

## DR. VERNER S. WAITE - A KANGAROO COURT

10 July 1993

Dear Colleagues,

The evidence that medical peer review is abused is overwhelming. My belief is that it is the natural consequence of giving the peer review immunity in the face of great competition for medical business. Doctors by nature are competitive, egotistical, and often arrogant. This assemblage of physicians has many doctors who have gone through two or more training periods before you could get your license to practice medicine in this country. Many are thus extremely well qualified and more skilled than the doctors who grew up and trained in this country. If you are sympathetic and willing to listen and to work hard you are the worst kind of competition, one that is more skilled than I am. You generate a fear that I will lose business to you. Often my worst fears are realized and you do just that. The citizens like your care.

How does an established physician in the community deal with this threat? All too often the easy, quick, and elegant way to get you out of my turf is to use medical peer review. Many of you came to this country with the concept it has laws that give you a right to an impartial, just hearing on disputes. We have a model Constitution the envy of many societies. We have a Bill of Rights like a few other countries do.

The rampant abuse of medical peer review, with its immunity, then is used against you and its devastation is complete, you are powerless to fight it and I hear "***but this is America" it can't happen here. !!!!***

What does happen? While your accusers select the judge, or hearing officer, and they put their friends on the jury. Hearsay evidence is allowed. Hence any unsubstantiated evidence is admissible, and often sought out in large volume to increase the cost of defending against trivial charges, untrue charges, and illogical charges all with the plan of bankrupting you. The verdict is in before the hearing ever begins. The process is semi-judicial, thus you have no subpoena power, you have no right to compare your results to the other doctors on the staff. After all you are on trial, they are not. Secret documents that come from the quality assurance committees etc. will be seen for the first time. The charges to defend against are vague often. How do you fight shadows? Now during the deliberation phase after the trial the local doctors do not have to limit their consideration to just the evidence heard during the hearing. Since they all know you or have heard of you, many charges or concerns they have will be considered, even though you do not know about them.

This is a kangaroo court.

This is immune at the insistence of the AMA and established doctors. Their self interest are often overwhelming. They usually feel it will never happen to them. It will not as long as they are on the committees.

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