

Mr. Wright Gazaway,

Where do I begin?

First though, a question. **Why is physician ‘discipline’ suddenly an ‘issue’?**

After reading your article it was clear neither you nor Wyden have any clue as to what you are talking about. In reality, Wyden knows the score, so all I can assume is he doesn't care if he hurts physicians, their families or patients. I have spoken with Wyden face to face, but he passed me off to an aide to whom I sent information. Wyden's people didn't have the courtesy to even acknowledge receipt of the information, let alone act on it in any way. Wyden has no desire to discuss his constituent's concerns (I and others have tried numerous times), nor a desire to learn how his legislation as a Representative has adversely effected medicine and every physician and patient in this country since 1986.

Wyden is a big part of the problem regarding the discipline issue you wrote about. He pushed through the HealthCare Quality Improvement Act of 1986 (HCQIA) which has allowed state medical boards and the 501(c)6 Federation of State Medical Boards (FSMB) to have absolute control over physician licensees. Typically, a nucleus of about 4-5 people at medical boards determine who they 'discipline'. The majority of **board members are simply a rubber stamp**. These private trade association medical boards revoke licenses of those they 'don't like' for any reason. Licensees are defenseless, because medical boards control the entire process.

Physicians have no access to ‘effective’ legal representation. Legal representation at the medical board consists of a lawyer "plea bargaining" (begging) on behalf of a licensee with the medical board. This concentration of power at medical boards allows them to full-on assault physician licensees, but at the same time allows medical boards to protect their friends, partners, associates, etc. from medical board disciplinary action, even in light of horrendous medical outcomes or criminal actions.

HCQIA has made it very easy for entities such as medical boards or hospitals to rid themselves of competitors or individuals they dislike for any reason. In the 1980s, a case was filed in Portland Federal District Court that involved a 'physician competitor' being attacked by the Astoria Hospital Executive Board in Astoria, OR and the Oregon Medical Board (OMB). The Astoria Clinic had a physician on both the Astoria hospital's Executive Committee and the OMB. Dr. Timothy Patrick had snubbed the Astoria Clinic's invitation to join their group. The case went all the way to the SCOTUS - **PATRICK v. BURGET**, 486 U.S. 94 (1988) <https://caselaw.findlaw.com/us-supreme-court/486/94.html>. Dr. Patrick won his case at the District Court and Supreme Court. This is the last time a physician was able to protect themselves from a medical board. While this case wound its way through the Federal courts, HCQIA was put together and put into place by Wyden. He had full knowledge of how this would ultimately

affect the practice of medicine in the United States...and if he says he didn't have full knowledge, then he sure in the Hell **has known** for decades now.

Physician licensees have no constitutional or due process rights and the private trade association medical boards have no problem telling their licensees as much. Medical boards control the entire process; they act as the investigator, jury, judge and executioner - a completely closed loop so that only their story of the situation is given to the media, general public, **NPDB** (National Practitioners Data Bank) and the **FSMB Data Bank**. Medical boards control every aspect of the **sham hearing** process, which in reality is a **sham trial** to revoke the licensee's license, i.e., their property. Licensees have **no access to 'effective' counsel** because medical boards like the OMB have control over lawyers who represent physician licensees. One control mechanism is the lawyer's access to medical board investigators, administrators, lawyers, etc. If a lawyer is cut off from medical board access, they will soon have no clients.

If a licensee is scheduled for a hearing, they have already lost. The OMB has never 'lost' a sham hearing. and why would they when they make the rules and run the show without any oversight. The Administrative Law Judge (ALJ) at the sham hearing is just for show. Most medical boards can simply overrule the ALJ's decision – they routinely do in Oregon.

Medical boards claim they have at least sovereign immunity, if not absolute immunity, as a result of Wyden's HCQIA. State courts and lower federal courts had looked upon the immunity issue similarly up until the North Carolina State Board of Dental Examiners v FTC 135 S. Ct. 1101 (2015) decision which defined the requirements needed for board members to secure sovereign immunity from lawsuit. No medical board is anywhere near meeting these necessary requirements. [**Attachment 1: NCDB v FTC full SCOTUS decision**] The US DOJ's Antitrust Division adheres to this SCOTUS decision. [**Attachment 2: STATEMENT OF INTEREST ON BEHALF OF THE UNITED STATES OF AMERICA** - sent to the Florida State Bar and the Miami District Court in March 2018.]

Many physicians are being profoundly and unfairly disciplined, don't think otherwise. There are physicians who do bad things - no doubt. Unfortunately, the system many times chooses to 'discipline' licensees who have harmed no one. I'd be happy to send you documents confirming my statement. I can also send you OMB documents that chronicle physicians **killing or harming patients because of horrific care, abusing cocaine, acting as sexual predators, stalking nurses to the point of requiring restraining orders, flashing a gun at a medical resident because they won't alter a transcribed note, overprescribing of controlled substances, etc.** The concern is that all these physicians were minimally 'disciplined', if at all. They are still allowed to practice medicine it seems, because of their personal associations with the OMB. Some of these physicians should be in prison. Some of these physicians are/have been members of the OMB, one of which was the former chairman of the OMB.

Every year, the equivalent of almost 20% of each year's graduating class has their license revoked and/or their careers irreversibly blemished. That data comes straight from the FSMB's website. I'd be happy to send you this information. Do you believe that the medical schools and

residency programs are doing that poor of a job selecting candidates? I doubt that. It's more likely medical boards and the FSMB harvesting their own for monetary gain.

There are 350 to 400 plus physician suicides every year, most being tied to current or past medical board cases that have robbed physicians of their dignity and income. I personally know two physicians who have committed suicide.

Medical boards are under the direction of the FSMB. The FSMB is a tax exempt 501(c)6. 'Donation' amounts given to FSMB are listed yearly on an IRS 990 form, but there are no associated names or addresses. The FSMB states it's lobbying for medical boards, but in the past, they have been open to corporate influence. They have legal and legislative programs to push their medical board agenda. This makes it very easy for them to take in 'donated' money and spin their lobbying in a beneficial way for a 'donor'. **Humayun J. Chaudhry, DO, MACP**, President and CEO of the FSMB, makes over \$800K per year per the IRS 990 form. There are also a myriad of MDs and JDs that work for the FSMB who also make a significant salary.

We know of at least one instance of the FSMB taking millions of dollars from a drug manufacturer. It involved Purdue Pharmaceuticals and Oxycontin. The FSMB took a 'bribe' (also known as a 'donation') from Purdue for millions of dollars who then requested the FSMB have a book written extolling the virtues of opiates. The book was pushed broadly, but in particular it was pushed upon medical boards who then encouraged physicians to prescribe 'unreasonable' amounts of opiates. [**Attachment 3: FSMB to Award 'Pain Treatment' Doctor Scott M. Fishman in Spite of Senate Investigation - Salem-News.Com**]. Senators Grassley and Baucus of the Senate Finance Committee opened an investigation because of public concern about opiate prescribing and deaths. [**Attachment 4: LETTER TO FSMB BY GRASSLEY**] The entirety of the investigation was later sealed from the public by Senate Finance Committee members **Orin Hatch and Wyden**, so Ron isn't being honest and open with you about physician discipline. After the investigation, the medical boards began attacking physicians prescribing opiates. Physicians and chronic pain patients have suffered severely as a result.

Once a physician's private property medical license is revoked, they will never work in any capacity in medicine again. The physician can't get licensed in any other state or even other countries. The FSMB notifies every state board about the licensee's revocation, in particular those states that the licensee is additionally licensed in. I know a licensee who simply had his license restricted for opiate prescribing. He has no idea who made the complaint or what the complaint was. His license was restricted 9 years ago. It was only supposed to be restricted for 5 years. His twin boys who were 5 years old at the time are now 14. They suffer from PTSD and anxiety. Their parents divorced as a result of financial and emotional stress. Their father can only find minimum wage work, has no car and lives in a rusty RV as a homeless man. The State of Oregon wouldn't even let him drive a school bus because of the OMB license restriction. He eventually got a medical license in Utah, but no one will hire him, he can't get hospital privileges, no one will sell him medical malpractice insurance, and insurance companies will not contract with him to see their patients. Any 'medical' entity has the ability to go to the NPDB and FSMB Data Bank and find out anything related to the physician licensee that these data banks

have available. So, 'Shuck and Jive' Wyden's and your take on physician discipline is nowhere near reality.

I know many physician licensees from Oregon and across the United States that would be happy to relate their medical board stories to you. Medical boards and the FSMB love to attack and revoke Integrative Medicine physicians (MDs or DOs who incorporate both allopathic and naturopathic medicine). The FSMB hates Integrative Medicine physicians and I have their internal document that specifically states that they are directing medical boards to attack and remove these physicians from medical practice. The reason: The public makes more visits and spends more money out of pocket for Integrative Medicine physicians than allopathic primary care physicians. As usual, it's about money and turf. **[Attachment 5: SPECIAL REPORT BY FSMB ON INTEGRATIVE MEDICINE DOCTORS]**

If you'd like to know more about me, the OMB, the FSMB, other licensees, my published chapter "Functioning as a Physician in a Regulatory Environment [Controlled by Medical Boards and the Medical Industrial Complex] (January 2016), and numerous documents, go to drdovervsomb.weebly.com.

I am happy to send you any and all documents I have.

Respectfully,

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