



Senator Richard Pan
State Capitol, Room 4066
Sacramento, CA 95814

January 30, 2015

Dear Senator Pan,

We read in the *Sacramento Bee*'s Capitol Alert today that you are introducing a bill banning hospitals from having severely drunk patients arrested in emergency rooms. If you truly want to protect patients from the dangers of alcohol, you should also introduce a bill that addresses drunk or drugged doctors in the emergency room.

You fought against Proposition 46, which would have required random drug and alcohol testing for physicians – just like what is required for workers in other safety-sensitive jobs, such as firefighters and police officers. Finding and removing impaired doctors from emergency rooms is at least as important as ensuring that drunk patients are not discharged prematurely.

Unfortunately, impaired physicians often go unnoticed or ignored, protected by a “white shield” formed by their fellow doctors and a Medical Board either unwilling or unable to police them.

For example, there's the case of Dr. Davar Aram of Chino Hills who failed several opportunities to become sober. Dr. Aram was an emergency room physician and anesthesiologist who was convicted of two felony counts of forging prescriptions for Demerol and Dilaudid. Dr. Aram also stole leftover drugs from operating rooms and self-administered them.

Dr. Aram was ordered to participate in the Medical Board's then-existing Diversion Program.¹ He was expelled from the Diversion Program after only three weeks, which stated that Dr. Aram was “a danger to practice medicine.” Dr. Aram then failed a random drug test – but just ten months later he was allowed to practice medicine again and re-enter the Diversion Program.

Two years later, Dr. Aram was arrested twice for DUI within a three-month period. He was convicted of both DUIs and was again expelled from the Diversion Program – his

¹ The Medical Board Diversion Program allowed drug- and alcohol-abusing physicians to hide their substance abuse from their patients. The program failed four consecutive audits before being shut down in 2007.

expulsion was explained as having occurred “for reasons other than the successful completion of the Diversion Program.”

Eventually, Dr. Aram completed his criminal and Medical Board probations but his struggle to stay sober wasn't over. Dr. Aram was arrested and convicted of a third DUI; this time his blood alcohol content was 0.24, three times the legal limit. Even still, it took two years until the Medical Board handed down a sentence: a 90-day suspension of his license and random testing. Within a few months Dr. Aram had failed several drug tests which showed the use of morphine and Demerol. Dr. Aram surrendered his medical license rather than face revocation.

Dr. Aram is just one example of known substance-abusing physicians being allowed to practice medicine in our hospitals, emergency rooms, and operating rooms. In your zeal to protect patients, we hope you will address the estimated thousands of physicians who are currently placing patients at risk by practicing medicine with an ongoing substance abuse problem.

Californians deserve to know that when they enter an emergency room they won't be seen by an impaired doctor. Lives are, quite literally, at stake.

Sincerely,

A handwritten signature in black ink that reads "Michael Kapp". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Michael Kapp