

Alliance for Patient Safety

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Whistleblowers Have Their Day!

Physicians, Legal Experts, & Advocates to Testify Before
Congress, 14 May 2008

The [No Fear Tribunal](#) will be held in Congress on Wednesday, May 14, 2008. Testimony will be heard from 9 AM to 1 PM in Room 2200 of the Rayburn House Office Building, and from 1:30 PM to 4:30 PM in the Senate, Room 215, Dirksen Senate Office Building.

The following physicians, legal experts, and advocates will testify:

Michael Bennett - President of the Coalition for Patients' Rights ([CPR](#)). Mr. Bennett lost his father due to an infection he received at the hospital. Since then, CPR has worked diligently to pass Federal and State laws to reduce infections in hospitals so that other patients will not die from similarly preventable causes. Mr. Bennett is a nationally recognized patient safety advocate.

Terry Bennett, MD MPH - For thirteen years, this small town physician took a stand against the corrupt New Hampshire Attorney General's Office that refused to prosecute a multimillion dollar insurance fraud case. From 2001-2006, the AG used the New Hampshire Medical Licensing Board as a proxy tool to discredit and silence him - prosecuting him for telling his patient she was obese. In their [finding in favor of Dr. Bennett](#), the New Hampshire Supreme Court ordered the New Hampshire Board of Medicine to drop all existing patient complaints against Dr. Bennett.
<http://allianceforpatientsafety.org/bennett.php>

Patrick Campbell MD - Provided [evidence to the FBI](#) that led to the successful raid at [Tenet's Redding Hospital](#), where 83% of cardiovascular surgeries were found to be [unnecessary](#). Unfortunately, the Justice Department failed to reward him. Dr. Campbell sued and prevailed through a landmark court of appeal [decision](#).

Roland Chalifoux DO - Neurosurgeon, President of the Semmelweis Society:
Dr. Chalifoux was a [victim of his competitors](#) in Texas, where a sham peer review revoked his license to practice in Texas. After carefully reviewing the facts of the Texas revocation, the West Virginia and Michigan Medical Boards granted him new licenses, where he now practices. As if the Texas Board had not gone far enough, their members then repackaged their false allegations for the media in an effort to pressure the other boards to revoke his

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licenses in those states! Dr. Chalifoux is a plaintiff in [this class action lawsuit](#) filed against the Texas Medical Board. <http://allianceforpatientsafety.org/chal.pdf>

Tom Devine, Esq. – Executive Director of the Government Accountability Project ([GAP](#)), Mr. Devine will testify regarding the need for Congress to pass legislation (HR 4047 and HR 4650) to protect physician whistleblowers:

1. **Launch a Government Accountability Office investigation** to assess the vulnerability and extent of hospitals abusing the peer review process to retaliate against physician whistleblowers.
2. **Conduct oversight hearings for a public forum on any significant GAO findings.** Collectively with our partners in this area, we have heard the stories of hundreds of physician whistleblowers whose careers have been ruined because they chose to advocate for patient safety or challenged inadequate care at hospitals. These individuals are ready and willing to bear witness with first-hand accounts of their experiences.
3. **Amend the HCQIA to help curb abuses of the peer review process.** One possibility would be to add an affirmative defense of “whistleblower retaliation” to the HCQIA. A physician could then take this claim to an outside body, which could make a ruling as to whether whistleblower retaliation was a contributing factor in any employment decision. This type of independent review is necessary, and is similar to steps Congress is on the verge of taking to reform the security clearance process for national security employees.
http://www.whistleblower.org/template/page.cfm?page_id=199

Peter H. Duesberg, Ph.D. – Professor of Molecular and Cell Biology at UC Berkeley, [Dr. Duesberg](#) questioned the infectious nature of the AIDS virus as early as 1992, publishing [his comprehensive review](#) of the state of HIV/AIDS research. The scientific world retaliated and successfully silenced him despite the overwhelming evidence he presented. All vaccination studies were recently stopped because they failed.

Celia Farber – After Harper’s Magazine published her article, “[Out of control: AIDS and the Corruption of Medical Science](#),” Ms. Farber has been unable to get anymore of her articles published despite the support of [renowned international scientists](#).

Tim Goosby CRNA – This nurse anesthetist lost his job and license in Texas after reporting that a surgeon had used experimental drugs on patients without their consent. KPRC (Houston) Reporter Stephen Dean conducted an undercover investigation using information provided by Goosby. The Texas Medical Board intends to use the evidence to prosecute the surgeon. Mr. Goosby will testify before Congress and describe the severe oversight deficiencies regarding the delivery of care in America.

Safaa Hakim, MD – After Dr. Hakim reported the negligence of two staff psychiatrists that led to the suicide of 16 patients, her hospital fired her and the Connecticut State Medical Board and State Medical Society retaliated against her.

<http://allianceforpatientsafety.org/hakim.php>

John James PhD – Chief Toxicologist at the National Space Center, Dr. James lost his son following a medical error. Since then, Dr. James published his book, [A Sea of Broken Hearts](#), for physicians to learn from this tragedy. Dr. James is a prominent member in America's Patient Safety Movement and works with the Institute of Medicine to find solutions to the epidemic of medical errors and complications.

<http://patientsafetyamerica.com>

Jay Jayasankar MD – As a member of the Medical Society of Massachusetts, he has authored, as committee chair, reports on physician workforce, peer review principles, evaluation criteria for creation of new cardiac surgery centers in Massachusetts and others which are considered national standards in the areas. His testimony will allow Congress to learn the lessons from that State's attempt to resolve this issue.

<http://www.asianamerican.net/bios/Jayasankar-Jay.html>

Michael Kohn, Esq. – General Counsel of the National Whistleblower Center. Represented successfully physician whistleblowers against Yale University and NIH.

<http://www.whistleblowers.org/html/staff.html>

Ron Marshall – Among his [many achievements](#), Mr. Marshall is Chairman of the [New Grady Coalition](#), which supports quality patient care and patient safety in Atlanta and sixty other national health care coalitions.

Gil N. Mileikowsky MD – OB/GYN – infertility expert. Shortly after becoming an expert witness for a patient against his hospital, he was informed that he needed to be escorted by security when on hospital grounds. His clinical privileges were summarily [suspended](#) three days after he met with the FBI's Healthcare Fraud Division. In June 2007, he testified before the Small Business Administration ([Death of a Physician's Private Practice](#)). His [legal analysis of federal and state law](#) was published by the American Health Lawyers Association in 2007 ([AHLA](#)). Dr. Mileikowsky has dedicated his efforts to saving patients' lives and physicians' careers and is the Founder and President of the [Alliance for Patient Safety](#).

<http://allianceforpatientsafety.org/socalphysgm.pdf>

<http://www.allianceforpatientsafety.org/amnews-6-18-2001b.pdf>

Michael J. Myers – Associate Professor of Law at the University of South Dakota, holds a joint appointment with the USD School of Business where he teaches health economics, healthcare finance, health law and bio-ethics. He also manages the USD Senior Legal Helpline, hosts the weekly radio broadcast "Elderlaw Forum", writes a weekly newspaper

column and directs the USD Low Income Tax Clinic. He is the former CEO of Mayo-St. Mary's Hospital and a Mayo Trustee, Rochester, Minnesota; CEO of Fairview Riverside Medical Center, Minneapolis, and COO, Mercy Medical Center, Sioux City, Iowa, and a former Board Director of Minnesota Blue Cross/Blue Shield. He authored "The Mayo Clinic and Blue Eyes," and "Railroaded: Mayo, Imminent Domain and the Unclean Politics of Clean Coal." He contends Congress is naïve about healthcare and its enactment of the Healthcare Quality Improvement Act (HCQIA) that helps hospitals to "punish good doctors" and "hide bad doctors."

Charles Phillips MD, FACEP – Dr. Phillips has worked with Senator Grassley's Finance Committee regarding HMOs that withhold clinical testing and Lumetra deficiencies. He is a medical consultant and reviewer for USA TODAY. Hours after he was quoted in an article that appeared on [April 29, 2008](#), he was advised by two hospitals that his clinical privileges were in imminent jeopardy. www.HARP.org www.kaiserpapers.info

Shirley Pigott MD – AKA the "Texas Ranger", Dr. Pigott is the Executive Director of the Texas Medical Board Watch. She successfully exposed the corruption of certain officers of the Texas Medical Board and is a plaintiff in a Class Action lawsuit against the Texas Medical Board. www.texasmedicalboardwatch.com and <http://www.aapsonline.org/hallofshame/tx.php>

Alan Ullberg, Esq. – Adjunct Professor of Law at Georgetown University, represents physicians and is a leading authority in the country on "sham peer review" in hospitals, state medical boards, and the National Practitioner Data Bank (NPDB). Recently quoted by Steve Twedt in the [Pittsburg Post Gazette](#), Professor Ullberg states that nothing short of congressional intervention will protect physicians... who are trying to protect their patients... (Congress doesn't) have to undo [the HCQIA]... All they have to do is go back to the original intent... I don't think the original intent was to protect bad faith credentialing." Professor Ullberg will present his proposals to amend the HCQIA before Congress. <http://www.post-gazette.com/pg/03302/235117.stm>

John Vail, Esq. – Vice President and Senior Litigation Counsel at the Center for Constitutional Litigation, and Professorial Lecturer at the George Washington University Law School. Mr. Vail has significant experience representing physicians who were retaliated against by hospitals, State Medical Boards, and State Medical Societies after they testified as expert witnesses in medical malpractice cases. Mr. Vail will testify to the significant adverse impact to patients who retain expert witnesses who testify against negligent physicians. This exacerbates the number of preventable medical errors and complications.

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