

CALIFORNIA ACADEMY OF ATTORNEYS FOR HEALTH CARE PROFESSIONALS
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August 28, 2008

Honorable Ronald M. George, Chief Justice of California
and the Honorable Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-3600

BY FEDERAL EXPRESS

Re: Gil N. Mileikowsky, M.D. v West Hills Hospital Medical Center, et al; Case No. S156986

Dear Justices:

Pursuant to Rule 14(b) of the California Rules of Court, the California Academy of Attorneys for Health Care Professionals submits and requests to file this *Amicus Curiae* letter in support of the *Amici Curiae* Brief filed by the California Medical Association and the American Medical Association on behalf of Petitioner/Appellant Gil M. Mileikowsky, M.D. in the above-cited case.

Interest of *Amicus*: The Academy is a professional association of approximately 100 California attorneys who are experienced in representing health care professionals (including physician, nurses, psychologists, marriage and family therapists, chiropractors, etc.) and who are nominated by their peers for membership in the Academy. Members of the Academy regularly represent physicians and surgeons in hospital medical staff peer review proceedings.

Concerns of the Academy in this case: The Academy is deeply concerned about the rights of physicians and the interference with the common law of fair procedure (the functional equivalent of due process) which has been mandated in hospital staff peer review proceedings and codified in the Business and Professions Code Section 809 *et seq.* The Academy supports the position advocated by the *Amici Curiae* brief of the California Medical Association and the American Medical Association and the concern it discusses about California's doctrine which bars the corporate practice of medicine.

Reasons why the Court should find in favor of Dr. Mileikowsky: The Academy has been following the issues presented in the Appeal before this Supreme Court. When a physician's property and liberty rights are at stake during a hospital privileges dispute, the hearing officer should not have the authority to terminate the physician's rights to a hearing precluding a physician from receiving a fair hearing.

In short, the Academy supports the *Amici Curiae* brief submitted by the California Medical Association and the American Medical Association on all grounds asserted in that brief. We urge this Court to advance the common law of Civil Procedure and continue its support of the bar against the corporate practice of medicine.

Respectfully submitted,

Marvin Firestone, MD, JD
Vice President

