



Troy and Alana Pack Patient Safety Act



THE PROBLEM: Medical Negligence Kills 440,000 Americans Every Year

According to a study published in the Journal of Patient Safety, medical negligence is the third leading cause of death in the country behind only heart disease and cancer. As many as 440,000 people die each year from preventable medical negligence. That's like a 747 crashing every 10 hours.

- The California Medical Board estimates that almost one-in-five doctors (18%) suffer from drug and/or alcohol abuse at some point during their careers – and leading medical safety experts have called for random drug testing to curb substance abuse and ensure patient safety. (http://www.packact.org/assets/California_Physician_Substance_Abuse.pdf)
- The *Journal of the American Medical Association* found that doctors are the biggest suppliers for chronic prescription drug abusers, and called for the mandatory usage of state prescription drug databases. (<http://annals.org/article.aspx?articleid=1788221>)
- The Inspector General of the Department of Health and Human Services recently called for random doctor drug testing and better tracking of controlled substances in a *New York Times* Op-Ed. (<http://www.nytimes.com/2014/03/13/opinion/why-arent-doctors-drug-tested.html>)
- A 2012 *Los Angeles Times* investigation found that drugs prescribed by doctors caused or contributed to nearly half of recent prescription overdose deaths in Southern California (<http://www.latimes.com/local/lanow/la-me-ln-prescription-drugs-doctors-jama-study-overdose-20140303,0,1391884.story>)

THE SOLUTION: The Troy and Alana Pack Patient Safety Act

The “Pack Act” is a patient safety initiative that will be on the November 2014 ballot. The Pack Act will:

1. Mandate random drug testing of doctors to prevent physician substance abuse. Pilots, bus drivers, and firefighters all are required to undergo random drug testing; why not doctors, who also hold lives in their hands?
2. Require that physicians use the state's existing prescription drug database to curb doctor-shopping drug abusers. Prescription drug abuse is a national problem – one in five Americans abuse prescription drugs. California provides a database for doctors to log prescriptions – but just 6% of doctors use it.
3. Promote justice for patients by adjusting the state's malpractice cap to account for 38 years of inflation, while maintaining the existing cap on attorneys fees. As reflected in a RAND study, the current cap discriminates against people of low income, children, and women – particularly stay-at-home moms.
(http://www.rand.org/content/dam/rand/pubs/monographs/2004/RAND_MG234.pdf)

You may read more about the Pack Act by visiting www.packact.org.



Bob and Carmen Pack, of Danville, CA, spoke on behalf of their children **Troy and Alana Pack**.

In October 2003, Troy and Alana Pack, ages 10 and 7, were out walking with their pregnant mother. Out of nowhere, a car jumped the curb and killed both Troy and Alana. Their mother was gravely injured, and lost the twins she had carried. The driver of the car, who eventually was sentenced to 30 years in prison, said that she had “doctor shopped” Kaiser physicians to score thousands of pain killers and muscle relaxers, many of which she took right before the accident.

Since then, their dad, Bob Pack, has been battling to enact changes in state law and medical practices to ensure such a tragedy will never happen again. But he needs help. Too often he's run into resistance from Sacramento bureaucrats and balky lawmakers. Stymied by Sacramento, he is turning to the ballot for a solution to California's patient safety problem.

Cristobal Arteaga, of Fresno, CA, spoke about his stepfather **Silvino Perez**:

"I didn't know that the doctor walked out, and that was the reason my dad was in the state that he's in. What kind of monster would do this, would just walk out? You trust this individual with your life, and then..."

Silvino is a 72 year old grandfather who was left in a permanent vegetative state after his doctor left in the middle of Silvino's open heart surgery to go out to lunch. The doctor, who was suspended for only 14 days, is alleged to have an alcohol abuse problem as well as a pattern of leaving surgeries early.

Tim and Tammy Smick, of Downey, CA, who lost their son **Alex Smick** due to medical negligence, said:

"Passing the Troy and Alana Safety act will ensure that no other parent will ever suffer the excruciating pain of losing a child to a negligent doctor."

Alex was 20 when hospital staff gave him a lethal mix of prescription drugs. When his family sought accountability and justice, they discovered their quest would be hamstrung by a California law that – unadjusted for inflation in the 38 years since its passage – put the value of Alex's life at just \$250,000. "Our son's life isn't worth \$250,000 to us," his mother Tammy says today. "Alex was priceless."

Eric Andrist, of Valley Village, CA, had this to say about what would be the Pack Act's impact on what happened to his sister **Cali Andrist**:

"When the Pack Act passes, every patient will be safer when they go to the hospital. Heaven forbid that if something terrible should go wrong during their stay, at least patients would have back their constitutional right to hold a doctor or hospital accountable for their negligence. MICRA prevents that from happening now -- far too many people have lost that right since 1975."

A developmentally-disabled 58-year-old, Cali went into cardiac arrest after being given an inappropriate combination of medications. The medical record showed Cali exhibited numerous symptoms of severe sepsis from the time she entered the ER that were ignored and led to the shutting down of her organs. She wasn't revived for 17 minutes because hospital staff mistakenly thought she had a do-not-resuscitate order.

Alejandra Gonzalez & Miguel Chavez of La Puente, CA, spoke on behalf of their daughter, **Mia Chavez**.

"This is about justice: if passed, the Pack Act will save precious lives."

Mia was just six weeks old when she died of whooping cough – in the middle of a whooping cough epidemic. Her doctors repeatedly misdiagnosed her symptoms even though doctors knew about the epidemic, knew which symptoms to look for, and were told that infants were especially susceptible.

Dekel Zelig, of Baldwin Park, CA, who lost his daughter **Daniela Zelig**, said this:

"If the Pack Act passes, there will be a lot more accountability, as far as doctors and hospitals are concerned. Everyone will finally have to take responsibility for their actions and be aware that they need to take care of people, not harm them."

Daniela was ten years old when her mother took her to the hospital late one night for a fever, vomiting, and shortness of breath. After a cursory examination by doctors, because of the late hour, Daniela was discharged without being given any antibiotics even though she still had a high fever, unstable vital signs, and a life-threatening infection. She died the next day – despite medical negligence, her young life was worth no more than \$250,000.