

Pursuing a Cause with Passion

Los Angeles County Medical Association Member Gil Mileikowsky, MD strives to save patients' lives and physicians' careers.

Gil N. Mileikowsky, MD doesn't get much care to talk about himself. But get him started on peer review processes that place hospitals' and physicians' incomes over patient safety and he won't stop. He'll warn you of that fact in advance.

Dr. Mileikowsky's passion and his purpose—exposing what he sees as the corporatization of medical staff peer review at the expense of as many as 200,000 patients' lives a year—have taken him to courts of law many times and in front of TV cameras many more. It's an issue he's experienced personally as a victim of what he calls "sham peer review" himself, but he's careful to craft his cry in broader terms. Doctors across the country are losing their livelihoods and their patients, he says, and nobody at the highest levels seems to want to help them.

Dr. Mileikowsky is an Encino-based obstetrics/gynecologist specializing in infertility treatment, in vitro fertilization, reproductive endocrinology, and laser surgery. He was born in New York and raised in Israel and Belgium, where he earned his MD from the Catholic University of Louvain. He then interned at Cook County Hospital in Chicago, did his residency at Baylor College in Houston, and completed his fellowship at USC in Los Angeles. From 1984 until 1999, he was, he says now, "part of the silent majority" of doctors who don't realize the flaws in too many facilities' peer review procedures. Happily humming along in the reproductive services department at Encino-Tarzana Regional Medical Center, he was, he says, making \$500,000 a year and helping dozens and dozens of women start families.

But his transition to patient advocate was about to begin. "By nature, I'm a researcher," Dr. Mileikowsky says. "In fact, I was told in high school that I ask too many questions." The problem with that kind of inquisitiveness, and the pit bull tendencies often required to get answers, is you sometimes find yourself asking questions that people don't want to answer—and wish you wouldn't ask—and saying

things they really don't want to hear.

It all started with a telephone call from an attorney asking him if it fell below the standard of practice to remove both of a patient's Fallopian tubes without her consent. "I thought it was in a foreign country," he says now. It wasn't. It was in his own department, but he'd never heard of the case—even though he was part of the



> As the founder of the Alliance for Patient Safety, Gil Mileikowsky, MD is now actively campaigning to reform peer review processes at hospitals.

quality assurance apparatus at the hospital. "I did not realize that the gatekeeper, deciding which charts go for peer review, is controlled by the hospital administration, not by physicians," he says.

He became an expert witness for the patient—against his hospital. Days later, he was informed he'd need to be escorted by security when he was on hospital grounds. A couple months later, "I was summarily suspended without any knowledge of why," he says. "There were no allegations against me. No complaints. No cases. I didn't even have a patient at the hospital at that time."

The problem: "The 1986 Health Care Quality Improvement Act provides the loophole that hospitals and their lawyers slime their way through," he says. The solution: Noting that Section 11112(b)(3) states that "a professional review body's failure to meet the conditions described in this subsection shall not, in itself, constitute failure to meet the standards of subsection (a)(3) of this section," he says that "all we need is to take out the word 'not'."

To boost the chance of that happening, Dr. Mileikowsky launched the Alliance for Patient Safety (www.allianceforpatientsafety.org), an online repository for the documentation of his travails. And he continues to use every available forum to state

his case. "I did not become an activist by choice," he says. "You work hard and build a distinguished career and then suddenly your whole life is basically destroyed. Do you commit suicide? That's a consideration. Do you disappear? That's not my style. Instead, I'm going to try to do as much as I can."

He continues: "I'm just Dr. X. There are 10,000 physicians whose careers have been destroyed since 1986, when hospitals received immunity to do whatever they want." Indeed, he stresses, he lists some 200 such doctors with similar stories to tell on the website. "This is across the board," he says. "It makes no difference who you are. If you stand in the way of hospitals' profits, you are 'disruptive'. End of story."

He calls that healthcare McCarthyism. "When he labeled someone a communist, that was the end of the conversation," Dr. Mileikowsky says. "Just switch the words 'communist' and 'disruptive physician'. What is there to talk about? Do you want disruptive physicians in hospitals?"

He's doing his best to make hospitals stop "abusing the law". During a routine Joint Commission on the Accreditation of Healthcare Organizations inspection at ETRMC, he says, "I gave a lot of information, but nobody called or asked for any additional details. I followed up, and was told, 'What do you expect us to do? We're a not-for-profit organization subsidized by the hospitals.' That's ludicrous. We do not have any effective quality control in this country."

The results, he says, are deadly. HealthGrades reported in 2004 that as many as 600,000 patients died over a three-year study period because of in-hospital complications many of which might have been prevented if peer review focused on the doctors who commit the mistakes that cause the complications, rather than being "blindfolded" by the revenues those doctors bring in. "Because of the immunity the HCQIA provides, hospitals ignore their responsibility for patient safety," Dr. Mileikowsky says. "As many as 6 million patients have died in 30 years. That makes the healthcare industry the largest criminal organization in the country."

—Russell A. Jackson

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