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California Assemblymember Hayashi Fax: 916-319-3306. 8/15/11

Please, include my letter into the legislative history of AB 655.

AB 655 conflicts with SB 700 (peer review/false 805 reports, Negrete McLeod/Aanestad).

Under the law implemented through SB 700's passage in 2010, the Medical Board of California, MBC, is obliged to independently verify information contained in reports submitted by hospitals against a physician, 805 report, before the MBC can circulate it or post it on the MBC's public website.

Unfortunately, AB 655 does the exact opposite, as it allows hospitals to transmit libelous information regarding a physician - without the physician's knowledge. For instance, hospital A could send false information to hospital B and hospital B might then misuse this defamatory information to report the targeted physician to the MBC.

There is no doubt that the Consumer, i.e. Patients, are harmed whenever good doctors who speak against the financial interests of hospitals are retaliated against.

Hence, unless AB 655 is amended, it will overload the MBC with false 805 reports, since more false information will be circulated.

This unnecessary public expense will endanger patients, as it will divert limited resources of the MBC from investigating legitimate complaints against bad doctors.

AB 655, Section (e) is particularly troubling:

(e) The responding peer review body is not obligated to produce the relevant peer review information pursuant to this section unless both of the following conditions are met: (1) The licentiate provides a release, as described in subdivision (2), that is acceptable to the responding peer review body.

In other words, Section (e) permits a responding peer review body to VOLUNTARILY provide derogatory information to another hospital without the licentiate's knowledge, as for instance out of personal animus.

This specific loophole could be easily remedied by amending Section (e) as follows:

"The responding peer review body MAY NOT produce the relevant peer review information ... unless ...both of the following conditions are met:"

Presently, there are two versions of AB 655, a Senate and an Assembly version, that must be reconciled.

Would you, please, introduce this amendment, forthwith ?

Howard Long