



Alliance for Patient Safety

*All that is necessary for the triumph of evil...
... is for good men to do nothing.*

Edmund Burke

**As submitted to <http://gov.ca.gov/interact#email>,
on September 26, 2010, at 07:45 PM**

Subject: VETO AB 1235 - Corporate Control of Medical Peer Review

To the Honorable Governor of California, Arnold Schwarzenegger,

Dear Governor Schwarzenegger,

I had the pleasure to meet you, your charming wife, Maria Shriver, First Lady Barbara Bush and President George H.W. Bush, in 1991, when you received the Simon Wiesenthal Center's National Leadership Award for your support of the organization's holocaust studies, see photos taken that day, at:

<http://www.allianceforpatientsafety.org/photos-1991.php>.

The President was presented with the Cup of Elijah. Rabbi Marvin Hier, dean of the Wiesenthal Center, said the cup symbolizes "the great hope that all who find themselves enslaved shall one day be free."

Little did I know that I would write to you, today regarding the US Healthcare Holocaust, as some refer to it.

What's really behind all that jumbo mumbo legalese in AB 1235 ?

A dire need to reduce healthcare costs in the US, which are twice as high as in Europe and Japan per capita, yet our patients are not benefiting from what they are paying for, as the US is consistently dead last among industrialized countries in all international studies. How come ?

Don't we have the some of the best medical schools, the most advanced Pharmaceutical, Biotechnology, Medical Devices,... industries in the world ?

What the California Hospital Association, CHA, does not want you, nor anyone else to realize is that it is in the best economic interest of any hospital to encourage an environment that will increase the number of preventable errors and complications.

Sounds shocking, doesn't it ?

I never thought that I would ever write such a sentence in my life. Unfortunately, the record demonstrates beyond the preponderance of the evidence that this epidemic is far worse than ever thought. The numbers are screaming !

The key to reducing preventable errors depends on who controls the quality of delivery of care.

Should it be the Hospital's CEO, the Physicians, the Nurses, the Pharmacists, the Patients,... the Medical Insurance companies, the Professional Liability Insurance companies, Government agencies,... Who ?

Well, the answer to this question depends on each one of these parties' economic interests.

I always thought that in the US wealthy people benefit from a far superior care than poor people.

Wasn't I surprised, when I read the results of the Rand Corporation, see:

The First National Report Card on Quality of Health Care in America.
2006 Rand Corporation report finding that:

" **All adults in the United States are at risk for receiving poor health care**, no matter where they live; why, where, and from whom they seek care; or what their race, gender, or financial status is.

[Read Document](http://allianceforpatientsafety.org/bigpicture.php), see: <http://allianceforpatientsafety.org/bigpicture.php> # 15

Some believe that in order to reduce healthcare costs all physicians must become employees of the hospital.

Nothing is further from the truth, as I am about to show you.

“ In most industries, defects cost money and generate warranty claims. ”

“ In health care, perversely... healthcare professionals receive a premium for a defective product; Physicians and hospitals can bill for the additional services that are needed when patients are injured by their mistakes.”

LL Leape, MD -JAMA 5/18/05 , <http://www.allianceforpatientsafety.org/leape2.pdf>

"Why Pay for Mistakes ? "

LL Leape, MD -Boston Globe 8/23/07,

http://www.boston.com/news/globe/editorial_opinion/oped/articles/2007/08/23/why_pay_for_mistakes/

" There is no incentive for CEOs to achieve higher quality of care, as it would reduce revenues for hospitals. ",

" There are some who believe that this whole system has to be blown up and started over again, I happen to be one of those advocates."see:

JCAHO President, Dennis O'Leary, MD, on
11/24/2002, <http://allianceforpatientsafety.org/oleary.pdf>

Indeed, the number of patients that die in Hospitals from PREVENTABLE Errors, in the US and California is beyond anyone's darkest nightmares, see:

1) Critical Condition: How Health Care in American Became Big Business and Bad Medicine,

by Donald L. Bartlett & James B. Steele,

[Download PDF File, http://allianceforpatientsafety.org/bigpicture.php](http://allianceforpatientsafety.org/bigpicture.php)

" Yet one of the deadliest killers is not even on the list.... The anonymous killer ?
Mistakes "

" As for the drug-death mistakes alone, more than five times as many people die from drugs prescribed by physicians than from street drugs like cocaine, heroine and Ecstasy."

Donald L. Bartlett & James B. Steele,

[Download PDF File, http://allianceforpatientsafety.org/bigpicture.php](http://allianceforpatientsafety.org/bigpicture.php)

Just look at these most conservative estimates, **over 6 Million patients died** in the last 20 years:

2) "HealthGrades - Patient Safety in American Hospitals", July 2004,
Study of Medicare patients, i.e. over 65 y/o, documents evidence that:

600,000 patients die of medical errors in hospitals every three years,

<http://www.allianceforpatientsafety.org/heath-grades-patient-study.pdf>

3) Nutrition Institute of America Study conclusion: 784,000 people die annually due to medical mistakes.

This study is based on 152 published peer review articles.

[Read Abstract](#)

[View Summary Tables](#)

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[Study, http://www.lef.org/magazine/mag2006/aug2006_report_death_01.htm](http://www.lef.org/magazine/mag2006/aug2006_report_death_01.htm)

For the last 50 years, US Doctors were subjected to the most intensive orchestrated propaganda campaign vilifying them and pointing the finger at them as the sole culprit of all the wrongdoing in US Healthcare.

I am happy to report to you this is not the case at all. Sure we have our share of rotten apples, but that's very limited.

Doctors are not the exclusive source of errors in the Healthcare industry, far from it.

- Hospitals' CEO are at the origin of the vast majority of Preventable Errors:

They control the number of nurses, pharmacists, physicians on staff,... and monitor the quality of delivery of care. Yet, they are the only ones who are not required to have any license, as Physicians, Pharmacists, nurses, do.

NO CEO of any hospital is compensated according to the **quality** of the delivery of care provided by its hospital.

Under pressure from the California Hospital Association, CHA, you and Governor Davis before you, blocked the implementation of a law passed by CA's legislature mandating the ratio of nurses per patient. CHA alleged that, if they had to comply with these requirements, it would increase their overhead in such a way that they may not be able to survive.

Guess what ?

It was not their overhead they were concerned about, but their income, as it would have dropped due

to better nursing care, as it would definitely reduce the number of preventable errors and complications.

Do you know which is one of the leading causes of preventable deaths in hospitals ? - Falls !

1) Falls, occur when patients need to use the bathroom and do not get response when using the call button, an attempt to climb out of bed without waiting for assistance, is the main cause of broken hips, and leading cause of accidental deaths in hospitals.

2) 1.5 million **medication** errors cause 40,000 – 80,000 deaths / year.

3) 4 –6% of hospital patients develop hospital acquired **infections**.

" Hospital errors cause more deaths than car accidents, breast cancer or AIDS "

According to the National Academy of Sciences.

- Equipment malfunction:

" Dr. Charles Rosen, Chief of Surgery of Garden Grove Hospital **in California**, learned from hospital administrators that he'd spent months operating with instruments cleaned by what appeared to be broken sterilizers.

Aware that the operating room sterilizers were defective, the hospitals administrators were now telling the Chief of Surgery how to explain the situation when federal inspectors showed up for a big evaluation the following day, because the hospital had an unusually high rate of post operative infections.

Charles Rosen, M.D. resigned and went to federal authorities.

Dr. Rosen was in for a major shock. JCAHO ignored the chief of surgery and accepted the hospital's explanation instead.

" Here I'm telling them about a major threat to patients and the blatant destruction of documents and they just basically blow me off. They gave the hospital a rating of 93. "

Melissa Davis, TheStreet.com, 7/25/03

<https://www.thestreet.com/story/10103544/1/whistleblower-wants-tenet-to-come-clean.html>

How many lawmakers believe that the conduct of this hospital administrator is criminal?

But, No law was broken by this CEO, according to law enforcement agencies.

How come ?

Yet, all lawmakers believe that the conduct of the following peanut company CEO knowingly selling a contaminated product is criminal, see:

“ We desperately need to turn the raw peanuts on our floor into money.” email dated 1/19/2009 from the CEO of the Peanut Company of America knowing peanuts were contaminated”

<http://www.allianceforpatientsafety.org/pca.pdf>

Now you understand why US hospitals suffer from an uncommon epidemic of MRSA,
http://en.wikipedia.org/wiki/Methicillin-resistant_Staphylococcus_aureus.

There is NO excuse for such criminal conduct over 150 years after Dr. Ignaz Semmelweis pioneered the prevention of transmission of disease by washing hands (Prophylaxis), in Vienna, Austria.

He reduced the mortality rate due to Puerperal Fever from 12% to ZERO by enforcing the washing of hands with chlorinated lime.

For his contribution to humanity, Dr. Semmelweis was committed to a mental institution where he died from injuries that resulted from a beating by asylum personnel. <http://www.whonamedit.com/doctor.cfm/354.html>

- Hospital CEOs control Peer Review, as they determine which medical records will be NOT be submitted to medical Peer Review, which physicians will be compelled to leave their facility and which physicians will be subjected to a B & P 809 Hearing,...

Redding California was a perfect example of the consequences of a premeditated lack of peer review:

In 1999, JCHAO, CMS, and California Dept. of Licensing Certification discovered that peer review was not performed beginning, as early as 1992 at Redding Medical Center, (RMC). Nonetheless all three entities repeatedly certified or accredited RMC. Patient safety at Redding Medical Center was compromised until the FBI raid in 2002.

Independent “ Blind folded study ” of Tenet revealed that:

**“ 83% of cardio-vascular surgeries were... unwarranted at Redding medical Center ” and
“ 59% of the bypass surgeries at Doctors Medical Center in Modesto were ... unnecessary ”**

Melissa Davis 11/4/03, TheStreet.com

<http://www.thestreet.com/story/10124365/1/tenet-tangles-with-california-blue-cross.html>

In June 2000, I was shocked when I discovered that the hospital I was on staff at, Encino-Tarzana Regional Medical Center, was not providing the medical records of certain physicians guilty of significant deviations from the standard of practice for review to my department's Peer and Chart Review Committee, see:

" Rape of the Peer Review Process by TenetHealthsystem ",

[Download Transcript in PDF Format](#),

see: <http://allianceforpatientsafety.org/rprpusa.php> # 25

Similarly to the Holocaust it took many years for anyone to realize what was really going on, because the Nazis did a very good job in disinformation with their Propaganda machine. At the time, nobody in his or her right mind could imagine that any human being was capable of such cruel and barbarian behavior towards any other human being.

Today, it is very hard to face this hard core reality and acknowledge that a hospital's goal is not exclusively to cure and heal, anymore than one could conceive that a priest might be a pedophile.

They say that "Where there is smoke there is fire".

That's only true, if you are not dealing with a smoke machine.

Allow me to introduce you to the ultimate " Smoke Machine ", Pittsburgh's Horthy, Springer and Mattern, one of the leading health care law firms in the United States. Horthy's firm has represented over 400 to 500 hospitals,...

I compare Horthy & Springer to Joseph Goebbels and Heinrich Himmler's Gestapo, as they are the masterminds of US Hospital administrators, attorneys,... i.e. the field SS, teaching them their latest strategies, they even draft our laws, such as Congress' HCQIA, see:

Retaliation Against "Disruptive" Physicians - Methods and Strategies - Sham Peer Review

<http://allianceforpatientsafety.org/disruptive.php>

• 5. "Rules of fair play don't always apply."

- In going up against hospitals, physicians find the deck is stacked against them. from series *The Cost of Courage* by Steve Twedt. *Pittsburgh Post Gazette* 10/27/2003
- <http://allianceforpatientsafety.org/twedt-rules-of-fair-play.pdf>

- **6. "Tactics Characteristic of Sham Peer Review"** by Lawrence Huntoon, M.D., Ph.D.
Journal of American Physicians and Surgeons Volume 14 Number 3
[Read Article](#)
[Watch Video](#)
- **7. Excerpts from Harty and Springer's courses, website, educational material,...**
[Read More](#)
- **8. Harty Springer Audio Seminar - A New Approach for Dealing with the Disruptive Practitioner,** [Read More](#)
- **9. Harty Springer Audio Seminar - Whistleblower or Disruptive Physician: How Do You Know the Difference ?**
[Read More](#)
- **10. More on Harty Springer Audio Seminars,** [Read More](#)
- **11. Re-Engineering the Medical Staff, Simplification is Key** by Suzanne van Hall, Esq.
Published in *Cost & Quality* July 1997, [Read Article](#)

How is it possible when Hospitals' administrators and their attorneys assure you that they are doing everything to protect our patients' safety ?

After all, they claim that they are liable for our patients' safety.

Unfortunately, this is one of the biggest lies you ever heard.

Joseph Goebbels, PhD observed that:

" If you tell a lie big enough and keep repeating it, people will eventually come to believe it."

J. Edgar Hoover said:

"The individual is handicapped by coming face to face with a conspiracy so monstrous he cannot believe it exists."

<http://www.questionwar.com/QuotesPowerful.html>

Didn't the Nazis tell everyone that they are taking the jews to retirement resorts in Czechoslovakia, where they are enjoying themselves ?

" On June 10, 1940, the Gestapo took control of Terezín and set up the prison in the *Small Fortress (kleine Festung)*.

By November 24, 1941, the *Main Fortress (große Festung)*, i.e. the walled town of Theresienstadt) was turned into a [ghetto](#).^[1]

To the outside it was presented by the [Nazis](#) as a model Jewish settlement, but in reality it was a [concentration camp](#).

Theresienstadt was also used as a transit camp for European Jews en route to [Auschwitz](#).

The arrival of the Danes was of great significance, as the Danes insisted on the Red Cross's having access to the ghetto.

This was a rare move, given that most European governments did not insist on their fellow Jewish citizens being treated according to some fundamental principles. The Danish king, [Christian X](#), later secured the release of the Danish internees

on April 15, 1945. The [White Buses](#), in cooperation with the Danish Red Cross, collected the 413 who had survived.

On June 23, 1944, the Nazis permitted the visit by representatives from the Danish Red Cross and the International Red Cross in order to dispel rumors about the extermination camps. They also erected fake shops and cafés to imply that the Jews lived in relative comfort.

Apparently the Red Cross representatives were easily fooled by the Germans as the tour was conducted by following a pre-determined path designated by a "red line" on a map... the Red Cross formed a positive impression of the town.^[3]

The hoax against the Red Cross was apparently so successful for the Nazis that they went on to make a propaganda film at Theresienstadt. Production of the film began on February 26, 1944. Directed by Jewish prisoner [Kurt Gerron](#) (a director, [cabaret](#) performer, and actor who appeared with [Marlene Dietrich](#) in *The Blue Angel*), it was meant to show how well the Jews lived under the "benevolent" protection of the [Third Reich](#).

After the shooting of the film, most of the cast and even the filmmaker himself were eventually deported to Auschwitz. Gerron and his wife were murdered by [gas chamber](#) on October 28, 1944. _____

http://en.wikipedia.org/wiki/Theresienstadt_concentration_camp

" Of the vast majority of Czech Jews were imprisoned in [Terezin](#), 80 percent of those were deported to [Auschwitz](#), [Maidanek](#), [Treblinka](#) and [Sobibor](#)."

<http://www.jewishvirtuallibrary.org/jsource/vjw/Prague.html>

Similarly to the Gestapo and US Senator Mc Carthy, Hospital administrators and their attorneys terrorize all healthcare providers through a Chilling CODE of SILENCE,

FEAR permeates through the whole health care system.

Many physicians keep quiet on reporting errors and incompetence:

“ **45%** weren't always reporting impaired or incompetent colleagues ” -

“ **46%** of physicians who knew of a serious medical error were **not** reporting the error, at least once, to authorities ”

Institute of Medicine 12/3/2007

“ Not even whistleblower laws, designed to give legal protection to those trying to report wrongdoing, safeguard the doctors in many cases. ”

“ Physicians who spoke up about poor care faced reprisals, including peer review hearings, demotions, temporary loss of credentials, involuntary transfers or outright dismissal. ”

The cost of Courage: How the tables turn on doctors Steve Twedt, *Post-Gazette*, 10/26/2003,

<http://www.allianceforpatientsafety.org/twedt-cost-of-courage.pdf>

As Lincoln said: "You can not fool everyone, all the time."

Dear Governor Schwarzenegger,

You know how guilty the American Jewish community feels due to the fact that they did not do as much as they could have to assist their brethren in the Holocaust.

Do you want to feel the same way regarding what you could have and should have done, when you were Governor of CA ?

Igerntvu moust toch eine grenze zein !!

Here is your opportunity to play the role of "The Terminator" in real life, as the "Governator" of CA, like the Danish king, Christian X did for the Danish Jews in Terezín.

That's what Los Angeles County Supervisors did recently:

" L.A. County supervisors want to see doctors' peer review documents from hospitals.

They cite patient safety and malpractice claims. Hospital administrators are opposed."

By Molly Hennessy-Fiske, Los Angeles Times, August 28, 2010.

" The biggest issue for me is the risk management aspect of it — that is, let's not do it again, Molina said. "Because if you don't know, you can't correct it."

" Molina said she learned from the board's experience closing troubled [Martin Luther King Jr./Drew Medical Center](#) not to trust medical staff to police themselves. She questioned whether there was enough state and county oversight of peer review."

<http://articles.latimes.com/2010/aug/28/local/la-me-peer-review-20100828>

In fact, LA County Supervisors simply apply the basic "Four Eyes" audit principle pioneered by City Chamber and Tax Office Counter-Agent named Leopold Wätzing³⁾ from the city of Linz, Austria.

A counter-agent is not someone who works against or hinders something, the Faustian-like spirit that always negates everything, which is sometimes unjustly attributed to auditors, but rather a counter-accountant following the principle of four eyes, an auditing official in the positive sense⁴⁾.

http://www.linz.at/english/life/CCA_history.asp

The introduction of AB 1235 reads like a political pamphlet with all the right slogans, but the Devil is in the detail. AB 1235 is a beautifully gift wrapped, chocolate coated deadly Poison Pill, a Trojan Horse.

In the name of Tzedaka, meaning "righteousness" in Hebrew, <http://en.wikipedia.org/wiki/Tzedakah> and Tikun Olam, "repairing the world" in Hebrew, http://en.wikipedia.org/wiki/Tikkun_olam,

you must VETO AB 1235.

I hereby, incorporate all of my previous letters to you urging you to VETO AB 1235.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gil Mileikowsky', with a stylized flourish at the end.

Gil Mileikowsky MD - President and Founder of <http://allianceforpatientsafety.org/>

- <http://allianceforpatientsafety.org/socalphysgm.pdf>

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Edmund Burke