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Fax to Gov. Brown re AB 655 (Hayashi)

More reasons to veto AB 655

9 / 20 / 11

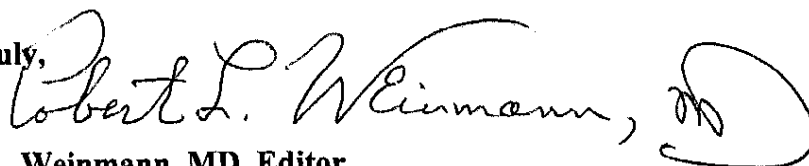
I've understood that the Hon. Mary Hayashi and proponents of AB 655 re the transfer of peer review information have advised your office that there has been no organizational opposition to the bill and that the only opposition was from individual doctors. If you've been told that, please be advised that these assertions are incorrect.

I have attached a letter from the California Society of Industrial Medicine and Surgery (CSIMS). It is dated August 24, 2011. It was sent to the Hon. Mary Hayashi. The letter advised amended language that seems reasonable and easy to make. The changes weren't made and, to my knowledge, CSIMS did not get a reply.

My personal experience with peer review was when I chaired a peer review committee at my hospital. I have in the past testified for peer review protection to committees of the California legislature. My opinion is that AB 655 will harm peer review, not help it, and that AB 655 crosses swords with the Appellate decision that just came down re Osamah El-Attar v. Presbyterian Medical Center.

I remember when Jerry Lackner and I used to discuss such goings on in hospitals. I didn't think I'd still be having that discussion!

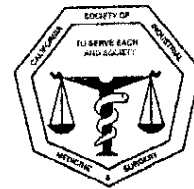
Yours truly,



Robert L. Weinmann, MD, Editor
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August 24, 2011

Hon. Mary Hayashi
State Capitol Room 3013
Sacramento, California 95814

RE: Assembly Bill 655 (Hayashi) – Concern

Dear Assembly Member Hayashi:

The California Society of Industrial Medicine and Surgery, after careful study of your AB 655, is concerned about some of the language in the bill. While we support your objective that the sharing of information between peer review bodies is essential to protect public health, some of the language in the bill does not appear to be particularly clear or well-chosen.

For example, the last sentence of proposed Section 809.08(b) provides that “all relevant peer review information . . . shall be made available to the licentiate . . .” Who determines relevancy? Why not strike the qualifier “relevant” and require the requesting peer review body to share all information it receives, not just that which it unilaterally considers relevant?

Second, subdivision (e) provides that a responding peer review body “is not obligated” to produce the relevant peer review information unless the licentiate signs a release. Why not provide that the responding peer review body “shall not” produce the information unless the licentiate signs a release?

We realize this bill is far along in the legislative process, but we urge you to pause and clean up the language to avoid ambiguities and inequities. Thank you for your consideration.

Sincerely,

Carlyle R. Brakensiek
Executive Vice President

CRB:moi

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