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September 30, 2009

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***FOR IMMEDIATE RELEASE***

## STATE OF NEVADA BOARD OF MEDICAL EXAMINERS EXCEEDS AUTHORITY AND CREATES UNNECESSARY PANIC AND CHAOS

**LAS VEGAS, Nevada** - On Tuesday, September 29, 2009, Nevada District Court Judge Kathleen Delaney granted a motion for preliminary injunction by Tracy Hurst and Amber Tsang which prevents the Nevada State Board of Medical Examiners (Board) from enacting and enforcing emergency rules regarding medical assistants which they passed at an emergency meeting on September 18, 2009. In response to this action, the Board of Medical Examiners released a statement Wednesday claiming that no medical assistant is allowed to administer any prescription drug. The release of this statement immediately caused mass panic and chaos within the medical community, as physicians struggle with providing quality care without their assistants.

In their statement, the Board of Medical Examiners made a legal interpretation of two statutes, NRS 454213 and NRS 453.375. These statutes are related to the Board of Pharmacy, however, and fall outside the scope of the Board of Medical Examiners. The Board has no authority to interpret or enforce these statutes.

Ultimately, interpretation and enforcement of NRS 454213 and NRS 453.375 is within the purview of the Office of the Attorney General. "We have no idea whether the Board's interpretation of these statutes is correct," stated Jacob Hafter, attorney for the Plaintiffs in the case challenging the Board's passage of the emergency regulations. "It would be perfectly reasonable for the AG's office to interpret these laws such that the delegation of the technical administration of pharmaceutical drugs and controlled substance is permissible," continued Mr. Hafter.

NRS 454213 and NRS 453.375 have been in effect for approximately 30 years. To date, medical assistants who are under the control and supervision of physicians have not been prosecuted under these statutes. "While the Board would like to scare the community into thinking that such 'lack' of enforcement was an oversight, it is feasible to believe that the laws have been enforced," stated Jacob Hafter. "If the interpretation of these statutes is that the technical administration of drugs is a delegable skill, there simply has been no need for action," said Mr. Hafter. "We need the AG's office to opine on this issue once and for all."

It is the position of the Law Offices of Jacob Hafter & Associates that the Board's statement is premature, exceeds the authority of the Board and has created more harm than benefit. "It is like shouting fire in a crowded theatre," said Mr. Hafter. "Unfortunately, now, because of the Board's statement, we do have a true health care delivery crisis in this state."



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