



August 4, 2014

Richard Thorp
President, California Medical Association
1201 J St # 200
Sacramento, CA 95814

Re: Honestly State and Debate Your Position On Prop 46

Dr. Thorp,

We are deeply troubled by your comments in Saturday's New York Times story, "California Asks: Should Doctors Face Drug Tests?" regarding Proposition 46.

For more than a year, we have written your predecessor, Paul Phinney, and you to honestly and publicly address the patient safety issues that the California Medical Association has ignored for decades.

Our letters went unanswered, patients who have lost loved ones were ignored, and your association continued to stonewall simple and common sense patient safety reforms in the legislature.

Now, in a front page article in the New York Times (nyti.ms/1p4GiAy), you still refuse to address the issue of whether the California Medical Association supports mandatory drug testing of doctors, as exists for pilots, bus drivers, and other public safety professions, stating merely, "That's a theoretical question."

You told the Times: "The decision about drug and alcohol testing shouldn't be made by political consultants — it should be made by stakeholders in a careful, thoughtful way."

Patients, a.k.a. the voters, are the greatest stakeholders in the medical care system. This is a fact that you and your predecessors have chosen to ignore while foiling legislative attempt after legislative attempt for reforms to increase patients' safety.

Patients have paid with their lives for your indifference to their suffering because negligent and impaired doctors have continued to practice medicine and harm others.

Just this year, the medical association rejected a compromise to raise California's 39 year old malpractice cap to \$500,000, half the amount an index for inflation requires. The medical association also blocked legislation requiring doctors to check the CURES prescription drug database before prescribing controlled substances to patients.

Had this provision been law, Bob's seven and ten year old children would be alive today. Similar requirements have reduced the number of doctor-shoppers in other

states by as much as 75%. Yet your association would not even concede to this simple step.

The loss of life caused by overprescribing and physician substance abuse is not “theoretical” to the patients in our coalition who have lost their loved ones due to the injuries that result when physicians are reckless with narcotics or are impaired themselves.

Cristobal Arteaga’s 72 year old father is in a vegetative state because his father’s Fresno cardiac surgeon walked out mid open surgery --- a fact verified by a state Department of Public Health report. The cardiac surgeon is still practicing, though Cristobol has learned, through court documents in other cases, that the cardiac surgeon has an alcohol abuse problem. He is still practicing despite a documented pattern of walking out on patients in surgery.

Similarly, more than a dozen patients in San Diego have claimed serious bodily harm, including the loss of limb, due to the medical negligence of Dr. David Chao. Chao continues practicing despite being on probation from the state medical board after two DUIs, allegations of writing prescriptions to himself and his partner, and a pattern of dishonesty stated by the board. Recently, a local television news report implicated Chao in the overdose death of Junior Seau, since Chao prescribed Seau Ambien even though Seau was suicidal.

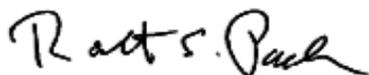
The reason Proposition 46 is on the ballot in order to save lives is because your association has refused to discuss improving patient safety with the most important stakeholders in the medical system: the patients.

And you have refused to debate serious reform in the legislature – an offer our patient coalition made to you and your association on the steps of the Capitol one year before submitting 850,000 voter signatures to qualify Prop 46 for the ballot. We heard nothing in return.

Patients who have lost loved ones to medical negligence, substance abuse and physician impairment deserve better than the cold shoulder and arrogant hostility you have shown them.

We call upon you once more to publicly debate the provisions of Proposition 46, including mandatory drug testing, and to state publicly your position on the matter clearly. The matter is now in the hands of patients – the voters – and they deserve the benefit of honest information and enlightened debate.

Yours truly,



Bob Pack



Jamie Court