

Diplomate, American
Board of EEG and
Neurophysiology

Past President,
American Medical
EEG Association

Member, California
Society of Industrial
Medicine & Surgery

Member, American Academy
of Pain Management

ROBERT L. WEINMANN, M.D.
Qualified Medical Evaluator (QME)

2040 Forest Avenue, Suite 4
San Jose, California 95128
(408) 292-0802

Chairman
Editorial Board
CLINICAL EEG

Formerly, Editorial Board,
AMERICAN JOURNAL of
PAIN MANAGEMENT

Formerly Editorial Board,
CLINICAL EVOKED
POTENTIALS

FOR GOVERNOR BROWN re veto of AB 655 (Hayashi)

The enclosed or attached letter by Dr. Frey was previously sent.

I'm sending it again to make certain points:

- 1) it is not true that the only objections to AB 655 (Hayashi) re transfer of peer review material has been made only by individual doctors and not by recognized organizations. This letter by Dr. Frey, a physician and lawyer, is done in his capacity as the Director of the Health Administration Responsibility Project, Inc. (HARP). This letter asks for a veto for reasons stated therein.
- 2) another letter from the California Society of Industrial Medicine and Surgery (CSIMS) is called a letter of "concern," not an outright "opposition," and states therein the objectionable language and offers an alternative which the undersigned told Hayashi et al would be acceptable.
- 3) the video of the presentation made by Assemblyperson Hayashi and her exchange with Assemblyperson Halderman re AB 655 when it passed its final vote in the Assembly is available and shows that the presentation to the legislature was impermissibly misleading.
- 4) the bill started out with an expression of good intention; however, its failure to include provisions to exclude sham peer review material from peer review data transferred from one hospital to another is a fatal flaw.
- 5) that the current legislation as written is not compliant with the recent El-Attar v. Presbyterian Hollywood Medical Center is another fatal flaw. El-Attar is an Appellate level decision.
- 6) The CEO of the California Medical Association and the president of the California Medical Association do not agree on this bill -- you may want to find out why.

Yours truly,

Robert L. Weinmann, MD

Robert L. Weinmann, MD, Editor
www.politicsofhealthcare.com

9/21/11