



July 11, 2018

Xavier Becerra
Attorney General of California
1300 I Street, Ste. 1740
Sacramento, CA 95814

Dr. Dev GnanaDev
President, Medical Board of California
2005 Evergreen St., Ste. 1200
Sacramento, CA 95815

Dear Attorney General Becerra and Dr. GnanaDev:

In March of 2014, Consumer Watchdog wrote to alert your predecessors at the Department of Justice and the Medical Board of shocking allegations, documented by the Department of Public Health, that a Fresno heart surgeon walked out of open heart surgery to go to lunch, allowing a physician assistant to complete the procedure and leaving his patient in a coma. I enclose a copy of that letter to your predecessors for your reference.

The lawsuit filed by the family of that patient, Silvino Perez, outlined whistleblower allegations that Dr. Pervaiz Chaudhry had a habit of leaving surgeries early, and that Community Regional Medical Center allowed his negligent behavior to continue because of the high number of patients and level of revenue Chaudhry brought to the hospital.

In March of 2018 a jury delivered a \$68 million verdict against Dr. Chaudhry. Chaudhry settled that case and four other negligence cases shortly thereafter.

More than four years after Dr. Chaudhry's actions made national headlines and we alerted you to his conduct, neither the Medical Board nor the Attorney General's office have taken a single public action to discipline or prosecute Dr. Chaudhry or Community Regional Medical Center and protect other patients from harm.

According to the Medical Board's website, Dr. Chaudhry's license is "active and current" with no disciplinary actions and no court judgments or malpractice settlements reported.

In the face of inaction from the state it has fallen to another family who lost a loved one to Dr. Chaudhry to try and hold the hospital accountable. The Fresno Bee reports on a new lawsuit filed on behalf of the family of Gregory Riddle against Community Regional Medical Center alleging that several operating room staffers reported to their supervisors that Dr. Chaudhry

arrived late and drunk to the surgery that cost Mr. Riddle his life. Those concerns were relayed up the ranks at CRMC, ultimately reaching hospital CEO Jack Chubb. However, according to the suit, "instead of properly investigating the numerous allegations received about Dr. Chaudhry's intoxication, Jack Chubb, the CEO of CRMC, assured Dr. Chaudhry that the hospital would take care of it and that this was procedural."

Read that Fresno Bee story: <https://www.fresnobee.com/news/local/article214375664.html>

The Fresno Bee previously reported that the hospital peer review undertaken in Mr. Perez's case resulted in a fourteen-day suspension for Chaudhry. Such minor discipline in a case corroborated by the Department of Public Health, and which falls just below the 15-day threshold that would have mandated that the hospital report Chaudhry's actions to the Medical Board, is further evidence that the hospital went out of its way to protect Dr. Chaudhry.

Public safety demands an immediate investigation by the Attorney General's office into the apparent fraudulent coverup by Community Regional Medical Center of Dr. Chaudhry's pattern of negligence and substance abuse, placing financial gain over patient safety. Community Regional Medical Center executives should be held personally responsible if their decisions, or inaction, placed patients in harm's way.

It is almost too late for the Medical Board to correct its failure to discipline Dr. Chaudhry, as he has reportedly left the country. The Board nevertheless owes Dr. Chaudhry's patients a public explanation of how he was allowed to continue seeing patients with no restrictions and no notification for four years after the Board was alerted to credible allegations of a pattern of negligence and drinking on the job.

Dr. Chaudhry's case has laid bare the failures of a doctor disciplinary system in which investigation times have doubled and less than 20% of patient complaints are ever even investigated. The black box in which the Medical Board secretly decides whether or not to investigate complaints about serious physician misconduct is no longer acceptable. We urge the Medical Board to provide an open and honest public accounting of where the Board went wrong in this case, and how it will improve physician disciplinary action going forward. The need for greater transparency and accountability in doctor oversight is clear.

You have the opportunity to act where your predecessors failed to protect patients and prevent dangerous physician and hospital misconduct from continuing unchecked. We urge you not to let the public down again.

Sincerely,



Carmen Balber
Executive Director
Consumer Watchdog