



DeMaurice Smith
National Football League Players Association
1133 20th St Nw Frnt 1
Washington, DC, 20036

Thursday, May 22, 2014

Dear Mr. Smith:

Yesterday, an investigative report by KGTV, the ABC affiliate in San Diego, broke the story that former San Diego Chargers team physician Dr. David Chao could be responsible for the May 2012 suicide of former linebacker Junior Seau. Seau committed suicide less than 90 minutes after ingesting a sleep aid, Ambien, prescribed by Dr. Chao. Ambien is well known for increasing feelings of depression and suicide and, according to a pathologist who reviewed the case, should have never been prescribed to a depressed and suicidal Seau.

Dr. Chao had a history of DUIs, allegations of heavy drinking, a DEA investigation into prescriptions he allegedly wrote himself, accusations that he enabled a former partner's drug abuse, and at least 20 medical negligence lawsuits filed against him. Yet the San Diego Chargers kept him on staff for years and the California Medical Board has yet to revoke his license.

Yesterday's report links Dr. Chao's irresponsible prescribing to at least one player's death. But Chargers players will never know if Dr. Chao's drinking problem impaired his medical judgment in this or other cases, because no rules currently require team doctors to be tested on the job as every NFL player is already required to do. NFL players should not have to fear that the doctor they trust with their careers, and their lives, could be impaired by drugs or alcohol.

Dr. Chao and other team doctors should submit to random drug and alcohol testing – just as NFL players are already required to. Random drug and alcohol testing of doctors will go a long way to ensuring the safety of their patients, including NFL players. We ask that the NFL Players Association join us in calling for mandatory random drug and alcohol testing of team physicians throughout the League.

A ballot initiative on the ballot in California this November would require random drug and alcohol testing for all doctors. We hope that one day this will be a national standard, so patients, including NFL players, will be protected from dangerous doctors like Dr. Chao. Until then, the Players Association must act to protect NFL players from harm. The Chargers players had no idea how dangerous Dr. Chao was; indeed, the sports website *Deadspin* reported that the Chargers players liked Dr. Chao because “they view him as a friend and a drinking buddy who happens to have a prescription pad.”

Junior Seau is not the only player Dr. Chao is accused of harming. In the 15 years Dr. Chao was the head Chargers physician, many of his former patients, including quarterback Ryan Leaf, linebacker Jon Haskins, and safety Greg Jackson, claimed that Chao had misdiagnosed and/or negligently treated their injuries. A fifth former Charger, defensiveback Mark Montreuil, sued

both Dr. Chao and his former partner, Dr. Gary Losse – who was allegedly addicted to painkillers supplied by Dr. Chao – after they performed surgery on his knee while Dr. Losse was allegedly high.

NFL players, who perform for the public’s entertainment and agree to random drug testing themselves, should have the highest standard of medical care. However, without random testing for doctors – just as there is for athletes – there’s simply no way to know if other players are also at risk. Why are NFL athletes required to submit to random drug testing but not the doctors who operate on them and hold the players’ lives and careers in their hands? NFL players deserve better than their “drinking buddies” operating on them: they deserve an experienced and sober physician.

With players’ and patients’ lives at stake, doctors should be held to the same standard as everyone else. We urge the NFLPA to join Consumer Watchdog in calling for random drug and alcohol testing of team doctors today – so players can seek medical help without fear that their doctor is drunk or high. We look forward to working with you to help institute these necessary changes, and we would welcome a discussion in the coming days to begin that dialogue.

Sincerely,

A handwritten signature in black ink that reads "Jamie Court". The signature is written in a cursive, flowing style.

Jamie Court

A handwritten signature in black ink that reads "Michael Kapp". The signature is written in a cursive, flowing style.

Michael Kapp