

## **DR. VERNER S. WAITE - LETTER TO JUDGE GADBOIS**

Honorable Richard A. Gadbois  
Judge, Central District Court  
Santa Barbara, California

Dear Judge Gadbois,

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DOWNEY, CALIFORNIA 90241 IV  
(213) 632-7105 e (213) W2-59M 14 January1991

I wish to make you aware of the nearly total dishonesty of medical peer review.

There appears to be an assumption that medical doctors, and hospital boards of trustees are inherently honest. After five years of gathering data we can conservatively conclude that 90% of medical peer review is done for only economic reasons. An honest peer review is a true rarity. This is quite consistent with the long history of medicine. It is confirmed by the record of what was suffered by Lister, Pasteur, Semmelweis, Galen, and on and on.

What has changed recently is the immunity granted medical peer review. Now one may have a kangaroo court with no fear of restraint. Hospitals have been placed above the law. The courts use the "substantial evidence rule" rather than an "independent judgment rule" to evaluate the evidence. We can demonstrate that substantial evidence is whatever lies one wishes to put on paper.

Hospital bylaws are uniform in the corrective action section in stating, "this is a semi-judicial proceeding, and the rules evidence do not apply". Physicians have essentially no rights that they would be entitled to if they were caught selling heroin. An adverse peer review presently means you will never again have hospital privileges. HMOs will not have you, you will not be able to obtain malpractice insurance. It has serious effects.

There would seem to be a major flaw in a system were envious colleagues can manufacture ludicrous lies and destroy the most skilled and compassionate physician on the staff. This is precisely what is occurring. The main offense is this individual is the busiest physician in that department. Incompetent doctors are no economic threat and rarely a peer review subject. Incompetents who refer to those in power are certainly not subject to review.

Medical peer review needs to be done on an objective data driven basis. It has not developed beyond the stage of the "good ole boys" maintaining their

monopoly. The courts, unfortunately maintain the noncompetitive system, thus prices do not come down, new physicians can not come into the area. All rather cozy.

Years ago Santa Barbara drove out the premier heart transplant surgeon as a totally incompetent surgeon. Not a rare story, and not in the best interest of the people of Santa Barbara.

Yours truly,

Verner S. Waite MD FACS  
Executive secretary, Semmelweis Society