

Doctors who spoke out
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All over the nation, physicians who have spoken out about dangerous hospital practices or poor performance by colleagues have been punished. Here are a few examples:

Dr. Kenneth Clark, Reno, Nev.

Clark, a psychiatrist, lost admitting privileges at a local hospital, Truckee Meadows, after reporting poor care of patients to outside agencies. Among other things, he said the hospital was discharging mentally ill patients when their insurance ran out, whether they were ready for release or not. He was subjected to intensive questioning by the hospital's peer review panel and ordered to undergo psychiatric tests himself, and his name was then put on the National Practitioner Data Bank for having been involuntarily removed from the staff. Clark sued and eventually won when the Nevada Supreme Court said in 2001 that the hospital did not base his removal on "a reasonable belief that it was in the furtherance of quality health care," as required by federal law.

Dr. Silvana Riggio, Philadelphia

Neurologist Riggio was forced out of Medical College of Pennsylvania in Philadelphia after complaining that a fellow neurosurgeon was leaving the operating room and allowing resident physicians to place electrodes directly on the brains of epileptic patients, a comparatively new procedure for treating the disorder. According to a 1998 Superior Court ruling, one of the patients died and another lapsed into a coma. Riggio tried to use the state Whistleblower Act to win her job back, but the court ruled she had not proved the hospital violated regulations in allowing the residents to place the electrodes in the neurosurgeon's absence. She later moved her practice to New York City. The hospital has since changed ownership.

Dr. John Rabkin, Portland, Ore.

Surgeon Rabkin won a \$500,000 jury verdict in 2001 after being removed as director of Oregon Health and Science University's liver transplant program following his report of an unexpectedly high death rate among a colleague's patients. Two years later, he's still fighting to get his job back. When Rabkin raised alarms about the fact that in a seven-month period, six of another surgeon's 11 patients died, the hospital rebuked Rabkin for a "lack of collegiality." After yet another patient died, the other surgeon agreed not to perform any more liver transplants, but the hospital also decided to demote Rabkin. He won damages in his lawsuit over his dismissal, but the judge would not reinstate him, saying it would "cause chaos in the department." Rabkin, who hasn't performed surgery at the hospital in a year, is appealing that ruling. A hospital spokeswoman said she could not comment on the case.