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November 18, 2007
Honorable Rick Perry
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

Dear Governor Perry,

On October 23, 2007, the State Legislature held a special meeting to discuss the current situation of health care delivery to the citizens of Texas. The message from the audience consisting of many doctors who are trying to do a good job is simple; **MAKE THE TEXAS MEDICAL BOARD ACCOUNTABLE** for their actions, specifically Drs. Kalafut, Patrick, and Mari Robinson the TMB's attorney. Semmelweis has the following concerns since many of its members have been unfairly treated and bullied by current members.

**SEMMELEWEIS RECOMMENDATIONS REGARDING
"EQUALIZING THE PLAYING FIELD WITH THE TMB"**

WHAT NEEDS TO OCCUR

- 1) Make the TMB website responsible and not a place for the public to try a physician without due process.
 - a) Currently, the TMB prints the allegations of a physician who has been "alleged" to the public **BEFORE** they have had a chance to have their hearing with SOAH (an independent hearing panel)
 - b) Even if the physician has been cleared, the website will not remove the original complaint. This is not fair to the physician since being cleared should also clear their name from public scrutiny. The Texas bar does not do this why should the TMB?

2) The TMB should not have to pay experts as this is a conflict of interest as experts may feel that they need to find fault with a physician they are reviewing. Every doctor in Texas should as a prerequisite of having a license, be available to review a colleagues chart. This is the best way to ensure collegiality with an emphasis on making a physician better and not an adversary.

3) Remove any and all TMB immunity especially if testimony was in error, arbitrary or capricious.

4) TMB should not be allowed to overrule SOAH decisions. The TMB should not be allowed to be judge, jury, and executioner. If the TMB does not agree with a SOAH decision/interpretation, they (TMB) and not the accused should bear the cost of appealing a decision.

5) ISC should have all experts in the same conference room when the TMB's expert has found fault with the accused physician. The hearing also needs to be transcribed in order to protect the accused physician. By having the accuser I the room, both the accused and the accuser can explain their rational to the TMB hearing panel. In doing this, hopefully the TMB panel will be able to understand the issue and reach a reasonable decision regarding the allegation(s).

6) All of the cases in which Dr. Miller (former TMB Board member) was an expert witness need to be re-opened for the sake of fairness.

In addition, since Dr. Miller lied about how many cases he was involved with; he should be investigated and disciplined by the TMB for unprofessional conduct and attempting to defraud the public. He should be placed on the TMB website as an example of a board member who abused the trust that the people of Texas gave him to be a responsible Board member.

7) Review/ reopen all cases since 2002 in which the physician's license was revoked in spite of SOAH not finding that revocation was reasonable.

8) Ask that Donald Patrick MD resign for his lack of leadership as Executive Director and the fact that he appears to part of a cover-up with the Dr. Miller issue. The legislature should open formal hearings on whether Dr. Patrick acted responsibly regarding his duties as Executive Director.

9) Ask for the resignation of Roberta Kalafut DO as President of the TMB since testimony during the hearing seems to identify that she acted below the standard of a president when she admitted that her husband had made anonymous allegations on several physicians.

10) The public needs to be made known if a physician has acted improperly regardless of whether they were in practice or members of the TMB. TMB members have an additional role of ensuring public confidence that the agency is working to protect the public. When a member of the TMB or any state agency has disregarded

this basic rule, they also need to be made an example of, for the sake of the continued public trust.

Thank You for your time.

Sincerely

Roland F. Chalifoux Jr., DO
President Semmelweis Society International