

UAPD Tenth Triennial Convention – September 6, 2003

FINAL DRAFT

Resolutions adopted by UAPD 9-6-03 proposed by Gil Mileikowsky, M.D.

1. Expand existing “whistleblower” law protection in federal law provided presently to physician employees of hospitals, managed care—to independent, private physicians.
2. Expand existing 805 sanctions against hospital administrators and chief of staffs (MD) for **not** reporting medical negligence to false 805 reporting of physicians by hospital administrators and also expand such false 805 reporting to similar law existing for false police reporting.

This resolution does not apply to complaints filed by patients against physicians.

Third Resolution of Gil Mileikowsky

Same language of resolution adopted regarding three preemptory challenges to selection of hearing officers in medical peer review hearings in hospitals consistent with the Supreme Court of California’s published decision in Haas vs. San Bernardino County where the physician and medical staff mutually agree on the selection of the hearing officer and split the cost of the hearing officer.

Note: This is also consistent with one of the recommended options of selection of a hearing officer spelled out in Federal law – Title 42 – HCQIA without the parentheses in HCQIA whereby the “entity” decides which option will apply.

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FINAL DRAFT**Resolution #1**

RESOLVED that after a continuous absence of a steward for 6 weeks, an interim steward may be selected.

Resolution #2

WHEREAS the UAPD is aware of frequent and ongoing improper investigation tactics by the Medical Board of California (MBC) investigators, and

WHEREAS the UAPD is aware of frequent and ongoing improper prosecution tactics by MBC prosecutors;

That UAPD pursue enforcement of the current Rules of Professional Conduct, Business and Professions Code, and other legal obligations of all MBC prosecutors.

Resolution #3

RESOLVED that the UAPD seek legislative relief to permit accused physicians up to three peremptory challenges and removals of any ALJ trying their MBC case.

Resolution #4

RESOLVED that the UAPD believes that any regularly approved CME Category 1 course or seminar that relates to the requirements of AB 487 (Pain Management) be counted as credits and that direct approval of the MBC or designees.

BE IT FURTHER RESOLVED that physicians shall be able to apply retroactive credit for any such CME courses taken since January 1, 2002, and

BE IT FURTHER RESOLVED the total of pain management credits and treatment of terminally ill and dying patient credits together equaling twelve credit hours shall satisfy AB 487 requirements.

Motion passed for this resolution to apply to private practice sector.