



February 6, 2013

Governor Jerry Brown  
Senator Curren Price, Chair  
Business, Professions and Economic Development Committee  
Assembly Member Richard Gordon, Chair  
Business, Professions and Consumer Protection Committee

Dear Governor and Chairmen,

We are writing with grave concerns about the failure of patient protection and doctor discipline in the state of California that has been recently highlighted in an extraordinary investigation by the Los Angeles Times. The latest development in the scandal is a report about a 40-year-old physician who is a former methamphetamine user and was convicted on federal criminal charges for drug dealing. Nathan Kuemmerle has won the right to treat patients again within a year under an agreement announced by the Medical Board of California. This is a travesty of justice and one that must be reconciled with laws that have failed patients and endangered their safety for the last four decades.

The Los Angeles Times series speaks to the fact that doctor discipline in the state, particularly for physicians who have overprescribed drugs and may be users themselves, is one of the most serious public health threats unaddressed by this legislature and regulatory bodies. How is it possible that drug using and drug dealing physicians, including the 71 physicians identified by the Los Angeles Times whose prescriptions have led to 3 or more deaths, are not known to the public and are nearly all still practicing without scrutiny?

The answer lies in a failed doctor oversight and disciplinary system that caters to the interests of physicians and their political might, while refusing to answer to patients' need for greater transparency and accountability. This is no longer acceptable. If the legislature and executive agencies don't take matters into their own hands, then it is time for the voters to do it themselves via ballot measure.

We call upon you to investigate and enact new laws that will detect and deter doctors who use and abuse prescription medications. The CDC says prescription drug overdoses cause more deaths than heroin or cocaine. Drug overdose deaths in the United States have more than tripled since 1990. More than 36,000 people died from drug overdoses in 2008, and most of these deaths were caused by prescription drugs.

The recent investigation and past decades of experience show that patients are not safe from drug using and drug dealing doctors. One in ten physicians develop problems with

drugs or alcohol over the course of their careers, yet continue to practice medicine. These physicians hold the lives of patients in their hands every day.

Patients should not have to fear being treated or operated on by addicted physicians. Unfortunately, there is little deterrence to such malfeasance, as evidenced by the medical board's restoration of Nathan Kuemmerle's medical license.

We call upon you to convene hearings immediately to deal with this crisis and consider appropriate solutions. An overhaul of the doctor disciplinary system is in order, along with preventive measures to stop drug abusing physicians before they cause patient harm.

Pilots must undergo mandatory random drug testing because they hold the lives of so many passengers in their hands. Physicians who operate on patients and are in a position to overprescribe or use narcotics themselves should undergo similar mandatory random drug tests. Required mandatory testing in high turnover and high-risk specialties is a prudent and important first step. It has already been done in some of the top medical facilities in America, such as John Hopkins Medical Center.

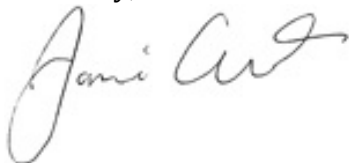
Hearings should also consider moving authority for oversight and prosecution of overprescribing to the pharmacy board, as is already the case in many states, and more fully utilizing information in the state's CURES database. This resource is a treasure trove of valuable information that should be data mined for problematic prescription patterns.

Kuemmerle's example also makes clear the need for a rapid-response system for physicians suspected of drug use, overprescribing, or other violations that put the health and safety of patients at risk, and more serious penalties for those convicted of such crimes. An overhaul of the medical board is four decades overdue and necessary to protect patients.

Prescription drug abuse by physicians is something the public will not tolerate without a remedy that's reasonable and effective. Though any action to detect and discipline dangerous doctors will undoubtedly bring protestations from the medical establishment, the small minority of physicians that overprescribe and use drugs need to be dealt with quickly and effectively to ensure the safety of California patients. Now is the time to act.

The Los Angeles Times investigation has exposed the urgent need for a serious legislative response. We look forward to cooperating with you in the investigation and solutions that we hope will ensue.

Sincerely,



Jamie Court



Carmen Balber