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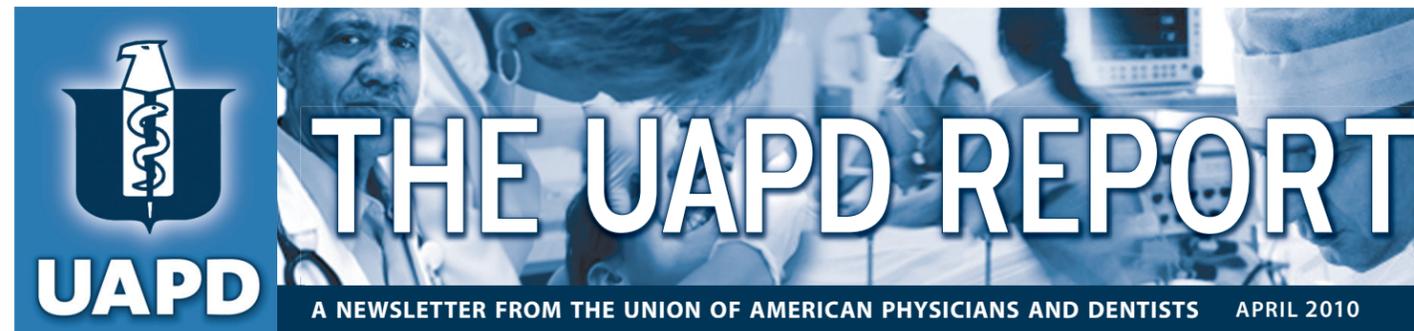
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The Next Bad Idea

On March 19th the *Los Angeles Times* confirmed rumors that the Schwarzenegger administration is trying to transfer responsibility for prison medical care from the California Department of Corrections and Rehabilitation (CDCR) to the University of California (UC). UAPD is drawing upon all its political, legal, and media resources to put this dangerous plan in reverse. What's wrong with it?

1. It's Union Busting

The University of California is a notoriously anti-union employer, and by moving UAPD doctors from CDCR to UC, the Governor would strip away their status as union employees. CDCR doctors have the right to negotiate their salaries, they have job security and fair workplace practices, and they have CalPERS benefits—this deal could take all that away. Schwarzenegger wants to sell doctors on the deal based on the “prestige” of working for UC, but the true intent is to strip away the union contract, ensure that the overall system is ‘right-sized’--downsized--and force those doctors that remain into providing lower quality care while earning less.

2. It Raises Clinical Concerns

The plan calls for dramatic cuts to the number of doctors used by the prisons. It also recommends moving a significant portion of the remaining doctors off of prison

grounds, linking them to inmates via telemedicine stations. While telemedicine can be a useful tool in the hands of doctors, obligating its use to the degree that this plan does could significantly compromise the quality of care.

3. It's a Sales Pitch, Not a Plan

The so-called “experts” and “consultants” behind this plan are actu-



Ventura County Doctors Join UAPD

After a Four Year Fight, Union Representation

The Union of American Physicians and Dentists is pleased to announce that Ventura County doctors are now part of UAPD. The doctors have been fighting for UAPD representation for more than four years, during which time Ventura County made multiple legal maneuvers intended to stall their progress. With the support of the doctors, UAPD staff and leadership squared off against Ventura County in a variety of settings, until recent rulings in the doctors' favor convinced the County to end its costly and unjust campaign.

For many years doctors and other staff working in Ventura County's ambulatory care clinics were not considered County employees, but rather part of multiple corporations that contracted with the County to care for patients. In 2006, when County management sought to change the contract that covered these workers without consulting them, the clinic doctors decided to unionize and seek collective bargaining rights with Ventura County. The County refused to recognize the new union, claiming that the doctors worked for the separate corporation, not the County itself, despite the fact that the County clearly behaved as the employer. In December 2007



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UAPD

President's Message

Stuart Bussey, M.D., J.D.



PEOPLE Power Challenge

Because of the vast monetary resources involved, the medical profession is always under of public and government scrutiny. With the passage of Health Care Reform we are awakening to the dawn of a more socialized form of health care. In the name of cost saving the Governor has just released his proposal to shift our union's prison doctors from the State bureaucracy to the UC bureaucracy. Doctors may feel like pawns in these political maneuvers, but by standing together with Big Labor we can exert PEOPLE power.

AFSCME's PEOPLE program has been going strong for years. Monthly contributions to this fund come from members in every state. The objectives of the PEOPLE program are relevant to UAPD's membership: to educate, organize and mobilize members in support of legislative and political programs which benefit members; to develop state and national legislation (e.g. collective bargaining for private doctors); to educate members on the records of electoral candidates; to endorse those whose actions promote our welfare; and lastly to improve our welfare through unity of action within our Labor family.

Over a dozen UAPD members recently attended the annual PEOPLE Convention in Sacramento. We were embarrassed to learn that UAPD has one of the lowest levels of member participation of any local. An MVP membership in California PEOPLE requires only an \$8/month commitment. Most AFSCME members in other locals make a fraction of our salaries, yet they contribute at that level. If we as doctors want political benefits and influence within the House of Labor we should contribute to its upkeep. I urge you to fill out and return the donation form on the back page of this newsletter and help to increase UAPD's PEOPLE power!



Legal Update

Despite mounting evidence that his furlough plan has failed, Governor Schwarzenegger continues to pour state money into legal challenges to delay its end.

On March 24th, Alameda Superior Court Judge Frank Roesch issued his third ruling in favor of UAPD, ordering the State to allow all doctors paid from special funds to return to their regular work schedules on April 2nd. His ruling, the first to set a specific ending date for the program, removed the stay that Schwarzenegger's legal team had placed on his original decision to end furloughs, made back in December.

The following Monday, however, the Schwarzenegger administration filed more appeals. Then on March 30th,

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Legislative Advocacy

Delegates to the AFSCME PEOPLE Legislative Conference travelled to Sacramento on March 15 for a day of decision making and lobbying on a range of issues.

The theme of the conference was "The Power to Win in 2010," with particular emphasis on the California gubernatorial race. 154 delegates were present, including 15 from the UAPD. Attorney General Jerry Brown, AFSCME International Secretary-Treasurer William Lucy, Rev. James Lawson and various members of the California Legislature addressed the delegates. The group endorsed candidates and initiatives, approved various reports, and honored William Lucy, who will retire in three months. Dr. Stuart Bussey presented an award to Dr. Cuong Nghiem, SEPA President-Elect, in recognition of his more than two decades of service to developmentally disabled patients.

After attending plenary sessions, workshops, awards ceremonies, receptions, luncheons and dinners, delegates were guided by Douglas Chiappetta (Chief Legislative Representative for UAPD/AFSCME) through lobbying sessions with members of the California Assembly and Senate. The delegates spoke in favor of several UAPD-backed bills.

PEER REVIEW

THE GOOD THE BAD THE UGLY AND WHAT WE DO NEXT

A CONTINUING MEDICAL
EDUCATION ACTIVITY --
FREE FOR UAPD MEMBERS



**AFTER THE CME:
LUNCH WITH TED LIEU,
STATE ASSEMBLYMEMBER**

**Saturday May 1, 2010
1 pm – 2:30 pm
Manhattan Beach Marriot
Manhattan Beach, CA**

Ted Lieu (D-Los Angeles), a longtime supporter of civil service workers, is running for California Attorney General. All UAPD Members are invited to attend.

MEDICAL PEER REVIEW: THE GOOD, THE BAD, THE UGLY... AND WHAT WE DO NEXT

**Saturday May 1, 2010, 9 am – 1 pm
Manhattan Beach Marriot
Manhattan Beach, CA**

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Purpose: Medical peer review can be a valuable tool in protecting professional standards and ensuring high quality patient care, but only if the peer review process is both ethical and empirically sound. This continuing medical education activity will discuss the problems inherent in many current peer review programs, and their solutions. This activity is intended for all Physicians, Podiatrists, and Dentists. There are no prerequisites.

Designation Statement: The University of California, Irvine School of Medicine designates this educational activity for a maximum of 4 hours of American Medical Association PRA Category 1 Credit(s). Physicians should only claim credit commensurate with the extent of their participation in the activity.

Other Accreditation: This provider is authorized to confer 4 units of California continuing education credit for Dentists. AMA PRA Credits are recognized by the Board of Podiatry.

FACULTY: **Stuart A. Bussey, M.D., J.D.**, is the President of the Union of American Physicians and Dentists (UAPD). Dr. Bussey is one of a few hundred physicians in the country who is also an active attorney. **Erin Muellenberg, J.D.**, is a partner in the Law Firm of Reback, McAndrews, Kjar, Warford & Stockalper. She has focused her practice on external peer review services and medical staff matters, and has conducted numerous workshops on medical staff peer review. **Ronald Bortman, M.D.**, is a Vice President of UAPD. He is a board-certified psychiatrist and Past-President of the East Bay Psychiatric Association.

Robert Weinmann, M.D., is the Past President of the Union of American Physicians and Dentists (UAPD) and Current President of the UAPD IPA Board. He has a private neurology and pain management practice in San Jose.

Los Angeles County Major Grievance Victories for UAPD

As important as negotiating strong contracts is enforcing them, and in 2010 UAPD has had great success in holding Los Angeles County to the terms of our contracts. Vigorous contract enforcement protects doctors, those with specific grievances as well as all others, since every grievance that is resolved can prevent a similar problem from arising for others in the bargaining unit.

In one case, a well-respected doctor in the bargaining unit was given an evaluation by his supervisor which did not reflect his knowledge or skills. Initially the department refused to address the doctor's objections, so UAPD filed a grievance on the doctor's behalf. USC managers initially tried to defend the evaluation, but Dr. Stephanie Hall, the CMO of the hospital, agreed with the objections made by UAPD and redrafted the evaluation herself. She also recommended that USC management receive training in proper procedures for doing evaluations. Both the Union and aggrieved doctor appreciated Dr. Hall's willingness to rectify the situation.

In a second grievance filed on behalf of a Los Angeles County doctor, UAPD completed all steps of the internal grievance procedure before submitting the case to an outside arbitrator for a decision. The County had used the implementation of the new pay scale as an excuse to change the classification of another well-respected doctor to one with a significantly lower pay rate. UAPD demonstrated that the work of the doctor fell within the scope of his original, higher paying classification. As a result, the arbitrator ordered the County to reinstate the doctor to the original classification and to make whole any loss of compensation suffered as a result of the improper designation.

San Joaquin County Doctors Challenge County Report

San Joaquin County officials presented the Board of Supervisors with a report on San Joaquin General Hospital (SJGH) during the closed section of their February 16th meeting. The so-called White Paper proposed drastic cuts, recommending that the County: 1) Reduce SJGH staff by 60 to 100 FTEs; 2) Reduce the number of resident physician positions and/or eliminate those teaching programs that are no longer economically sustainable; 3) Authorize inquiries by staff to sell or lease SJGH to another organization in such a manner that can reduce the County's financial liabilities. 4) Close low volume special-

ty clinics; 5) Discontinue neuro-trauma receiving center status.

UAPD organized its members to speak out against the White Paper and discourage the Supervisors from adopting its suggestions. San Joaquin doctors signed a petition challenging the conclusions of the White Paper and presented it to the Board of Supervisors, helping draw local press attention to the situation. Doctors continue to address the Board, which is now considering removing the hospital from the auspices of County Health Care Services and a creating a new county department specifically to run SJGH.

City and County of San Francisco CCSF Sends Layoff Notices to All Its Employees

San Francisco is pushing unions to make concessions, and most are bringing the City's latest plan to members for ratification. Because UAPD is not currently in bargaining with the City, our members can decide whether or not to consider the latest proposed cuts.

As a cost saving measure Mayor Gavin Newsom proposed laying off thousands of City and County of San Francisco (CCSF) employees, then rehiring them to work shortened schedules. After a massive outcry, the City postponed the layoffs and began meeting with City unions to find an alternative. UAPD met with CCSF on March 29th and was offered the same plan already agreed to by other unions. It calls for 24 full furlough days to be taken over the course of two years.

Unlike the other unions who have tentatively agreed to this deal, UAPD is not currently in negotiations with the City, so opening the contract to accept the furloughs would be voluntary. The UAPD Bargaining Team has opted to collect information on the costs and benefits of the City's proposal to

UAPD members. One consideration is that furloughing doctors would have a negative impact on City revenues, since doctors bill for their hours. Also, the City made clear that accepting the deal would not rescind the layoffs that are due to reductions in department budgets, so until "re-hire" notices are sent, it is not clear what part of the bargaining unit is still facing layoff under the plan. UAPD is awaiting the City's response. While the City may implement their original plan of reducing 40 hour work weeks to 37.5 hours for the UAPD bargaining unit, most doctors work a part time schedule, and no one should see a change to their benefit eligibility.



Schwarzenegger Offers Substandard Contract to UAPD

On March 19th, the UAPD Bargaining Team returned to the table with the State of California for the first time in months. The Department of Personnel Administration (DPA) had requested a meeting to discuss a package of proposals it had delivered the prior month.

Back on February 4th, the DPA presented the UAPD Bargaining Team with a package that reflected the drastic cuts called for in Governor Schwarzenegger's initial budget proposal. All bargaining units, including UAPD, are being urged to accept a 5% - 10% pay cut and a doubling of the employee contribution to CalPERS. UAPD knows that recruitment and retention of qualified doctors would become nearly impossible under the conditions that this kind of contract would create.

Needless to say, the proposal put forth by the DPA does not bring them closer to an agreement with the

UAPD Bargaining Team. Once again the Schwarzenegger administration has pushed for across-the-board cuts with little regard as to their true costs down the road. UAPD has presented a number of proposals that could achieve similar cost savings without eviscerating the already understaffed doctor's bargaining unit. From the little attention paid to those proposals, it is reasonable to conclude that the Governor's true goal is punishing State workers, not saving money.

The UAPD Bargaining Team, while disappointed in the latest proposal, continues to bargain in good faith, as the

Recruitment and retention of qualified doctors would become nearly impossible



law requires. The team believes that an agreement that satisfies both sides can be reached through collective bargaining, and is working hard to ward off the implementation of any part of the State's current proposal. The legislature's decision to unilaterally eliminate two holidays in 2009 has been upheld by a recent court decision, so now is a good time to remind lawmakers who are sympathetic to working people that we expect to continue negotiating our contracts at the bargaining table, not have them decided for us by those whom we elect.

Q. The Governor is threatening to cut my salary next year. Should I retire now to maximize my pension payout?

A. It's not necessary. CalPERS defines "final compensation," the basis of your pension payout, as "your average full-time pay rate and special compensation for the last consecutive 12 months of employment," but they make exceptions if your final pay rate was not your highest. "If you think there was another period of 12 consecutive months during which your final compensation was higher," says CalPERS, "let us know when you apply for retirement. We will use that time period to determine your final compensation."

Also worth noting: working fewer hours in your "final compensation" year will not affect the payout equation. From CalPERS: "We use your full-time pay rate, not your earnings, so if you work part time, we will use your full-time equivalent pay rate to determine your final compensation."

CSU Avoids Furloughs, Stays the Course

The California State University system as a whole has been hard hit by the budget crisis, but UAPD-represented doctors have not suffered the same cuts that other CSU workers have. Several CSU campuses have suffered layoffs, and across the campuses the number of faculty members have dropped by nearly 13%, but all UAPD doctors continue to work their normal schedules at CSU health centers. The unit has seen no layoffs and a plan to furlough the doctors last year was quickly reversed. The Union continues to monitor the situation closely and to participate in Board of Trustee meetings, where many budgetary decisions are made. UAPD continues to promote the idea that there is an overall shortage of doctors to fill positions, so cutting the ranks of existing doctors would be a disservice to all. One bright spot in this otherwise difficult year is that CSU administrators seem to be listening.

UAPD Applauds House Vote to Remove Anti-Trust Exemption for Insurers

Repeal McCarren Ferguson!

Outlawing health insurance monopolies would be good for doctors and patients, and Congress may be on its way to doing just that.

“This vote is an important step towards breaking the monopoly power of some health insurers,” said Dr. Stuart Bussey, President of the Union of American Physicians and Dentists (UAPD), responding to the news of a vote taken on February 24th by the US House of Representatives. The House passed the Health Insurance Industry Fair Competition Act (HR 4626), which rolls back the anti-trust exemptions that the insurance industry has enjoyed since the passage of the McCarran Ferguson Act in 1945. Representatives voted 406-19 in favor of the bill, which received strong support from the White

House earlier in the week.

Many believe that their exemption from federal anti-trust law has allowed some players in the insurance industry to gain too much power. “Right now, the health insurance industry is highly concentrated, and the lack of competition hurts doctors as well as patients,” according to Dr. Bussey of UAPD. “When an insurer dominates the market, doctors in that area can either follow that company’s rules or go out of business – the insurer gets too much power over the practice of medicine.”

Bussey is optimistic that HR 4626 could change that. “Getting rid of the anti-trust exemption for health insurers will allow the federal government to step in to break up the monopolies that have formed. It will open the door to competition. It’s good for everyone—



except insurance industry executives.”

Introduced by Reps. Tom Perriello (D-VA) and Betsy Markey (D-CO), HR 4626 is similar to language that was included in the health care reform package that was passed by the House last year. That language was not included in the version of the health care reform bill being considered by the Senate. After President Barak Obama spoke favorably of HR 4626, House Speaker Nancy Pelosi indicated that the bill would be brought quickly to a vote.

UAPD Fights NuPhysicia Plan for CDCR Healthcare

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ally salespeople for NuPhysicia, a for-profit company that sells the telemedicine systems that it recommends for California. Their report is full of phony numbers designed to make their plan appear better than it is. For instance, when promising to cut California’s labor costs, the report claims that Texas (the testing ground of NuPhysicia) uses only 24 psychiatrists to care for its 119,000 inmates. That’s a completely unbelievable 1 : 5,000 ratio. Along with these funny numbers, NuPhysicia offers exaggerated savings estimates and an empty promise that creating more layers of bureaucracy will magically make care cheaper and better.

4. Possible Conflicts of Interests

UAPD believes that California’s

public policy should not be set by for-profit companies like NuPhysicia, whose executives and investors stand to benefit from the advice they give. The fact that UC Vice President Dr. John Stobo, the main proponent of the plan on the UC-side, was President of UTMB at the time NuPhysicia was created, and served as non-executive founding chairman of NuPhysicia’s board of directors, also raises questions about his motives for promoting the deal.

In light of all this, UAPD doctors, leaders, and staff have been working hard to counter the NuPhysicia plan. Some have travelled to Sacramento and to Washington in search of allies. The union has gotten valuable support from AFSCME, from legislators who are sympathetic to working people, and

from the other affected unions. UAPD staff and doctors are doing research to refine the message delivered to UC, Schwarzenegger, and the press.

On March 25, these efforts resulted in UAPD’s first victory, which took place at the UC Regents Meeting. There UAPD President Dr. Stuart Bussey and Attorney Andy Kahn presented their list of objections to the NuPhysicia plan, and called for a true independent investigation to determine the best future direction of inmate health care. The Regents then opted to cancel the NuPhysicia presentation scheduled for later that morning and to reverse their message to the press, for the first time expressing hesitation about the deal and a need to explore it further in committee. UAPD will keep all members informed about what comes next.

Ventura County Joins UAPD

Continued from p. 1

a PERB Administrative Law Judge ruled in favor of the doctors’ demand to be recognized as County employees and to unionize, but Ventura County appealed the decision to the full PERB Board, causing two more years of delay. In September 2009 the full PERB board supported the original decision in favor of the doctors’ right to unionize. Ventura County then tried to delay unionization again by raising an objection to the way the union cards -- signed by doctors back in 2006! -- had been formulated. Last month the Ventura County Civil Service Commission ruled once again in the doctors’ favor, and ordered the County to recognize the new union.

In his letter to Ventura doctors, UAPD President Bussey praised them by saying, “Your patience, loyalty and tenacity over these past four years have already made you the stuff of legend.

You have set a great example for other doctors who contemplate joining a union.” Credit is shared with UAPD staff members and attorneys, who defeated the County in every one of its challenges.

The Ventura County doctors now look forward to the start of contract negotiations, which are expected to begin in April. Job security will be a key negotiation issue; doctors in the clinics had been subject to termination, even without cause, with thirty days notice. The doctors had also been excluded from all County benefits. They now look forward to negotiating over their inclusion in County health and pension plans. Dr. Steven Barr, who was part of the campaign since its start, said that doctors “look forward to working together to ensure a good working environment, where we can continue to provide quality care to Ventura County.”

Another Victory, Another Appeal

Continued from p. 2

Schwarzenegger was once again granted a stay on Judge Roesch’s order to end furloughs; the stay stopped implementation of that order while appeals are pending. In other words, because of Schwarzenegger’s actions, on Friday April 2nd furloughs were still in place for all state workers.

While UAPD was outraged at the Governor’s latest delay tactic, the law is on the side of State workers. As the news of the latest stay reached UAPD offices, our attorneys were already working on arguments that the stay should be reversed and doctors allowed to work their full schedules.

Judge Roesch’s decisions stem from a lawsuit filed last year by UAPD, which challenged furloughs as beyond the Governor’s authority with respect to agencies funded by federal funds

and special funds, including licensing fees. In its original motion, UAPD listed the Department of Social Services (DSS), the Department of Public Health (DPH), the Department of Health Care Services (DHCS), and Medical Board of California as examples of agencies where a substantial portion of funding comes from federal or special funds. On December 31, 2009 Judge Frank Roesch issued rulings in favor of UAPD, ordering the state to end furloughs for doctors in these agencies. The State stalled implementation of that order by filing an appeal that triggered a stay. On February 25, Judge Roesch again ruled in favor of UAPD in our case requesting back pay for state workers paid from federal and special funds. Again, the administration stalled implementation of the ruling with an appeal and stay.

UAPD Continuing Education Program Now Provides CE Credit for Dentists

As a benefit for union members, last year UAPD launched a new Continuing Education Program. The goal of the program is to provide interesting and informative courses that qualify for continuing education credit for all of our members. While our initial course offering in October 2009, on the subject of health care reform, was highly successful, UAPD was disappointed that our application to provide continuing education credit to dentists had been rejected, twice, by the California Dental Board. We are pleased to announce that as of this week the Dental Board has approved our latest application, making UAPD a certified Continuing Education Provider for California Dentists.

The Dental Board recognizes two kinds of continuing education credit. Category I courses tend towards clinical issues, such as infection control, while Category II covers courses directly related to the practice of dentistry that are not included under Category I, including “dentolegal matters, including but not limited to risk management, liability, and malpractice, employment law and employment practices.” We anticipate that most UAPD continuing education courses will fall under Category II, and remind dentists that no more than 20% of their required units can come from Category II courses.

All UAPD members are encouraged to attend our next continuing education class, on Saturday May 1, on the topic of peer review. More details can be found on page seven of this newsletter. In addition to the Dental Board CE credit, we are pleased to again offer four American Medical Association Category I CME credits for the course.