March 30, 2022

Assemblymember Marc Berman, Chair and Members
Assembly Committee on Business and Professions
Legislative Office Building, Room 379
Sacramento, CA 95814

Re: AB 2060 - Medical Board Public Board Member Majority - SUPPORT

Dear Assembly Member Berman and Members:

I write on behalf of Consumer Watchdog to support AB 2060 (Quirk) which will change the balance of power on the Medical Board to give public members the majority vote.

Due to a public outcry led by the media, a whistleblower, a legislative sunset review that showcased the need for reform, and consumers who have effectively testified how the Medical Board failed them, the call for reform of the Medical Board has escalated to a fever pitch. The public's call for reform begins with the institution of a public board member majority.

As the *Los Angeles Times* notes in their July 6, 2021 editorial, making public members the majority on the Board, "could give the public more confidence that the board is focused on protecting healthcare consumers, not healthcare providers. That's what the law requires, but the public has to take it on faith that the board is complying because it does so much of its enforcement work in secret."

Read the editorial: https://www.latimes.com/opinion/story/2021-07-06/california-medical-board-reform

We work with families across the state of California who have lost loved ones or been harmed themselves by preventable medical negligence. None of these families has been satisfied with the outcome of their Medical Board complaint. Patients feel neither heard, valued nor protected by the Medical Board charged with their safety and the safety of all Californians.

Alka Airy from San Francisco lost her sister Shilpa, a research scientist who helped develop medication to treat a rare children's cancer, due to medical negligence. When her family turned to the Medical Board in the interest of public safety, their complaint was dismissed without action.

"There were no interviews of us or the doctors. We offered evidence outside of the medical record, but it was refused. The Department of Public Health even referred a portion of our complaint to the Medical Board, but the Medical Board never followed up with us," Ms. Airy testified before the joint sunset review committee in March, 2021. "It isn't surprising that the public has lost faith in

the Medical Board as an oversight body. We can't afford the status quo with the Medical Board any more."

We urge you to listen to the testimony to the sunset review committee last year of other families who were similarly stonewalled, ignored and otherwise failed by the Board when they sought action to protect the public after they or their loved ones were harmed. Hear their testimony calling for a public board member majority here: https://www.youtube.com/watch?v=HVzhVSAyYpE&list=PL_fFbgGe88MqQecTtxwfxdE7OoKnlit8t

One current public member of the Medical Board, Eserick "TJ" Watkins, put it bluntly in his testimony to the sunset review committee: "This Board's value is: We protect the doctors. And we will go over and above in order to do so."

A recent case involving a doctor charged with involuntary manslaughter shows just how much consumer protection is put at risk when the Board prioritizes protecting the profession of medicine. A San Diego doctor who is responsible for the egregious death of a woman in 2018 has been charged with involuntary manslaughter. Yet he is still practicing today while his patients were left in the dark for over three years until criminal charges were filed. See the story here: https://www.10news.com/news/team-10/outrage-over-san-diego-surgeon-nurse-who-can-keep-practicing-despite-being-charged-in-patients-death

Comprehensive reform is needed to ensure the Board is meeting its mission to protect patient safety, including many changes we have identified in previous letters to this committee. Reconstituting the Board with a public member majority is the crucial first step to achieving that change and restoring the public's confidence that the Board represents them. Representation matters and a public member majority will help ensure patient safety, not doctor protection, is the priority of the Board.

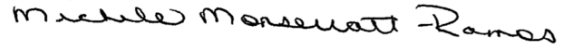
The Medical Board itself has embraced the need for a change, and that push was led by the Board's public members. The Medical Board's President, a public member, said it was about "trust and integrity and credibility" when the Board voted to endorse a public member majority.

We enthusiastically support AB 2060 and urge its passage. California patients and their families are counting on you to take this important step to change the Board's composition and begin rebuilding public accountability and trust in the Board. It is time to change that balance of power at the Board.

Sincerely,



Carmen Balber



Michele Monserratt-Ramos