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August 24, 2011

Hon. Mary Hayashi
State Capitol Room 3013
Sacramento, California 95814

RE: Assembly Bill 655 (Hayashi) – Concern

Dear Assembly Member Hayashi:

The California Society of Industrial Medicine and Surgery, after careful study of your AB 655, is concerned about some of the language in the bill. While we support your objective that the sharing of information between peer review bodies is essential to protect public health, some of the language in the bill does not appear to be particularly clear or well-chosen.

For example, the last sentence of proposed Section 809.08(b) provides that “all relevant peer review information . . . shall be made available to the licentiate . . .” Who determines relevancy? Why not strike the qualifier “relevant” and require the requesting peer review body to share all information it receives, not just that which it unilaterally considers relevant?

Second, subdivision (e) provides that a responding peer review body “is not obligated” to produce the relevant peer review information unless the licentiate signs a release. Why not provide that the responding peer review body “shall not” produce the information unless the licentiate signs a release?

We realize this bill is far along in the legislative process, but we urge you to pause and clean up the language to avoid ambiguities and inequities. Thank you for your consideration.

Sincerely,

Carlyle R. Brakensiek
Executive Vice President

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