

You know it has happened to other physicians. You do your best, and one day you open the mail to a letter from the New York State Office of Professional Medical Conduct asking for a few charts...

SUPPORT Senate Bill 5221

By the Hon. James Seward

The OPMC Reform Bill

To make Professional Medical Conduct honest and fair

Currently there is a wellspring of public protest against OPMC investigating and penalizing doctors under suspicious circumstances.

Patients in the thousands have signed petitions and written letters mourning the loss of their doctors when OPMC has prosecuted vendettas among colleagues, ignored exculpatory evidence, or used its police power to aid insurers in dispute with doctors over medical benefits.

The Appellate Division of the State Supreme Court has escalated their criticisms of OPMC behavior.

Other states are refusing to follow OPMC findings against physicians, citing lack of OPMC due process.

What would fix the system so that both the good doctors and the bad doctors would find the justice they deserve?

The American solution, since the Declaration of Independence, is
DUE PROCESS.

S.5221 would provide due-process and better peer review to doctors:

- More timely notice to doctors of the existence, progress, and the facts behind investigations against them so that they may mediate or settle disputes sooner and improve patient care.
- Give the investigative committees of the Board of Professional Medical Conduct (BPMC) more control over investigations and charges now controlled by unaccountable OPMC staff.
- Miranda-type warning before doctors agree to submit to interview by OPMC investigative staff.
- Opportunity for doctors to appear before the BPMC investigative committees which may result in settlement or remediation more quickly, well before expensive and time-consuming adversarial hearings begin, which can improve patient care sooner as well.
- Rules for the inclusion of medical and scientific literature evidence -- which is currently rarely admitted; exculpatory evidence -- which is currently ignored; as well as newevidence that would clear a good doctor's name -- which is currently not allowed at all!
- Disclosure of the qualifications/experience/affiliations of experts relied on by both parties.
- Require the appeal board (ARB) to send back a case to rehearing when it disagrees with the dismissal of charges by the hearing panel that actually heard the doctor, instead of simply overturning the dismissal as they have.

Due process is the most basic protection against wrongful prosecution that our Constitution guarantees, at the same time, it assures that the full merits for prosecution, and for defense, are clear.

CONTACT TWO KEY STATE SENATORS TODAY!

Hon. Kemp Hannon Chairman, Senate Health Committee Room 609 LOB Albany, NY 12247	Hon. Joseph Bruno Senate Majority Leader Room 909 LOB Albany, NY 12247
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Use the explanations above to frame your message in your own words.

The Assembly bill, A.4274a, by Health Com. Chairman Gottfried, has already passed !

Prepared by Monica Miller for FAIM, see www.healthlobby.com for details