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POTENTIALS

AB 655 (Hayashi): Letter of Concern by Fax

In my blog of 8/24/11, I've quoted a section from a recent Appellate Decision (see below) that states that

"Allowing the Governing Board to select the hearing officer and JRC panel is not an inconsequential violation of the Bylaws. Rather, it undermines the purpose of the peer review mechanism ...

... Peer review that is not conducted fairly and results in the unwarranted loss of a qualified physician's right or privilege to use a hospital's facilities deprives the physician of a property interest directly connected to the physician's livelihood."

My concern is that AB 655 (Hayashi) runs afoul of this decision by not taking into account sham peer review and misuse of the peer review process by some hospital administrations. That is why I find that the language in the bill needs revision.

In my blog, The Weinmann Report, www.politicsofhealthcare.com, and in letters to your office previously, suggestions as to how to cure this defect without abandoning the bill have been made. The general idea is to include language that prevents sham peer review.

I have read the "concern" letter filed by the California Society of Industrial Medicine and Surgery, CSIMS, 8/24/2011, and am pleased to be able to say that the language offered by Carl Brakensiek, Executive VP, satisfies my concerns.

The Appellate case is Osamah A. El-Attar, 2nd Appellate District, Division 4, B209056, for which the CMA provided amicus for the defendant and respondent, Hollywood Presbyterian Med Ctr.

Yours truly,



Robert L. Weinmann, MD. Editor, www.politicsofhealthcare.com

Cc: CSIMS. Alliance, et al

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the weinmann report

POLITICS OF HEALTH CARE WITH EMPHASIS ON CALIFORNIA LEGISLATION INCLUDING WORKERS COMPENSATION AND UTILIZATION REVIEW AND FEDERAL LEGISLATION IN WASHINGTON, DC


wednesday, august 24, 2011

AB 655 (Hayashi) versus Osamah A. El-Attar v. Hollywood Presbyterian Med Ctr

"Allowing the Governing Board to select the hearing officer and JRC panel is not an inconsequential violation of the Bylaws. Rather, it undermines the purpose of the peer review mechansim ... Peer review that is not conducted fairly and results in the unwarranted loss of a qualified physician's right or privilege to use a hospital's facilities deprives the physician of a property interest directly connected to the physician's livelihood."

AB 655 (Hayashi) flies in the face of this case and needs corrective language in the form of amendments. Better still would be to hold the bill over until next year (making it a two-year bill) so it can be re-worked and re-submitted with language that'll protect against sham peer review.

The California Society of Industrial Medicine and Surgery (CSIMS) filed a letter of "Concern" on August 24th. To the best of this writer's knowledge, the Union of American Physicians and Dentists (UAPD) remains "watch" while the California Medical Association (CMA) remains the sponsor for a bill that looks as though it were written by the California Hospital Association (CHA). In the Osamah A. El-Attar case, 2nd Appellate District, Division 4, B209056, the CMA provided Amicus Curiae on behalf of Defendant and Respondent (Hollywood Presbyterian Medical Center).

posted by robert weinmann at 12:53 pm 0 comments 

monday, august 22, 2011

HOW TO PROMOTE SHAM PEER REVIEW WITHOUT EVEN TRYING

AB 655 (Hayashi) is supposed to be about improving peer review in our hospitals. It's supposed to be about protecting patients. The intent of the bill is to create legislation to facilitate the transfer of peer review information among hospitals. Sadly, the bill is so carelessly written that it would also allow false and defamatory material to be transferred.

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Robert Weinmann
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Writing in Neurology
Today, Vol. 3 (8), August
2003, Dawn Antoline writes
"Robert L. Weinmann, MD,

has never been one to shy away from controversy. Whether he is writing muckraking editorials about HMOs that deny physician claims or ... billing practices ... he has committed himself to a life of activism. At the heart of his advocacy is a passionate regard for his patients -- and the ability of physicians to provide unfettered optimal care."

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