

July 12, 2012

The Honorable Edmund G. Brown
Governor, State of California
State Capitol Building
Sacramento, California 95814

Re: Gubernatorial appointments of public members to the Medical Board of California

Dear Governor Brown:

With currently high levels of concern among patients about medical errors and patient safety in general, it is particularly important that the public feel assured that the Medical Board of California's (MBC) members place the highest priority on the health and safety of California consumers. Yet, nearly half of the MBC public seats are vacant and awaiting your appointments. During your first terms in office as Governor, you were a strong champion of putting public members on California boards to correct imbalances of representation and lend independent voices to the discussion. We urge you to fill these MBC seats soon and to consider the attached criteria in doing so.

The MBC has a total of 15 seats. The law requires that seven of these be filled by public members; the remaining eight are physician seats. At the moment, unfortunately, there are seven physicians on the MBC and only four public members. A relationship that should have been close to 50/50 is now askew with nearly twice as many physicians as public members. This creates a dramatic imbalance on the MBC. We are concerned about the implications this has for priority-setting and policy and process decisions being made by the MBC now. Certainly the legislature envisioned a balance of viewpoints on the MBC when it assigned seven of 15 seats to public members.

Of the four unfilled gubernatorial MBC appointments, three are for governor-appointed *public* members. These seats have been vacant for over two years ago, and two additional public seats that are gubernatorial appointments expired in June. Since the appointees holding these expired seats have already served two terms, it is our understanding that they must leave the board after a 60 day grace period at the end of July. **This will leave the MBC with seven physician seats filled and only two public seats filled at the end of this month.**

There are many important matters before the MBC now, including issues related to: safety for patients who have surgeries in physician-owned outpatient surgery centers; consumer teleconference access to MBC board meetings; clear communications with consumers about the MBC's complaint process; and the importance of comprehensive data collection regarding physicians. All of these issues, and many more, deserve the attention of a full and balanced MBC.

The mission of the MBC is to “...protect health care consumers ... and, to promote access to quality medical care...” By law the MBC’s highest priority is to protect the public (Business and Professions Code section 2001). As the responsibilities of the MBC grow, and as the MBC prepares to come before the legislature in 2014 for its sunset review, it is especially important that health care consumers feel assured that members of the MBC hold the public interest as their highest priority.

The MBC’s public members have the responsibility to bring the public perspective into the MBC’s work, rather than the health care provider perspective. We believe the MBC needs public members who have demonstrated an historic commitment to working on behalf of consumers and who have no conflicts of interest. Attached are criteria for appointment of public members to the MBC which we previously sent your office. We urge you to aggressively reach out to fill the MBC public seats as promptly as possible, with these criteria in mind.

We will be in touch with your office soon to inquire about your plans for these important appointments. If you have specific questions in the meantime, please contact Maryann O’Sullivan, a consultant working with Consumers Union’s Safe Patient Project on Medical Board of California issues, at maryannosullivan1@gmail.com, 415 457 1417 (office) or 510 757 7942 (cell).

Sincerely,

Betsy Imholz, Special Projects Director
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Brief Description of Participating Organizations

AARP is a nonprofit, nonpartisan organization with a membership that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. AARP is dedicated to enhancing quality of life for all as we age. We lead positive social change and deliver value to members through advocacy, service, and information.

The California Pan-Ethnic Health Network is a statewide multicultural health advocacy organization working to improve the health of California's diverse communities. Our mission is to eliminate health disparities by advocating for public policies and sufficient resources to address the health needs of communities of color.

The California Public Interest Research Group (CALPIRG) is a statewide, non-partisan consumer advocacy organization.

The Center for Public Interest Law is a nonprofit, nonpartisan academic and advocacy organization based at the University of San Diego School of Law. For 32 years, CPIL has studied occupational licensing and monitored California agencies that regulate business, professions, and trades, including the Medical Board of California (MBC) and other Department of Consumer Affairs (DCA) health care boards. CPIL's expertise has long been relied upon by the Legislature, the executive branch, and the courts where the regulation of licensed professions is concerned. For example, after numerous reports of problems at MBC's enforcement program were published in 2002, DCA Director Kathleen Hamilton appointed CPIL's Administrative Director to the position of MBC Enforcement Monitor. Over a two-year period, she directed an in-depth investigation and review of MBC's enforcement and diversion programs. At least three pieces of reform legislation (SB 231 in 2005; SB 1438 in 2006; AB 1127 in 2011) have been enacted, mirroring many of CPIL's recommendations.

Consumers Union, the public policy and advocacy arm of Consumer Reports, is an expert, independent, nonprofit organization whose mission is to work for a fair, just, and safe marketplace for all consumers and to empower consumers to protect themselves.

The Latino Coalition for a Healthy California was founded in 1992 by health care providers, consumers and advocates, the Latino Coalition for a Healthy California - the only statewide organization with a specific emphasis on Latino health - impacts Latino health through enhanced information, policy development and community involvement.