

## DAVIS, COWELL &amp; BOWE, LLP

Counselors and Attorneys at Law

## FACSIMILE

San Francisco   
595 Market Street, Suite 1400  
San Francisco, California 94105  
415.597.7200  
Fax 415.597.7201

To:

Fax Number:

Date:

*Gary Robinson*  
*Bob Weinman / Deane Hillsman / Mililowak* 617  
*408-292-9574 / 510-763-7156 / 816-981-1884*  
*916-359-0292 /*

Washington, DC   
1701 K Street, N.W. Suite 210  
Washington, DC 20006  
202.223.2620  
Fax 202.223.8651

From:

Re:

*Andy Kahan*  
*MBC*

Boston   
8 Beacon Street, 4th Floor  
Boston, MA 02108  
617.227.5720  
Fax 617.227.5767

Message:

Know any computer gurus who  
could look at this?

Apr-13-2006 09:48pm From-Davis, Cowell &amp; Bowe

T-710 P.002/003 F-545

Dave Chron

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCYARNOLD SCHWARZENEGGER, Governor**MEDICAL BOARD OF CALIFORNIA**

EXECUTIVE OFFICE

1426 Howe Avenue, Suite 64  
Sacramento, CA 95825-3238  
Tel: (916) 263-2389 Fax: (916) 263-2387

April 5, 2005

Andrew J. Kahn  
Davis, Cowell & Bowe, LLP  
595 Market Street, Suite 1400  
San Francisco, CA 94105

RE: Public Records Act Request

Dear Mr. Kahn:

This letter is in response to your Public Records Act request for the following documents:

1. Documents describing the programming and capacity of the Medical Board of California's ("Medical Board") website.

No documents were found at the Medical Board, as the Medical Board uses a computer system designed and developed by the Department of Consumer Affairs. The information for the boards and bureaus within the Department of Consumer Affairs is stored on this single computer system, which is a mainframe application programmed in Natural Adabas language. As we understand it, there are 50 character spaces available on the mainframe to describe hospital disciplinary action; there are 272 character spaces available to describe Medical Board disciplinary action. No field exists on the mainframe database to post a 500-word rebuttal from individual licensees. The computer system is designed to be uniform such that it can be used by most of the boards and bureaus within the Department of Consumer Affairs.

2. Correspondence between Medical Board staff and Board members concerning the UAPD's rulemaking petition.

No documents were found.

I trust this is responsive to your request. Should you have any questions regarding this letter, please contact my office at (916) 263-2389.

Sincerely,

David T. Thornton  
Executive Director

Apr-13-2005 09:48pm From-Davis, Cowell &amp; Bows

T-710 P.003/003 F-545

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCYARNOLD SCHWARZENEGGER, Governor**MEDICAL BOARD OF CALIFORNIA**

EXECUTIVE OFFICE  
1434 Howe Avenue, Suite 92  
Sacramento, CA 95828-3236  
(916) 263-2988 FAX (916) 263-2387  
[www.caldoginfo.ca.gov](http://www.caldoginfo.ca.gov)



April 13, 2005

Andrew J. Kahn  
Davis, Cowell & Bows, LLP  
595 Market Street, Suite 1400  
San Francisco, CA 94105

**VIA FAX & US MAIL**

Re: Public Records Act Request

Dear Mr. Kahn:

I am responding to your April 8, 2005 letter to me regarding your Public Records Act (PRA) request of March 23, 2005. I am attaching a copy of my April 5, 2005 letter to you responding to your March 23, 2005 PRA request.

In your letter you also make an additional PRA request for information related to ..."the number of times licensees have been directed to submit to psychiatric examinations since January 1, 2000."

In response to your request, the following information is provided, by Fiscal Year (FY), regarding the number of licensees ordered to submit to a psychiatric examination:

FY 1999/2000 -	6 Petitions were granted
FY 2000/2001 -	8 Petitions were granted
FY 2001/2002 -	10 Petitions were granted
FY 2002/2003 -	12 Petitions were granted
FY 2003/2004 -	8 Petitions were granted
07/01/04 - Present -	4 Petitions were granted

I trust this is responsive to your request. Please let me know if I can be of further assistance.

A handwritten signature of David T. Thornton.

David T. Thornton  
Executive Director

Attachment

Apr-13-2005 03:48pm From-Davis, Cowell &amp; Bowe

T-710 P.001/003 F-546

## DAVIS, COWELL &amp; BOWE, LLP

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Message:

Gary Robinson  
 Bob Weinman / Deane Hillsman / Milionsky  
 408-292-9574 / 510-763-2756 / 818-981-1994  
 916-355-0292 /  
 Andy Kahn  
 MBC

6-27-05

Know any computer gurus who  
 could look at this?

Dear Mr. KAHN,

You do Not need to be a Computer "Guru" to Show that David Thornton is full of "Manure". He can and does do Whatever he wants, beyond any "Computer" limitations. Following, please find Copy of Medical Board's Website regarding: CHAE HYUN MOON, M.D.?

"Number of pages including cover page:

Where there is a will, there's a way" *S.P.J.*

# Medical Board of California

## Physician Information

**Licensee Name:** CHAE HYUN MOON , MD  
**License Type:** PHYSICIAN AND SURGEON  
**License Number:** A32120  
**License Status:** LICENSE SUSPENDED  
**Public Record Actions:** Licensee has been suspended. No practice is permitted.  
**ACCUSATION FILED**  
A formal, public charge by the Board alleging a physician violated the Medical Practice Act. This is the result of a fully investigated complaint that has been referred to the Attorney General's Office for prosecution. Practice is permitted unless otherwise specified.  
**Original Issue Date:** APRIL 03, 1978  
**Expiration Date:** JUNE 30, 2005  
**Address:** 1555 EAST STREET, SUITE 100  
REDDING, CA 96001  
**County:** SHASTA  
**Case Number:** 022002139527  
**Description of Action:** EFFECTIVE 06/03/03 ACCUSATION FILED. THE PHYSICIAN HAS NOT HAD A HEARING OR BEEN FOUND GUILTY OF ANY CHARGES.\*\*\*EFFECTIVE 06/27/03 STIPULATED AGREEMENT-NO PRACTICE OF MEDICINE.\*\*\*  
**Effective Date of Action:** JUNE 27, 2003  
**Disciplinary Actions Taken by Other State/Federal Government**  
No records returned  
**Felony Convictions**  
No records returned  
**Administrative Citations Issued**  
No records returned

**Hospital Disciplinary Actions**

No records returned

**Arbitration Awards/Malpractice Judgments**

No records returned

**Education**

**Medical School:** YONSEI UNIVERSITY COLLEGE OF MEDICINE

**Year Graduated:** 1972

**Also:**

November 6, 2002

**Medical Board Seeks Temporary Restraining Order  
Against Two Redding Physicians**

**SACRAMENTO**—The Medical Board of California announced today its intention to seek a Temporary Restraining Order from the Shasta County Superior Court prohibiting Chae Hyun Moon, M.D. and Fidel Realyvasquez, M.D. from practicing medicine, pending its further investigation into charges that the two physicians performed unnecessary, life-threatening surgeries on perhaps dozens of unsuspecting patients. The Board has requested that the Office of the Attorney General file court documents seeking the order immediately. Based on information received from the FBI's and its own investigation into Moon and Realyvasquez, the Board is requesting a restraining order while it completes its investigation into allegations against the two physicians.

With the information that has been brought to its attention, the Board has probable cause to believe that the invasive coronary procedures were unnecessarily performed on many known and unknown Moon and Realyvasquez patients since 1995. Based upon this information and the FBI's investigation, the Board expects that patient records, tests and other documentation will show that many patients did not suffer from any significant coronary artery disease which required immediate, invasive coronary procedures and that these procedures were performed unnecessarily.

"After reviewing the allegations already brought forward, I believe that the continued practice of medicine by these physicians poses an unacceptable risk to the health and safety of the public," said Ron Joseph, Executive Director of the Medical Board.

The FBI is currently conducting an investigation of the two physicians for conspiracy to commit healthcare fraud, false statements relating to healthcare matters, and healthcare fraud. Both physicians are practicing medicine at the Redding Medical Center in Redding, California, which is a 238-bed, general hospital.

Also:

Google – 623 hits

Almost all regarding investigation into Dr. Moon performing unnecessary surgery.  
& Tenet paid \$54 as a settlement:

## **Tenet to pay \$54M to settle disputed surgery case**

Posted 8/6/2003 4:42 PM Updated 8/7/2003 11:55 AM By Julie Appleby, USA TODAY

Tenet Healthcare (THC) will pay a \$54 million fine, but will not face civil or criminal charges, to settle allegations that two doctors working in its Redding, Calif., hospital performed unnecessary cardiac procedures.

The fine — \$51.3 million to the federal government and \$2.65 million to the state — covers allegations that the hospital billed Medicare, Medicaid and the military's Tricare program for unnecessary procedures from 1997 to 2002.

Michael Hirst, who supervises civil cases in the U.S. Attorney's office for the Eastern District of California, says the fine is the largest in Justice Department history for a case involving allegations of unnecessary procedures. Prosecutors alleged the doctors performed procedures — including open-heart bypass surgeries — on patients who did not need them.

Tenet and the Redding Medical Center did not admit liability but agreed to increased oversight, including random review by outside surgeons of cardiac procedures performed there. "We made a strategic business decision to negotiate a reasonable settlement in order to put this matter behind us," said a written statement by Trevor Fetter, Tenet's acting CEO. Shares in Tenet, the nation's second-largest hospital chain, fell 11 cents Wednesday to \$13.05.

Civil or criminal charges could still be lodged against individuals, says Hirst, who said a probe is ongoing. He would not name any individuals being investigated. The two doctors involved — Chae Hyun Moon, who was the hospital's director of cardiology, and Fidel Realyvasquez, who was the chief of cardiac surgery — suspended their practices in February. Moon's malpractice insurance expired, and he was unable to obtain new insurance.

Last month, California's medical board filed formal charges of wrongdoing against Moon. An investigation by the board into Realyvasquez is ongoing.

The probe of the hospital began with a raid by the FBI in October after complaints from a patient who was referred for cardiac bypass surgery by Moon. The patient sought opinions from other doctors, who found nothing wrong with him. Since then, about 100 civil lawsuits alleging unnecessary procedures have been filed against Tenet involving Redding.

The Redding hospital was one of Tenet's most profitable facilities, partly because of its busy cardiac program. Although it is a small city 180 miles north of Sacramento, researchers at the Dartmouth Atlas of Health Care found that Redding has the highest rate of bypass surgeries performed per 1,000 Medicare patients in the nation. One other hospital in Redding besides Tenet's facility performs such surgeries.