



Physician Substance Abuse Is a Serious Problem in California

The California Medical Board estimates that almost one-in-five doctors (18%) suffer from drug and/or alcohol abuse at some point during their careers.

One in six physician disciplinary actions taken by the Medical Board of California in the past decade involved drugs or alcohol – including doctors disciplined for being under the influence at work, self-prescribing drugs, diverting patient medications, overprescribing, prescribing for cash and DUI convictions – according to data obtained from the Medical Board of California.

Leading experts in patient safety have called for physician drug testing to curb substance abuse and ensure patient safety including Department of Health and Human Services inspector general Daniel R. Levinson and Lucian Leape, founder of the National Patient Safety Foundation and an author of the Institute of Medicine's seminal 1999 report on medical negligence, "To Err Is Human: Building a Safer Health System."

Other safety-sensitive positions – like airline pilots, bus drivers and train engineers – undergo random drug testing. Shouldn't doctors, who hold our lives in their hands, also be tested?

Examples of California Physician Substance Abuse in the News

"Out-To-Lunch" **Dr. Pervaiz Chaudhry**, a Fresno heart surgeon -- The Department of Public Health documented Dr. Chaudhry walked out on an open heart surgery patient, allowing a physician assistant to close the surgical site without supervision, and leaving the patient in a persistent vegetative state. A lawsuit brought by the family of Silvino Perez, the 72-year-old patient now in a vegetative state, also alleges that Dr. Chaudhry has a drinking problem that was known to the hospital.

<http://www.fresnobee.com/2014/03/01/3798289/accusations-mount-against-fresno.html>

Dr. Efrain Gonzalez, a gynecologist performing cosmetic surgery and his wife, **Dr. Yenessia Candelaria**, his anesthesiologist -- Two people complained in 2011 to the Medical Board of surgeries botched by Gonzalez that left patients permanently harmed. Ultimately 15 came forward and he was arrested and his license suspended in March 2013. A DEA warrant affidavit alleges that Candelaria had a drug habit. In one case, she allegedly administered anesthesia to a patient "...while simultaneously administering the drug to herself via an additional intravenous line. According to a medical assistant assisting in the procedure, Dr. Candelaria lost consciousness in the operating room."

<http://sacramento.cbslocal.com/2013/03/25/rocklin-cosmetic-surgeon-under-criminal-investigation-loses-license/>

Dr. Nathan Kuemmerle, a West Hollywood psychiatrist – A methamphetamine addict, records show that Dr. Kuemmerle was the most prolific prescriber of Adderall and the second-highest prescriber of narcotics in the state. His reckless prescribing went uninvestigated until pills he prescribed that turned up for sale on Craigslist were uncovered in a drug bust. An investigation began in 2009 and Kuemmerle pleaded guilty to felony drug dealing and was sentenced to three



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years probation in May 2011. Under an agreement with the Medical Board announced in February 2013, Kuemmerle got his medical license back in February 2014.

<http://articles.latimes.com/2013/feb/02/local/la-me-rx-doctor-20130202>

Dr. Daryl Westerback, Ventura County psychiatrist -- Dr. Westerback was arrested twice for driving under the influence of alcohol or prescription drugs. Westerback was identified as part of a DEA/Ventura Sheriff task force on prescription drug abuse. He is accused of treating patients while impaired by prescription drugs, overprescribing and possible involvement in the overdose death of a patient. The Medical Board of California reports his license is clean.

<http://abclocal.go.com/kabc/story?id=9135526>

Examples of Disciplinary Actions by the Medical Board of California

Dr. Wilfred Weinstein, Los Angeles, CA – Weinstein was a Los Angeles physician who was arrested for shoplifting in 2010. Police also found a pill bottle in his pocket with oxycodone and he pled guilty to drug crimes. The doctor admitted to having a drug habit which he had kept secret from 2006-2010—4 whole years; he would take oxycodone at 6:30 AM before going to work, and many times again during lunch, totaling at about 6-8 pills a day. Weinstein's medical license was placed on probation for five years in 2013.

Dr. Stacey Hoffmann, Sonora, CA -- Dr. Hoffmann was first convicted of a DUI in 2008 and for a second time in 2010, with her two sons in the car. During the Medical Board investigation, she also admitted to prescribing large quantities of the narcotic combination drug Norco to her boyfriend. In 2011, she gave a patient third degree burns while performing a medical procedure under the influence. She was drug tested in August 2011, and it was shown that she had been practicing medicine while under the influence of hydrocodone, morphine, methadone, and codeine.

The Troy and Alana Pack Patient Safety Act will protect patients by requiring random drug and alcohol testing of doctors.

- Hospitals would be required to conduct random drug and alcohol tests of doctors, including contractors and those with admitting privileges.
- If a patient is injured or dies because of a medical error, the hospital must test all doctors involved in the patient's care in the previous 24 hours.
- Doctors testing positive for drugs or alcohol would be reported to the Medical Board.
- Doctors testing positive would be suspended pending an investigation.
- Doctors are required to report suspected drug or alcohol abuse by other doctors.
- Disciplinary action is required if an investigation concludes that a doctor was impaired by drugs or alcohol while on duty.