nevada Mutual Insurance.

The settlement was also opposed by Brian Shapiro, the bankruptcy trustee for the Endoscopy Center and its sister clinics.

His goal is to reach a settlement that will satisfy all of the former patients who have sued

the clinics, he said. Any settlements on behalf of a smaller group reduces the amount of money left for the others, he said.

After hearing all the arguments, District Judge Allan Earl approved the settlement, saying it was reached in good faith.

But before any of the patients get paid, U.S. Bankruptcy Judge Mike Nakagawa must rule on whether the medical workers' malpractice payouts belong to the clinics' bankruptcy estate.

If he rules they do, the plaintiffs must ask him to approve the claim reached under the settlement. But if he rules they don't, the settlement would be paid, Gillock said.

Contact reporter Brian Haynes at bhaynes@reviewjournal.com or 702-383-0281.

The Week in Review

WEDNESDAY OUTBREAK CASE BUILDS

County prosecutors plan to take the hepatitis outbreak case before a grand jury in the "near future" to consider potential charges, District Attorney David Roger said.

Roger wouldn't identify possible targets of the grand jury, but Dr. Dipak Desai, who ran the clinics where as many as 115 people contracted hepatitis C because of unsafe injection practices, was at the center of the Las Vegas police investigation.

Prosecutors had not finalized the charges, but Roger said they could include patient neglect and insurance fraud.

THURSDAY

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Prosecutors to involve grand jury in hepatitis C outbreak investigation

By BRIAN HAYNES

LAS VEGAS REVIEW-JOURNAL

County prosecutors plan to take the hepatitis outbreak case before a grand jury in the "near future" to consider potential charges, District Attorney David Roger said Wednesday.

Roger wouldn't identify possible targets of the grand jury, but Dr. Dipak Desai, who ran

the clinics where as many as 115 people contracted hepatitis C because of unsafe injection practices, had been at the center of the Las Vegas police investigation.

Police also suggested charges for at least four other medical workers from the clinics.

► SEE HEPATITIS PAGE 6A
Charges yet to be finalized

► HEPATITIS: Charges yet to be finalized

CONTINUED FROM PAGE 1A

Prosecutors had not finalized the charges they will seek, but Roger said they could include patient neglect and insurance fraud. Also, prosecutors had yet to send official notices to suspects that they will be targets of the grand jury.

Roger said he chose a grand jury to accelerate the process of having a large number of witnesses testify. If his office were to go a different route, the time needed to question witnesses and allow cross examination by defense lawyers at a preliminary hearing in Las Vegas Justice Court would make scheduling difficult, he said.

State and federal investigations were ongoing into possible insurance billing fraud at the clinics.

Desai's lawyer, Richard Wright, was out of town Wednesday and unavailable for comment, his office said.

Desai came under scrutiny in February 2008 after the Southern Nevada Health District linked several cases of hepatitis C to the Endoscopy Center of Southern Nevada, 700 Shadow Lane, where he was majority owner.

Officials notified 40,000 former clinic patients about possible exposure to blood-borne diseases because of unsafe injection practices. More notifications followed to patients of a sister clinic,

Desert Shadow Endoscopy Center.

Investigators blamed the outbreak on nurse anesthetists reusing single-dose medicine vials among patients.

Clinic staff told health investigators they were ordered by administrators, principally Desai, to reuse supplies and medications to save money, according to a Las Vegas letter suspending the Shadow Lane clinic's business license.

Health investigators since have linked a total of nine hepatitis C cases to Desai's clinics and said another 106 cases were "possibly related."

The police investigation ended late last year. Hundreds of former patients have sued Desai, his clinics and the manufacturers of the anesthetic, propofol, that was used during their colonoscopies.

Lawyer Will Kemp, who will try the first civil case by a former clinic patient in April, said the criminal case shouldn't interfere with his trial because Desai is not a defendant in the case.

Desai is a defendant in most of the other cases. The timing of those trials should also avoid interference from any criminal proceedings, but Kemp predicted Desai's legal team would put up a fight every step of the way.

"Whatever can be done will be done because he's got Rich Wright," he said.

Contact reporter Brian Haynes at bhaynes@reviewjournal.com or 702-383-0281.

Business

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★ ★ ★ a

SECTION **D**



DUANE PROKOP/PLAS VEGAS REVIEW-JOURNAL

Siegel Group President Stephen Siegel, left, and director of business affairs Michael Crandall inside the lobby of the Artisan hotel on Monday. The Siegel Group bought the property Friday.

Artisan gets new life

Siegel Group vows improvements after purchasing hotel

By **ARNOLD M. KNIGHTLY**
LAS VEGAS REVIEW-JOURNAL

Local hospitality operator Siegel Group acquired the Artisan Hotel on Friday, adding the troubled property to the company's growing portfolio of local boutique hotels.

In addition to the 64-room property on Sahara Avenue, Siegel Group owns the 62-room Resort on Mount Charleston and

the 150-room St. Tropez on Harmon Avenue.

Siegel Group's first order of business for the Artisan is to restore the property's reputation among its customers and remaining employees, Stephen Siegel said. He said the previous owner's cost-cutting measures and bankruptcy filing caused significant damage to the property's reputation. Additionally, the property was hit with numer-

ous health-code violations late last year.

Although only 12 employees were on the payroll when Siegel Group foreclosed on the property Friday, the property is open and all rooms are available, said Michael Crandall, Siegel Group director of business affairs.

The restaurant will reopen by

► SEE ARTISAN PAGE 5D
New owners ponder gaming machines

► **ARTISAN:** *New ownership ponders addition of gaming machines*

CONTINUED FROM PAGE 1D

Feb. 1, he added.

Siegel said he plans to improve the nongaming hotel's customer service and correct any longstanding operational issues.

The Artisan, known for its framed reproductions of famous art work throughout the property and the large fountain in the lobby, will retain the "same theme, same feel, same name."

Siegel added: "We're just modernizing and bringing it up to our standards."

The Siegel Group acquired the property's bank note for \$1.4 million from the Artisan's lender, the Citizens Banks of Oregon in Missouri.

The hotel filed for Chapter 11 bankruptcy in December 2008, listing more than \$10 million in assets against Citizen Bank's \$1.8 million bank note. The bank filed a secured claim that month for an additional \$6 million.

Crandall said the company started to take over the property in late November after the bank decided it did not want to continue talks with the former owner, Doug Da Silva, to restructure his debts. Da Silva also owns a second Artisan Hotel in El Paso, Texas, which is also in bankruptcy.

Da Silva bought the 1.35 acre property, which was a Travelodge, in late 2001. He added hundreds of reproductions of artwork by classic artists such as Paul Cézanne, Leonardo da Vinci, Vincent Van Gogh to Edvard Munch's "The Scream" throughout the hotel.

The property's served as the backdrop for many television shows, including "Crisis Angel Mindfreak," Cinemax's "Sin City Diaries" and a photo shoot for the Las Vegas-based band Panic at the Disco.

Siegel said his company will launch an extensive advertising campaign to bring back customers who frequented the Artisan before its sharp decline last year.

The Southern Nevada Health District temporarily closed the restaurant in October after the agency found numerous problems, including spoiled food, dirty food surfaces, a broken dishwasher and mouse droppings on the floor in food storage.

The agency also found insects in the liquor, mold in the ice machine, and dirty linens in rooms.

Crandall said the property has been issued temporary licenses by the health district. Final inspections are scheduled for Friday.

"We have an unbelievable relationship with the agency," Crandall said. "They know when we come in we don't mess around."

Crews have been working to prepare the kitchen for reopening within the next two weeks, and Crandall said the remaining liquor was tossed out and replaced.

Many of the Artisan's vendors had stopped delivering products and services to the hotel for lack of payment by the old owner.

But Crandall said Siegel Group's good relationship with vendors — the company also owns the refurbished Gold Spike downtown and Siegel Suites flexible-stay apartment complexes — have helped the company move quickly to address the Artisan's problems.

Beyond restocking the bar, Siegel has already added televisions to the bar, upgraded the property's sound system, replaced the boiler and addressed extensive cleaning and landscaping needs.

Immediate plans include reopening the restaurant by Feb. 1, hiring nearly 60 additional staff, including a general manager, chef, bartenders and cocktail servers.

The Siegel Group plans to spend nearly \$400,000 on the property to add a secured valet parking area, replace some air conditioning units, add a smoke extraction system and purchase new bedding.

Siegel's plans include renovating the pool furniture, marketing an indoor chapel and outdoor area for weddings, building a second bar and opening a hair and tanning salon.

"We're planning with some different concepts," Siegel said. "Gaming, nongaming and some retail components that will drive more traffic here."

Siegel said he has not decided if he will bring limited gaming to the property's bar. Nonrestricted gaming was reinstated at the Resort on Mount Charleston with 10 slot machines in September, and will be available when the renovated St. Tropez reopens in April.

"We can bring games in here, but we're teetering back-and-forth with it," Siegel said. "There's a big following here that doesn't want video games here. We're talking maybe three or four on the backside of the bar."

Siegel said the hotel's room rate will likely fluctuate between \$79 and \$129 per night.

"The property's location to the Strip is unbelievable," Crandall said. "There's a lot of people out there in this country or around the world who love coming to Vegas but aren't necessarily coming to Vegas for the gambling. So this will be a place for them to stay and have an unbelievable experience, and still go to the Strip and enjoy it."

Contact reporter Arnold M. Knightly at aknightly@reviewjournal.com or 702-477-3893.



Public Health Update - 2009 H1N1 Influenza

February 10, 2010

The Southern Nevada Health District reports the following information for the week ending Saturday, February 6, 2010. The report includes cumulative case counts for the 2009-2010 influenza season beginning August 31, 2009.

Week Ending	Confirmed	Cumulative Cases*
February 6	6	3471
January 30	13	3465
January 23	5	3452
January 16	16	3447
January 9	10	3431
January 2	20	3421
August - December 2009		3401

Clark County 2009 H1N1-related deaths since spring 2009: 37**

The health district is not reporting any additional deaths for the week ending February 6.

To date, the health district has received 167,100 doses of the 2009 H1N1 influenza vaccine, some of which has been distributed to private providers. Approximately 375,000 doses have been delivered to private providers in Clark County by the Nevada State Health Division. The Southern Nevada Health District has administered more than 116,000 doses since October.

**Cumulative totals may not add up to the current week total plus the cumulative total from the previous week, as cases from previous weeks can be reclassified from influenza to novel H1N1 based on new lab results, and duplicates are identified and removed.*

***This number represents Clark County residents only and is cumulative since 2009 H1N1 influenza was identified in the spring. In early June, the health district reported the death of a hospitalized patient who was a resident of another state.*



Public Health Update - 2009 H1N1 Influenza

February 3, 2010

The Southern Nevada Health District reports the following information for the week ending Saturday, January 30, 2010. The report includes cumulative case counts for the 2009-2010 influenza season beginning August 31, 2009.

Week Ending	Confirmed	Cumulative Cases*
January 30	13	3465
January 23	5	3452
January 16	16	3447
January 9	10	3431
January 2	20	3421
October - December 2009		3401

Clark County 2009 H1N1-related deaths since spring 2009: 37**

The health district is not reporting any additional deaths for the week ending January 30.

Following is the link to the weekly surveillance report:

<http://www.southernnevadahealthdistrict.org/download/epi/flu-surveillance-update-013010.pdf>

The attached comprehensive surveillance report will be posted monthly beginning March 3

To date, the health district has received 167,100 doses of the 2009 H1N1 influenza vaccine, some of which has been distributed to private providers. Approximately 375,000 doses have been delivered to private providers in Clark County by the Nevada State Health Division. The Southern Nevada Health District has administered more than 114,700 doses since October.

**Cumulative totals may not add up to the current week total plus the cumulative total from the previous week, as cases from previous weeks can be reclassified from influenza to novel H1N1 based on new lab results, and duplicates are identified and removed.*

***This number represents Clark County residents only and is cumulative since 2009 H1N1 influenza was identified in the spring. In early June, the health district reported the death of a hospitalized patient who was a resident of another state.*



Public Health Update – 2009 H1N1 Influenza

January 27, 2010

The Southern Nevada Health District reports the following information for the week ending Saturday, January 23, 2010. The report includes cumulative case counts for the 2009-2010 influenza season beginning August 31, 2009.

Week Ending	Confirmed	Cumulative Cases*
January 23	5	3452
January 16	16	3447
January 9	10	3431
January 2	20	3421
December 26	19	3401
December 19	40	3384
December 12	109	3343
December 5	101	3228
November 28	62	3127
November 21	172	3065
November 14	318	2890
November 7	623	2567
October 31	416	1940
October 24	854	1524
October 17	361	670

Clark County 2009 H1N1-related deaths since spring 2009:

37**

The health district is reporting an additional death for the week ending January 23. The patient is a 77-year-old woman with an underlying medical condition.

The comprehensive weekly surveillance report is posted at:

<http://www.southernnevadahealthdistrict.org/download/epi/flu-surveillance-update-012310.pdf>

To date, the health district has received 157,100 doses of the 2009 H1N1 influenza vaccine, some of which has been distributed to private providers. Approximately 369,000 doses have been delivered to private providers in Clark County by the Nevada State Health Division. The Southern Nevada Health District has administered more than 112,600 doses since October.

**Cumulative totals may not add up to the current week total plus the cumulative total from the previous week, as cases from previous weeks can be reclassified from influenza to novel H1N1 based on new lab results, and duplicates are identified and removed.*

***This number represents Clark County residents only and is cumulative since 2009 H1N1 influenza was identified in the spring. In early June, the health district reported the death of a hospitalized patient who was a resident of another state.*



FOR IMMEDIATE RELEASE
January 27, 2010

**Lose 10 lbs in 10 weeks?
Southern Nevada Health District kicks off 10 in 10 Challenge, Feb. 1**

LAS VEGAS - Ten pounds in 10 weeks . . . it's not impossible. The Southern Nevada Health District will launch its second 10 in 10 Challenge, the online program to help participants cut calories and increase daily caloric burn. The free program kicks off Monday, Feb. 1 on the Get Healthy Clark County website, www.GetHealthyClarkCounty.org. The program will also be available in Spanish. For more information, log on to www.GetHealthyClarkCounty.org or contact the Office of Chronic Disease Prevention and Health Promotion, (702) 759-1270.

Participants sign up online and the program is free. Each week, they will receive two emails with tips and suggestions about how to swap foods they eat regularly with healthier, less calorie dense choices as well as ways to increase their physical activity. Participants can track their progress online and set short- and long-term goals. In addition, they can post quotes or photos to help them stay motivated and achieve their goals. Participants can also share their ideas and thoughts or ask questions via the Get Health blog on the website.

In 2009, participants in the first 10 in 10 Challenged lost one ton - 2,086 pounds.

"Losing weight can be daunting and discouraging. During the first quarter of the year, many people who have resolved to lose weight will abandon their program because they don't see results or they haven't set realistic goals for themselves," said Deborah Williams, manager of the office of chronic disease prevention and health promotion. "The 10 in 10 Challenge is a realistic and simple program where participants can see real results after making reasonable and small adjustments to their diet and fitness routines."

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MEDIA CONTACTS

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FOR IMMEDIATE RELEASE
January 26, 2010

Health District reminds parents kids under 10 should receive 2nd H1N1 dose
Ample supplies available at the health district, communitywide

LAS VEGAS – The Southern Nevada Health District reminds parents that 2009 H1N1 vaccine recommendations include a second dose for children between the ages of six months and nine years old. The health district offers the 2009 H1N1 vaccine for free at its immunization clinics Monday through Friday from 8 a.m. – 4:30 p.m. For information, contact the immunization clinic, (702) 759-0850 or visit www.snhd.info.

Children between the ages of six months old and age nine should receive the second 2009 H1N1 dose four weeks after the first dose or at least 21-28 days later. Parents should bring their children's H1N1 vaccine record with them when they are to receive the second dose.

The second dose is recommended for children so they develop adequate protection against the 2009 H1N1 influenza strain. Since its identification in April, the 2009 H1N1 influenza virus has become the dominant flu strain this season and it is likely to remain the dominant one for the next several flu seasons. By getting vaccinated now, people can be protected against the strain when it returns in the fall.

Individuals who fall into the originally identified priority groups should receive an H1N1 immunization as they are more likely to develop serious illness or experience complications. H1N1 infection rates were highest among people under the age of 25, including children. Clark County reported two pediatric H1N1-related deaths in 2009.

To date, the Southern Nevada Health District has administered more than 110,000 doses of 2009 H1N1 vaccine. It has received 157,100 doses and an additional 369,000 doses have been delivered to private providers throughout Clark County.

Southern Nevada Health District locations:

- Ravenholt Public Health Center, 625 Shadow Lane, Las Vegas
- East Las Vegas Public Health Center, 560 N. Nellis Blvd., Suite E12, Las Vegas
- Henderson Public Health Center, 520 E. Lake Mead Parkway, Henderson
- North Las Vegas Public Health Center, 1820 E. Lake Mead Blvd., Suite F, No. Las Vegas

Updated information about the Southern Nevada Health District can be found on Facebook www.facebook.com/SouthernNevadaHealthDistrict, on YouTube www.youtube.com/SNHealthDistrict or Twitter www.twitter.com/SNHDflu.

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Public Health Update – 2009 H1N1 Influenza

January 20, 2010

The Southern Nevada Health District reports the following information for the week ending Saturday, January 16, 2010. The report includes cumulative case counts for the 2009-2010 influenza season beginning August 31, 2009.

Week Ending	Confirmed	Cumulative Cases*
January 16	16	3447
January 9	10	3431
January 2	20	3421
December 26	19	3401
December 19	40	3384
December 12	109	3343
December 5	101	3228
November 28	62	3127
November 21	172	3065
November 14	318	2890
November 7	623	2567
October 31	416	1940
October 24	854	1524
October 17	361	670

Clark County 2009 H1N1-related deaths since spring 2009:

36**

The health district is not reporting any additional deaths for the week ending January 16.

The comprehensive weekly surveillance report is posted at:

<http://www.southernnevadahealthdistrict.org/download/epi/flu-surveillance-update-011610.pdf>

To date, the health district has received 157,100 doses of the 2009 H1N1 influenza vaccine, some of which has been distributed to private providers. Approximately 369,000 doses have been delivered to private providers in Clark County by the Nevada State Health Division. The Southern Nevada Health District has administered more than 110,000 doses since October.

**Cumulative totals may not add up to the current week total plus the cumulative total from the previous week, as cases from previous weeks can be reclassified from influenza to novel H1N1 based on new lab results, and duplicates are identified and removed.*

***This number represents Clark County residents only and is cumulative since 2009 H1N1 influenza was identified in the spring. In early June, the health district reported the death of a hospitalized patient who was a resident of another state.*



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - January 20, 2010

The Solid Waste Hearing Officer, under authority granted in Nevada Revised Statute (NRS) 444.629, conducts monthly hearings to settle cases involving illegal dumping and other solid waste matters. At the January 20, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Fred Doumani, Jr. and Robert E. Van Ordstrand** - NOV #SW09-003/32/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Item continued to March 17, 2010 docket.

2. **Arturo G. Banuelos** - NOV #SW09-1064/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 20, 2009.

Item continued to February 17, 2010 docket.

3. **David Livingston** - NOV #SW09-1206/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located south of 560 Cape Horn Drive, Henderson, Clark County, Nevada on or about August 14, 2009.

Hearing officer found David Livingston in violation of 2) and imposed a penalty of \$900. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev.

MEDIA CONTACTS

Jennifer Sizemore: Sizemore@snhdmail.org | 702.759.1225

Stephanie Bethel: Bethel@snhdmail.org | 702.759.1393

4. **Amazon Landscape Maintenance, Inc. dba Green Tree Landscape and Maintenance** – NOV #SW09-1203/C0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon property located at 4 Soaring Bird Court, Clark County, Nevada on or about August 10, 2009.

Hearing officer found Amazon Landscape Maintenance, Inc. dba Green Tree Landscape and Maintenance in violation and imposed a penalty of \$1,250 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

5. **Robert Dale Miller** – NOV #SW09-1121/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon property located at 4420 East Charleston Boulevard, Las Vegas, Clark County, Nevada on or about July 28, 2009.

Hearing officer found Robert Dale Miller in violation and imposed a penalty of \$900 for each of 1) and 2).

6. **Westland Leasing LLC** – NOV #SW09-1250/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located east of Eastern Avenue and north of Pecos Ridge Parkway, Henderson, Clark County, Nevada on or about August 26, 2009.

Hearing officer found Westland Leasing LLC in violation and imposed a penalty of \$500 for each of 1) and 2). Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

7. **Shawn Thompson** – NOV #SW09-1348/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located 2.5 miles southwest of West Grand Teton Drive and North Grand Canyon Drive, Clark County, Nevada on or about September 18, 2009.

Hearing officer found Shawn Thompson in violation of 2) and imposed a penalty of \$500. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

8. **Alma Garcia and Luis Eduardo Garcia, Jr.** – NOV #SW09-1232/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the properties located at 1216 Observation Drive, 1116 Observation Drive and 1205 North Buffalo Drive, Las Vegas, Clark County, Nevada on or about August 17, 2009 and August 21, 2009.

Hearing officer found Alma Garcia and Luis Eduardo Garcia, Jr. in violation and imposed a penalty of \$900 for each of 1) and 2). Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

9. **Astoria Pearl Creek, LLC** – NOV #SW09-048/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 15, 2009.

Hearing officer found Astoria Pearl Creek, LLC in violation and imposed a penalty of \$5,000. Corrective action of removal and proper disposal of waste is ordered.

10. **Service Rock Products Corporation** – NOV #SW09-1403/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant lot located east of South Las Vegas Boulevard and north of Neal Avenue, Clark County, Nevada on or about September 29, 2009.

Hearing officer found Service Rock Products Corporation in violation and imposed a penalty of \$750 for 1), and a penalty of \$1,000 for 2). An operational plan is ordered. Failure to comply will result in the original penalty of \$2,500 as initially sought in the Notice of Violation.

11. **Ann Coleman LLC and Avi Gohari** – NOV #SW09-365/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 15, 2009.

Hearing officer found Ann Coleman LLC and Avi Gohari in violation and imposed a penalty of \$5,500. Corrective action of removal and proper disposal of waste is ordered.

12. **Nadia L. Rubio dba Nadia's Beauty Salon** – NOV #SW09-1143/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 1000 North Nellis Boulevard, Suite V, Clark County, Nevada on or about August 3, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 10, 2009.

Hearing officer found Nadia L. Rubio dba Nadia's Beauty Salon in violation and imposed a penalty of \$500 for 2) and a penalty of \$900 for 3). A waste management plan that outlines standard operating procedures for the timely, proper disposal of solid waste is ordered, as well as the communication of these procedures to all staff to ensure no further solid waste disposal issues.

13. **Michaelson, Conner, and Boul, Incorporated** - NOV #SW09-997/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 11, 2009.

Hearing officer found Michaelson, Conner, and Boul, Incorporated in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

14. **Marcia T. Andaya** - NOV #SW09-110/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 1302 Stewart Avenue, Las Vegas, Clark County, Nevada on or about January 21, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 21, 2009.

Hearing officer found Marcia T. Andaya in violation and imposed a penalty of \$500 for each of 2) and 3). Plumbing receipts are ordered for the arrangement/contracting to repair and test all deficient plumbing elements, e.g. plumbing lines, distribution boxes, septic tank, leach field lines, cut-outs, and internal plumbing within the dwelling(s) by a certified, licensed plumber or plumbing company. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

15. **Canada, LLC, Citadel Long Term Investment, and Craig Brooksby** - NOV #SW09-921/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 25, 2009.

Hearing officer found Canada, LLC, Citadel Long Term Investment, and Craig Brooksby in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

16. **Golden Pond Villas, LLC dba Tara Hills Apartments** - NOV #SW09-1231/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 3233 East Desert Inn Road, Clark County, Nevada on or about August 21, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 21, 2009.

Item continued to March 17, 2010 docket.

17. **Carolyn Swann and Angus Swann** - NOV #SW09-1082/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 27, 2009.

Item continued to February 17, 2010 docket.

18. **Russell 215 Two LLC - NOV #SW09-800/C6-** For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 21, 2009.

Hearing officer found Russell 215 Two LLC in violation and imposed a penalty of \$500 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

19. **Metro Storage, LLC, Edible Landscaping and Kay A. Rodriguez - NOV #SW09-1012/C6-** For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) disposing of, abandoning or dumping motor vehicle battery, motor vehicle tire or motor vehicle oil at a site which has not been issued a permit for that purpose; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 1, 2009.

Hearing officer found Metro Storage, LLC, Edible Landscaping and Kay A. Rodriguez in violation and imposed a penalty of \$500 for each of 2) and 3). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

20. **Henderson Industrial Center, L.L.C. and L. Neil Dexter - NOV #SW09-632/C6-** For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 23, 2009.

Hearing officer found Henderson Industrial Center, LLC and L. Neil Dexter in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

21. **Maria L. Tamayo - NOV #SW08-021/45/G7/45-** For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer found Maria L. Tamayo in violation and imposed a penalty of \$5,000. Corrective action of removal and proper disposal of waste is ordered.

22. **Elvira Cozzens - NOV #SW08-034/45/G7/45-** For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer found Elvira Cozzens in violation and imposed a penalty of \$5,000. Corrective action of removal and proper disposal of waste is ordered.

B. NON-CONTESTED NOTICES OF VIOLATION: The Hearing Officer may approve or disapprove the agreed resolution. Upon disapproval of the agreed resolution, the Hearing Officer will set a date for the hearing of any such Notice of Violations.

1. **New Star, Inc.** – NOV #SW09-776/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 22, 2009.

Hearing officer found New Star, Inc. in violation and imposed a penalty of \$5,000 for 1) and a penalty of \$2,000 for 2). Completion of recycling center permit within one hundred twenty (120) days is ordered.

2. **SV 1.33, LLC** – NOV #SW09-729/23- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 15, 2009.

Hearing officer found SV 1.33, LLC in violation of 2) and imposed a penalty of \$900.

3. **LandMarc Landscapes, LLC** – NOV #SW09-934/G7- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Hearing officer found LandMarc Landscapes, LLC in violation and imposed a penalty of \$500. An operation plan is ordered. Failure to comply will result in the original penalty of \$900 as initially sought in the Notice of Violation.

4. **Hastings Brokerage, LTD** – NOV #SW09-1087/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 21, 2009.

Hearing officer found Hastings Brokerage, LTD in violation of 2) and imposed a penalty of \$1,400. Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

5. **Timothy McEntire and Kim McEntire** – NOV #SW09-1321/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located west of North Grand Canyon Drive and West Farm Road, Las Vegas, Clark County, Nevada on or about September 15, 2009.

Hearing officer found Timothy McEntire and Kim McEntire in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

6. **David Bunge - NOV #SW09-1343/60-** For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or accumulation of human excreta to overflow onto the public right-of-way located on the north side of Kyle Canyon Road, just west of the Oso Blanca Road intersection, Las Vegas, Clark County, Nevada on or about September 17, 2009.

Hearing officer found David Bunge in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

7. **Efrain Escalera and Escalera Maintenance Corporation - NOV #SW09-1281/E0-** For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant property located on the northwest corner of Jo Marcy Drive and Garehime Street, Clark County, Nevada on or about September 3, 2009.

Hearing officer found Efrain Escalera and Escalera Maintenance Corporation in violation of 2) and imposed a penalty of \$900. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

8. **Gilberto Vasquez-Gutierrez - NOV #SW09-528/57-** For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 20, 2009.

Hearing officer found Gilberto Vasquez-Gutierrez in violation and imposed a penalty of \$1,500 for 1), and a penalty of \$1,000 for 2) A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Failure to comply will result in the original penalty of \$4,500 as initially sought in the Notice of Violation.

9. **Drake Asphalt and Concrete Systems - NOV #SW09-1197/ A0-** For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the southeast side of the intersection of the intersection of Dapple Gray Road and Grand Sunburst Court, then south in the gutter on Dapple Gray Road to West Centennial Parkway, then east in the gutter of West Centennial Parkway to the storm inlet located on the south side of 8858 West Centennial Parkway, approximately 1,987 feet, Clark County, Nevada on or about August 31, 2009; and 3) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the southeast side of the intersection at Dapple Gray Road and Grand Sunburst Court, then south in the gutter on Dapple Gray Road to West Centennial Parkway, then east in the gutter of West Centennial Parkway to the storm inlet located on the south side of 8858 West Centennial Parkway, approximately 1.987 feet, Las Vegas, Clark County, Nevada on or about August 13, 2009.

Hearing officer found Drake Asphalt and Concrete Systems in violation and imposed a penalty of \$500 for each of 1) and 2). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. A waste management plan is ordered. Written policies, procedures and training of Drake Asphalt and Concrete Systems employees on the Section 6 - Accidental release matters: of Material Safety Data Sheet M.S.D.S. for products being used. A copy must be submitted to the Southern Nevada Health District within thirty (30) days. Also, within thirty (30) days, ensure that all vehicles transporting products contain the Material Safety Data Sheet M.S.D.S. and a spill kit for the products being transported.

10. **Plaster Land and Investment, LLC - NOV #SW09-832/60-** For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 25, 2009.

Hearing officer found Plaster Land and Investment, LLC in violation of 2) and imposed a penalty of \$900. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION - FURTHER PROCEEDINGS

1. **Richard Mandarino dba Discount Lawn Services - NOV #SW08-657/ A0-** For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located west of the end of Mountain Shadow Road, Las Vegas, March 28, 2008.

Hearing officer order of October 15, 2009 is amended.

2. **Richard Mandarino dba Discount Lawn Services – NOV #SW08-657/A0/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2008.**

Hearing officer order of February 18, 2009 is amended.

“Brief Intervention” resources available to health care providers
Lawrence Sands, DO, MPH, Chief Health Officer

In 2007 the Southern Nevada Health District introduced health care providers to its “Brief Tobacco Use Interventions” program. The program is designed to provide information and resources to health care providers in support of efforts to deliver brief smoking cessation counseling during office visits.

This approach was designed based on clinical trials that demonstrated brief counseling sessions delivered by physicians, dentists and other clinicians increases smoking cessation rates among their adult patients. Many current smokers will be renewing their attempts to quit smoking as part of a New Year’s Resolution and the health district wants to ensure the health care community has access to all available resources.

Brief interventions were developed by the Agency for Healthcare Research and Quality (AHRQ) and work by health care providers routinely and consistently delivering a brief 3-step intervention consisting of “the 3 A’s:”

- Ask about tobacco use at every visit;
- Advise all tobacco users to stop; and
- Assist the patient by offering medications to aid in quitting and/or referrals to community programs such as the Nevada Tobacco Users Helpline at 1-800 QUIT NOW.

It is recommended that the intervention be repeated at every visit with a patient and can easily be integrated into the current interaction between provider and patient. Brief tobacco use interventions work for a number of reasons including:

- Seventy percent of all smokers see a clinician each year.
- Seventy percent of smokers report wanting to quit and are just seeking the motivation to actually act.
- Studies show that smokers are four times more likely to quit smoking given successful brief interventions and professional assistance than if they attempted to quit on their own.
- Each intervention is at most three minutes long. This short time frame is something that already time-strapped physicians and nurses can commit to without abandoning other important services.

Another key component of the program is the partnership with the Nevada Tobacco User’s Helpline. The Helpline is the only statewide telephone-based resource and is available for use as a physician referral and free cessation service for patients that do not have access to free cessation services through their health plan. The Helpline provides confidential, telephone-based counseling for tobacco using clients. All counselors are degreed professionals and credentialed alcohol and drug counselors. The Helpline offers different programs and its most intensive, the Level 3 program, has quit rates of 30 percent after 12 months, which is far higher than the national average quit rate of 5 percent.

The success of the interventions is also reflected through the success of the Helpline. The first year after the program was introduced the number of calls to the Helpline quadrupled and more than 20,000 quit cards were distributed through outreach activities conducted with both health district nurses and community physicians. Additionally, the Helpline staff has reported that clients who called as a result of the brief intervention program demonstrated an increased readiness to quit when compared to other clients. Staff members of the Helpline have indicated they believe this is a direct result of the credibility of a health care provider delivering the information to patients. It is also important to note that public health nurses at the health district have been trained to use the intervention program and the majority of those surveyed found the program easy to integrate into client interactions.

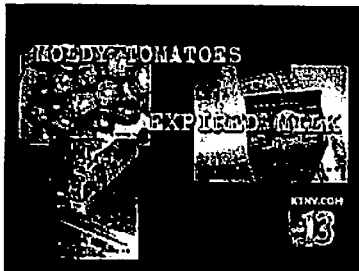
In addition to the resources of the Helpline, the program also offers brief intervention materials for health care providers including posters, brochures, rack cards and quit cards. Materials are available in English and Spanish. These materials are available free of charge for health care providers and their patients. Materials and more information about the program can be accessed at the health district's Get Healthy Clark County website (www.gethealthyclarkcounty.org) or by calling 759-1276.

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Dirty Dining in Las Vegas

Updated: Feb 9, 2010 12:04 AM PST



Las Vegas, NV (KTNV) - If you haven't finished eating yet, you might want to put down the fork before reading this next story.

Contact 13 Chief Investigator Darcy Spears has been digging in to health inspection reports and she's got important information that you'll want to have before you dig in to your next restaurant meal.

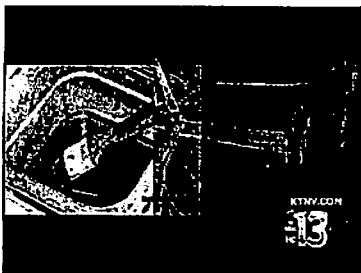
She gives us all something to chew on as she takes us on a tour of the restaurants that got the worst health inspections of the past year.



"We get to see some things that just make us scratch our head and shake it and it's dumbfounding," said Environmental Health Supervisor Greg Wears with the Southern Nevada Health District.

We begin our dirty dining tour at Los Compadres on East Charleston. They got 77 demerits.

Keep in mind any restaurant that gets more than 40 demerits on a health inspection is immediately closed.



Los Compadres was written up for things like moldy tomatoes; expired milk; old, dried food debris on drawers and can openers, and food out of the safe temperature range.

"It's 40 degrees or below for cold food. For hot holding it's 140 degrees or above and anything in between is called the danger zone," Wears explained.

Another violation the health inspector found was uncovered food, which can easily be contaminated.

"We're going to find everything covered in there, right?" Darcy Spears asked Los Compadres Owner Nuvia Incunca as they entered the restaurant's walk-in refrigerator.

"They should be," Incunca answered.

But, the menudo wasn't and that's a health violation.

"Should there be a cover on that?" Spears asked.

"Yeah," Incunca said, "there should be."

At least there wasn't any food in the mechanical room this time.

The health inspector found pork stored in the mechanical room in an open, dirty, cardboard box.

Ever wonder where that ice in your drink comes from? Los Compadres was storing ice in a garbage can.

"What should we tell people?" Spears asked.

"We trying to do best that we can to resolve all these kind of problems and so we invite everybody and say if we are wrong, we are open and say maybe we are wrong, we have to do something better," Incunca responded.

Our next stop is Kimchi restaurant on the Strip with 71 demerits.

The inspector found food debris, grease, dirt and dust throughout the facility on equipment surfaces, floors, walls, even ceilings.

"Dirt doesn't build up in one day. It takes time," Wears explained.

Would you want kitchen utensils to come out of greasy water?

Well, they did. We also saw a photo of rotten lemons. One is so moldy you can't even tell what it is. But one thing really takes the cake.

"I don't know what that person was thinking," Wears said.

He's referring to kitchen tongs an inspector found in the bathroom of all places, hanging on a plumbing pipe right next to an open toilet tank.

"Under a sink is beyond me," said Wears.

Of course, if you're going to store your tongs in the bathroom, why not place your fly swatter with the clean pots?

Kimchi was also written up for chemicals and medicine stored with food; black and brown slime accumulation inside the ice machine; a paint brush being used as a food utensil; and no tags on the shellfish, which the Health District says is very important because shellfish carry Hepatitis and officials have to be able to trace it to its origin if someone gets sick.

When we went to Kimchi restaurant for an explanation, Scott, the manager, tells us, "Actually, I cannot give you the answer and my owner doesn't want to do pictures or anything."

"Ok, so, officially no comment from you guys?" Spears asked.

"Yes," Scott answered.

A little further east, Kabob 'n' Curry on East Desert Inn was temporarily closed in September after receiving 66 demerits.

The inspector found ants in the condiments; a swollen can of evaporated milk still in use; chicken and beef stew that had to be tossed because it was too dangerous to serve; and ask yourself if you'd want to eat anything that was cooked on this stove.

"We want to see if we can talk to someone about what happened here and whether you guys have cleaned up your act," Spears said to a woman who peered out through the restaurant's chained front door.

The woman tells us to come back because she says the owner's not there. But we found she and her husband are the owners.

When we returned, neither of them were there, but employees called her on the restaurant's phone.

"When I gave you my card yesterday you told me that I could come back and talk to the owner, but apparently the owner is you," Spears said.

The Health District confirmed that. They even showed us a picture with the husband and wife sitting with the inspector on the day they were shut down.

She then tries another tactic: accusing us of trying to hurt her business.

"No one's trying to ruin a business," Spears assured her. "It's about protecting public health and making sure that the public is informed about the places that they go to eat."

The last stop on our "worst of" list is Esmeralda's Cafe on E. Charleston with 68 demerits.

Their report documents things like expired milk...

"I had bought the milk the day before right next door, so, we didn't look at the date," explained Esmeralda's owner Daisy Vega.

Food in the splash zone of dirty dishes.

"That was negligence," Daisy admitted.

Pork and cheese at temperatures that promote bacterial growth.

"Can anybody die from that?" Vega asked. "Can anybody die from any of these demerits that I have written down?"

"I don't think what they're looking for is whether someone's going to die in your restaurant, Spears responded. "It's more what's a good standard of health and cleanliness and what presents a potential hazard."

Vega invites us to see how they've improved after taking a special class put on just for their employees by the Health District.

"Now we do things the right way," she said.

Maybe not always the right way. When we toured the kitchen, we find several things exposed to potential contamination.

But from everything else we see, it looks like Esmeralda's is a good example of how to learn from your mistakes.

Rounding out the bottom five list was Asia Buffet on the Strip. They got 59 demerits and subsequently closed their doors.

We should note that every restaurant in our story was re-inspected and upgraded to an A. You now know about the worst, so what about the best?

For a complete list of the cleanest places in 2009, just [click here](#).

You can also check to see whether your favorite restaurant has been inspected this year, and how they fared by [clicking here](#). You may be wondering how many people get sick from what they eat in Las Vegas.

The Health District got 536 food borne illness complaints last year, 43 in December alone. That's more than one complaint every day of the year.



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Fox5Vegas.com

Take The 10 In 10 Weight Loss Challenge

Get Free Help Losing Weight Online

POSTED: 3:31 pm PST February 1, 2010

LAS VEGAS -- Las Vegans can get free help losing 10 pounds in 10 weeks through Clark County's 10 In 10 Challenge.

Last year, participants in the first 10 in 10 Challenge lost one ton -- 2,086 pounds.

On Monday, the Southern Nevada Health District kicked off this year's online program to help Las Vegans cut calories and increase daily caloric burn at the Get Healthy Clark County Web site. The program is also available in Spanish.

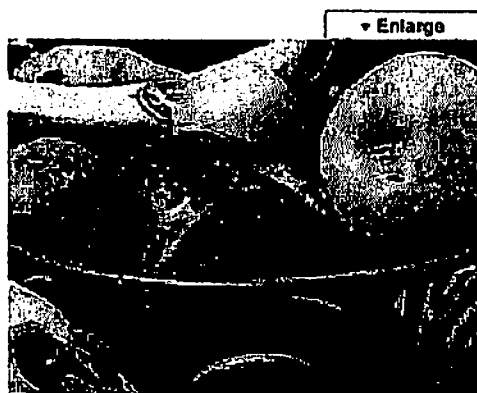
Participants sign up online for the free program. Each week, they will receive two e-mails with tips and suggestions about how to swap foods they eat regularly with healthier, less calorie-dense choices, as well as ways to increase their physical activity. Participants can track their progress online and set short- and long-term goals.

Losing weight can be daunting and discouraging. During the first quarter of the year, many people who have resolved to lose weight will abandon their program because they don't see results or they haven't set realistic goals for themselves, Deborah Williams, manager of the office of chronic disease prevention and health promotion, said in a news release. The 10 In 10 Challenge is a realistic and simple program where participants can see real results after making reasonable and small adjustments to their diet and fitness routines.

Participants can also post quotes or photos to help them stay motivated and achieve their goals, and they can also share their ideas and thoughts or ask questions via the Get Healthy blog.

For more information, log on to Get Healthy Clark County or call by calling 702-759-1270.

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Southern Nevada Health District launches weight loss challenge

Updated: Jan 27, 2010 11:25 AM PST

Ten pounds in 10 weeks . . . it's not impossible. The Southern Nevada Health District will launch its second 10 in 10 Challenge, the online program to help participants cut calories and increase daily caloric burn. The free program kicks off Monday, Feb. 1 on the Get Healthy Clark County website, www.GetHealthyClarkCounty.org

Participants sign up online and the program is free. Each week, they will receive two emails with tips and suggestions about how to swap foods they eat regularly with healthier, less calorie dense choices as well as ways to increase their physical activity. Participants can track their progress online and set short- and long-term goals. In addition, they can post quotes or photos to help them stay motivated and achieve their goals. Participants can also share their ideas and thoughts or ask questions via the Get Health blog on the website.

In 2009, participants in the first 10 in 10 Challenged lost one ton - 2,086 pounds.

"Losing weight can be daunting and discouraging. During the first quarter of the year, many people who have resolved to lose weight will abandon their program because they don't see results or they haven't set realistic goals for themselves," said Deborah Williams, manager of the office of chronic disease prevention and health promotion. "The 10 in 10 Challenge is a realistic and simple program where participants can see real results after making reasonable and small adjustments to their diet and fitness routines."



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Las Vegas Convention Panel Wants Lawsuit Thrown Out

POSTED: JAN 26, 2010 1:38 PM PST
UPDATED: JAN 26, 2010 1:38 PM PST

LAS VEGAS -- The Las Vegas Convention and Visitors Authority wants a judge to throw out an American Cancer Society lawsuit aimed at stopping smoking at tobacco shows.

In a court filing Monday, lawyers for the CVA say state lawmakers properly adopted a "common-sense" law allowing smoking at some trade shows.

The convention authority asks Carson City District Court Judge James E. Wilson Jr. to rule that the American Cancer Society Cancer Action Network in Reno has no standing to sue. The Cancer Society lawsuit was filed Dec. 9. It seeks to void a state measure relaxing smoking restrictions at conventions.

It says the measure was improperly attached to a statute making stalking and text-messaging threats a crime -- in violation of a state constitutional requirement that laws deal with a single subject.

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Several Endoscopy Patients Receive Settlement

POSTED: JAN 25, 2010 4:57 PM PST
UPDATED: JAN 25, 2010 5:54 PM PST



A judge has ruled 18 people who contracted hepatitis C from the Endoscopy Center of Southern Nevada can receive a settlement in their cases against Dr. Dipak Desai.

Judge Allan Earl said each of those 18 patients will each receive an undisclosed amount of money for their case. The money will be paid by the Nevada Mutual Insurance Company.

Attorney's for the 18 patients said the settlement will help begin the healing process for a number of those infected with the diseases, while also keeping the cases from bogging down the court system.

Details of the settlement between those 18 patients and the insurance company have been made private.

Attorneys for Dr. Desai disagreed with the motion saying Desai was never made aware of any good faith settlements between the insurance company and the patients and that the ruling will open up the flood gates for a number of other people who claimed to have contracted hepatitis C at the Endoscopy Center.

Complicating matters even more is the fact that Dr. Desai has filed for bankruptcy.

Attorney's handling that angle argued that without an official ruling from a bankruptcy judge, the settlement should have been placed on hold.



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