THE IMPAIRED PHYSICIAN PROGRAM OF THE BMQA

The need for a voluntary program to deal with the impaired physician has been recognized for some time by the medical board and its staff. Therefore, the Board of Medical Quality Assurance and the California Medical Association presented a program proposal to its respective organizations after a joint effort which was worked on for more than a year. Both organizations accepted the proposal and enabling legislation has completed its journey through the legislative process.

The voluntary, noncoercive program will deal with alcoholism, drug addiction, and certain mental or physical impairments as illnesses, with the emphasis placed on rehabilitation.

The new program seeks ways and means to identify impairment at an early stage without the threat of revocation or suspension of the physician's license. The early identification of impairment is expected to increase the likelihood of successful rehabilitation and the early return of affected physicians to productive medical practice.

The program allows for the bypass of the Board's formal investigation, accusation, hearing process. Diversion Evaluation Committees will be appointed by the Division of Medical Quality consisting of persons who have experience and knowledge in evaluating and managing impairment. Designated evaluating physicians will examine and evaluate the physician seeking diversion. The physician's case file will be privileged and will be purged when the physician has completed the program. The Division may only receive information from the Diversion Evaluation Committee that the physician has not adhered to the recommended program—nothing else. The files and proceedings of the Diversion Evaluation Committee will not be subject to discovery or subpoena.

Since the Diversion Evaluation Committee will determine whether, and under what conditions, the physician can safely continue or resume the practice of medicine, safeguards for public safety are adequately covered.

The legislation is effective January 1, 1980. An ad hoc advisory committee to the program has been appointed. This advisory committee will help to plan the overall implementation of the program.

CALIFORNIA MARIJUANA MEDICAL RESEARCH PROGRAM

Effective January 1, 1980, approved oncologists can participate as investigators in a cooperative, statewide study of the effectiveness of marijuana (delt-9-tetrahydrocannabinol) in relieving the nausea and vomiting associated with cancer chemotherapy or radiation treatment. The State of California Research Advisory Panel will act as the IND sponsor. The pilot project will be limited to qualified oncologists in diverse geographic locations within the State. Patient selection will be the responsibility of the participating oncologist under the guidelines of the research protocol. As far as individual patients are concerned, it will probably be about a year before the program becomes operational because it will take this amount of time to work out details which include seeking FDA approval. Approved physicians will be responsible for the distribution of the drug to their patients, and marijuana and its derivatives will generally not be available at drug stores. Interested oncologists should write to the Research Advisory Panel, 6000 State Building, San Francisco, CA 94102 (415-552-1325) and request that they be placed on the mailing list to receive information about the marijuana therapeutic research project. Cancer patients, their friends, or relatives, should be told to contact their physicians rather than the Research Advisory Panel. The primary focus of this project is on cancer chemotherapy. However, a pilot project on the effectiveness of marijuana in glaucoma may be initiated if medically appropriate after the cancer program is under way.

MEDICAL QUALITY REVIEW COMMITTEES

At present, only the Division of Medical Quality has the authority to hear petitions for reinstatement of a physician's license or modification or termination of a physician's probation. However, new legislation permits the Division of Medical Quality to assign petitions to Medical Quality Review Committees. Medical Quality Review Committees will hear physicians who are petitioning to seek reinstatement of license and modification or termination of probation.

There are 14 Medical Quality Review Committees statewide, established on a geographical basis according to Health Systems Agency area designations. The committees (continued on page 2)
time for the Division of Medical Quality to consider important policy issues and long-range quality of care topics.

**PESTICIDE POISONING**

In Action Report No. 11 dated July, 1979, a booklet on pesticide poisoning titled “Recognition and Management of Pesticide Poisonings” was advertised as being available from the U.S. Environmental Protection Agency. We have been advised that this booklet is now available from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402, for $2.20 per copy or 25% off for 100 copies or more. Include the booklet’s stock number, 055-004-00013-7 when ordering.

Q: What can’t a PA do?
A: First and foremost, a physician’s assistant may not work without supervision. They are specifically prohibited from performing endoscopic procedures except otoscopy, nasoscopy, and anoscopy. At present they may not administer digital blocks, but this restriction may be modified in the future. Except in a small number of State-sponsored pilot projects, PA’s may not prescribe medicines. And, they may not do eye refractions, or fit eyeglasses or contact lenses, although routine visual screening is permitted.

Q: Who may employ a PA, and what about supervision?
A: Any licensed physician in California may apply to the Division of Allied Health Professions of the BMQA for approval to supervise a PA. Osteopathic physicians may apply to the Board of Osteopathic Examiners for approval. A physician may supervise no more than two PA’s, but any number of physicians may supervise an individual PA (i.e. in a group practice).

Once a physician is approved, generally a very simple process, (s)he must develop a written supervision plan including practice protocols, which must be maintained in the office. The plan need not be submitted to the BMQA, but must be made available on request.

There are no hard and fast rules for how PA’s are to be supervised. At a minimum, the PA must have prompt access to consultation with the supervising physician. In addition, the supervision plan must include procedures for periodic timely review of the findings and tasks performed by the PA. Such review need not occur prior to performance of the procedure.

For additional information on physician’s assistants, training programs, or supervision requirements, or to apply (continued on page 3)
FIRST AID FOR EPILEPTIC SEIZURES

The Sacramento Chapter of the Epilepsy Foundation of America recommends the following instructions when administering first aid for an epileptic seizure. Printed first aid instruction sheets may be obtained at no cost by contacting either the CALIFORNIA EPILEPSY SOCIETY, 6117 RESEDA BOULEVARD, SUITE G, RESEDA, CA 91335 (213) 342-1709 or the SACRAMENTO CHAPTER OF THE EPILEPSY FOUNDATION OF AMERICA, 855 HOWE AVENUE, SACRAMENTO, CA 95825 (916) 927-2478.

A number of instances of inadequate instructions by physicians to epileptics or their families regarding first aid during or after a seizure have been reported to the Board of Medical Quality Assurance. Some physicians fail to properly instruct their patients and patients' families on precautions regarding bathing versus showering, swimming alone and turning the patient on his side to prevent aspiration of saliva and possible regurgitated material. In addition, some physicians still advise the insertion of hard objects such as spoons in the mouth of a person during a seizure which may result in severe damage to the patient's teeth and gums.

The California Epilepsy Society recommends the following first aid for an epileptic seizure:

1. Keep calm. The person is usually not suffering or in danger.
2. Help him to a safe place but DO NOT restrain his movements. Loosen tight clothing.
3. After jerking of seizure has subsided, and if he is still unconscious, turn person on his side with his face gently turned downward.
4. DO NOT PUT ANYTHING BETWEEN HIS TEETH.
5. DO NOT give him anything to drink.
6. Stand by until the person has fully recovered consciousness and from the confusion which sometimes follows a seizure.
7. Let him rest if he feels tired, then encourage him to go about his regular activities.
8. If the person is a child, notify parents or other persons responsible for him at the time of the seizure.
9. It is rarely necessary to call public authorities, a doctor, or an ambulance. However, in cases of prolonged seizures or if a person injures himself by falling, it may be wise to secure professional help.

Disciplinary Actions July 1-September 30, 1979

Caroline, Claude T., M.D. (C-1239)—Los Angeles
226(b), 1979
2411, 2399, 5, 4211, 2391, 1 B&P, 11190
H&S Codes
Filed many fraudulent claims with Medi-Cal
Issued many indiscriminate prescriptions for dangerous drugs without prior examination and medical indication. Failed to make records showing pathology and purpose for controlled drugs prescribed.
Revoked.
July 6, 1979
Ching, Philip S. C., M.D. (AO-4949)—Fresno
Stipulated Decision. Voluntary retirement from practice due to age and health.
Acceptance dismissed.
July 6, 1979
Diller, Howard A., M.D. (C-16945)—Walnut Creek
2399, 5, 2391, 1, 700, 1391, 1394, 1190, 11972 H&S Codes.
Stipulated Decision. Clearly excessive prescribing of narcotic drugs to a relative, without prior examination, without medical indication, without the patient being under his treatment for pathology or condition. Failure to report habitual use of illegal prescripting of prescription.
Revoked, stayed, 5 years probation with terms and conditions.
July 1, 1979
Friedman, Robert B., M.D. (A-27248)—Stockton
2399, 5, 2391, 1, 1 B&P Code
Stipulated Decision. Excessive use of alcohol involving several convictions for driving under the influence of alcohol.
Revoked, stayed, 10 years probation with terms and conditions.
July 24, 1979
Gold, Carl Franklin J., M.D. (A-22008)—Merced
2417 B&P Code
Mental impairment
Revoked, stayed, 10 years probation with terms and conditions.
July 24, 1979
Henderson, Herbert Carlisle, M.D. (AO-4840)—Sacramento
2411, 2410, 2132, 1141, 11117, 11127, H&S Codes
Issued numerous false prescriptions over a period of time to a female in exchange for sexual favors.
Revoked, stayed, 10 years probation with terms and conditions.
August 17, 1979
Kalb, Ernest B., M.D. (A-17636)—Los Angeles
2396, 33, B&P Code
Stipulated Decision. Served multiple individuals on multiple occasions with the anesthetics Ketamine in a home experiment, without advising the person of the risks and side effects of his experiment.
Revoked, stayed, 3 years probation with terms and conditions.
July 28, 1979
Leffowitz, Martin, M.D. (G-15622)—Pensacola, NY
2363, B&P Code
Stipulated Decision. License suspended by the State of New York for a period of 2 years, stayed. Suspended for 1 year, stayed, 1 year probation with terms and conditions.
August 21, 1979
Prendergast, Louis J., M.D. (C-16148)—Fresno
Violation of Probation
Stipulated Decision. Violated terms of his probation to Board by being intoxicated on alcohol and ur drugs, refusing to submit to biological fluid testing, and failing to submit to psychiatric treatment.
Revoked, stayed, 10 years probation, suspended 1 year, other terms and conditions.
August 1, 1979
Robb, Russell R., M.D. (C-35800)—Salinas
2416, 2417, B&P Code
Stipulated Decision. Self-administration of itement.
Revoked, stayed, 10 years probation with terms and conditions.
August 1, 1979
Sanderson, Herbert Carlisle, M.D. (AO-4840)—Sacramento
2411, 2410, 2132, 1141, 11117, 11127, H&S Codes
Issued numerous false prescriptions over a period of time to a female in exchange for sexual favors.
Revoked, stayed, 10 years probation with terms and conditions.
August 17, 1979
Sharkiah, M. Adna, M.D. (A-23439)—Redwood City
2261(b), (c), 2411, B&P Code
Gross negligence in treating patient with Pseudomonas Meningitis, followed by dishonest alteration of hospital records for deceptive purposes.
Revoked, stayed, 5 years probation, suspended 5 months, other terms and conditions.
September 21, 1979
Spielman, Leslie P., M.D. (C-7478)—National City
2281(b), (c), B&P Code
Gross negligence and incompetence in performing neurosurgical procedures.
Revoked, stayed, 5 years probation with terms and conditions.
September 10, 1979
Stewart, Robert B., M.D. (C-23488)—San Rafael
2417 B&P Code
Mental impairment affecting ability to practice safely
Revoked.
August 2, 1979
Wu, William L. S., M.D. (A-11712)—Menlo Park
2417 B&P Code
Mental impairment affecting ability to practice safely
Revoked.
August 2, 1979
NEW APPOINTMENTS AND REAPPOINTMENTS

BOARD

Miller Medearis (Los Angeles)—Board of Medical Quality Assurance

MQRC

Delward Anderson, R.Ph. (reappointment) (Eureka) MQRC District 1
Jeans Clemens (reappointment) (Redding) MQRC District 1

Charles Lobel, M.D. (Redwood City) MQRC District 4
Michael Bunim, M.D. (San Francisco) MQRC District 4
Anna Webster, M.D. (reappointment) (Belvedere) MQRC District 4

Mr. Heriberto V. Thomas (Berkeley) MQRC District 5
Virginia Pistelli, R.N. (reappointment) (Hayward) MQRC District 5
John Norton, III, M.D. (reappointment) (Berkeley) MQRC District 5

Chauncey G. Behrens, M.D. (Modesto) MQRC District 6

Yolanda Peredia-Estrenera, R.N. (San Jose) MQRC District 7

Frances Conley, M.D. (reappointment) (Stanford) MQRC District 7
Philoemena Laurel (reappointment) (Morgan Hill) MQRC District 7

Robert Keet, M.D. (Aptos) MQRC District 8
Willare Osibin, M.D. (reappointment) (Templeton) MQRC District 8

Iris Frank, R.N. (reappointment) (Santa Cruz) MQRC District 8
Theodore Rose, Jr., M.D. (reappointment) (Salinas) MQRC District 8

Donald Giusti (Fresno) MQRC District 9
Mortimer Iger, M.D. (reappointment) (Bakersfield) MQRC District 9

Donald Brayton, M.D. (reappointment) (Bakersfield) MQRC District 9

1979 LEGISLATIVE WRAP-UP

With the close of the first half of the 1979-80 legislative session came the enactment of several statutes of importance to the medical profession. Summarized below are some of those that went into effect January 1, 1980.

AB 210 (Goggin)—Extensively revises existing law that regulates advertising by professionals and enacts the Right to Compete Act of 1979. The Board will be adopting regulations to implement this act and prohibit advertising that is false or misleading, that promotes excessive use of services, or that makes any claim as to quality or efficacy of services provided.

AB 352 (Knox)—Increases the reporting level of settlement and arbitration awards in malpractice actions against physicians to be reported to BMQA from $3,000 to $30,000.

AB 410 (Knox)—Requires health facilities, prior to granting or renewing staff privileges, to request copies of reports made to BMQA by other health facilities imposing their or restriction of the applicant’s privileges.

AB 1072 (Rosenthal)—Provides that sexual relations with a patient when related to the functions of a licensee is unprofessional conduct.

AB 1114 (Moorhead)—Provides for the Division of Medical Quality to assign petitions for reinstatement or modification of penalty to Medical Quality Review Committee panels for hearing.

AB 1391 (Torres)—Repeals existing law prohibiting the performance of acupuncture without a prior diagnosis or referral.