



David Serrano Sewell, J.D.
President, Medical Board of California
2005 Evergreen Street, Suite 1200
Sacramento, CA 95815

November 24, 2014

Dear Mr. Serrano Sewell:

We're pleased you've taken a leadership role at the California Medical Board, particularly given your experience as a patient advocate at the California Institute for Regenerative Medicine. We look forward to working with you in order to increase patient safety in California.

An investigation by the *Bay Area News Group* found that from 2010 to 2013 pharmaceutical drug makers paid to or spent more than \$14 million on doctors who prescribe drugs to children in our foster care system.¹ Payments to doctors for prescribing certain drugs exert undue influence, interfere with the doctor-patient relationship, and induce physicians to breach their fiduciary duty to their patients. In August, State Senator Ted Lieu asked the Medical Board to investigate doctors who prescribed dangerous psychotropic medications to children that were not approved for children, without reviewing medical records or drug history. The Medical Board should expand this investigation into the 908 doctors uncovered by the *Bay Area News Group* who have received payments from drug makers to determine the extent of inappropriate or over-prescribing.

California has the nation's largest foster care system, which houses, feeds, and is supposed to protect the most vulnerable children in our society. The courts and foster parents defer almost entirely to the judgment of medical professionals. This reliance and level of trust is extraordinary and makes this issue one of special concern. Foster care children often have special needs or other difficulties, and there is an enormous temptation within the system to do anything that makes these children easier to manage or control – even if that means putting them into a stupor. California foster children are prescribed astonishing amounts of prescription drugs – in both quantity and dosage – at a level higher than any other demographic group aside from those in hospice care.

This report makes clear that the state has failed to take the steps necessary to protect children from predatory drug makers and doctors. Indeed, according to this report, doctors who wrote more than 75 prescriptions to foster children in a year received more payments from Big Pharma – about \$10,000 more – than those with fewer prescriptions. It's been several months since Senator Lieu called on the Medical Board to investigate these prescriptions for foster youth, yet to our knowledge there have been no recommendations to curb these dangerous practices.

¹ <http://www.dailynews.com/health/20141122/drugging-our-kids-rx-alliance-rewards-doctors-as-drug-companies-get-richer>

This report is even more troubling coming just months after the Orange County and Santa Clara District Attorneys filed lawsuits against five of the world's largest pharmaceutical drugmakers alleging a "culture of deception" that was designed to boost sales of dangerous narcotics.² Concrete steps must be taken in order to protect patient safety and curb the overprescribing epidemic.

We ask that you expand your current investigation to determine if children are inappropriately being prescribed or overprescribed because of drug manufacturer payments to their physicians. We expect that you will report your findings by January 1, 2015.

Sincerely,



Carmen Balber



Michael Kapp

² <http://www.latimes.com/local/la-me-rx-big-pharma-suit-20140522-story.html#page=1>