

Union of American Physicians and Dentists
 UAPD, the largest post-graduate doctors' union in the United States, includes thousands of physicians, dentists, and podiatrists, including those in private practice and those employed by the State of California and many California counties.
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Oakland Headquarters
 180 Grand Avenue, Suite 1380
 Oakland, CA 94612
 800-622-0909
 510-839-0193
 Fax 510-763-8756
 uapd@uapd.com

Sacramento Office
 1225 Eighth Street Suite 570
 Sacramento, CA 95814
 800-585-6977
 916-442-6977
 Fax 916-446-3827
 uapdsacto@uapd.com

Southern California Office
 5777 West Century Blvd Suite 1195
 Los Angeles, CA 90045
 800-504-8273
 310-398-4038
 Fax 310-398-6427
 uapdla@uapd.com

UAPD news in brief

UAPD BOARD OF DIRECTORS VOTE IN FAVOR OF LEGAL DEFENSE FUND:

At its most recent meeting, the UAPD Board of Directors voted to create a committee charged with designing a workable Legal Defense Fund for UAPD members. Concern over the problem of unfair discipline, sham peer review, and other workplace events that unfairly threaten the licenses, and livelihoods, of UAPD-represented doctors, has lead the Board to look for another line of defense for those who have been unfairly accused. The committee will study sources of funding and determine a fair mechanism for providing attorney support to the cases that carry the best precedential value for all UAPD members.



ing on airplanes without food, water, or chance of escape, lead to the current push for an Airline Passenger's Bill of Rights. Is it time for a State Employee's Bill of Rights? UAPD is considering legislation that could provide another layer of protection for State employees in addition to their union contract. What should a State Employee's Bill of Rights include? Send your ideas to uapd@uapd.com.

STATE EMPLOYEE BILL OF RIGHTS:

A series of tarmac strandings in 2006 and 2007, in which thousands of passengers were left wait-

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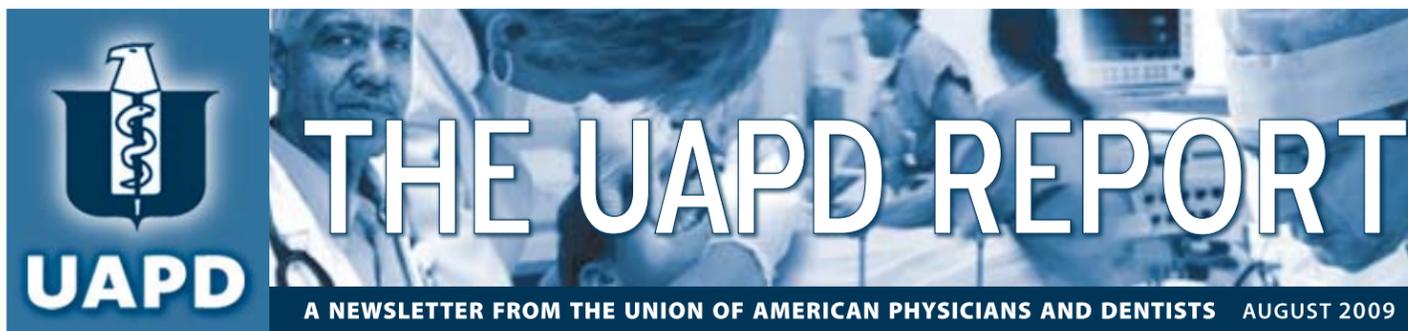
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THE UAPD REPORT

A NEWSLETTER FROM THE UNION OF AMERICAN PHYSICIANS AND DENTISTS

ADDRESS SERVICE REQUESTED



SF Mayor Gavin Newsom To Speak at UAPD Triennial

San Francisco Mayor and California gubernatorial candidate Gavin Newsom will be the featured speaker at the UAPD Triennial Convention, where he will receive the "Walk the Walk" award in honor of his work to make universal healthcare a reality in San Francisco.

UAPD members have already been sent an invitation packet for the Triennial Convention and Leadership Weekend, which will be held on Friday, October 2nd and Saturday, October 3rd in San Francisco.

In addition to featuring special guests like Mayor Newsom, Saturday's Triennial Convention is the primary decision-making forum for UAPD

members. Every member is welcome to attend the Triennial Convention and to vote on their own behalf. Those who are elected Triennial Delegates will vote on behalf of doctors in their sector or geographical area. Resolutions, which may be submitted by any member, are due back to UAPD by September 1st.

Information about the weekend's activities, including Friday morning's



the Friday afternoon membership meetings, can be found in this newsletter as well as the invitation packet.

Triennial news continues on p. 3

Doctors Fight to Provide Care to Yountville Vets

Efforts to save the acute care unit of Holderman Hospital, on the campus of the Yountville Veterans Home, are paying off, although the unit remains at risk of closure.

On June 9th, UAPD President Stuart Bussey joined doctors from the hospital to testify about the importance of preserving the acute care unit before a special hearing of the State Veterans' Affairs Committee, lead by State Senator Jeff Dehnam (R-Salinas). As a result of this and other lobbying efforts on the part of UAPD, a second informational hearing was held on July 31st in Yountville. Witnesses were able to further explain how having an on-site acute care unit is essential to providing high quality care to the 1,100 disabled and elderly veterans who reside at the Home.

In addition to the clinical and fi-

nancial issues raised by the proposed closure, there are procedural issues at play. It is not clear that the California Department of Veterans' Affairs can make such drastic cuts in veterans' care without putting the question before the Legislature. Although the CDVA has announced its intention to close the unit on August 1, the question has not been presented to the Legislature.

UAPD encourages citizens to contact their local state legislators to voice concerns about the closure of the unit.

Opened in 1884, the Yountville Veterans' Home is the largest state-run veterans' home in the country. It houses the nation's largest group of World War II veterans, many of whom require advanced medical care, as well as veterans of other wars, like Iraq and Afghanistan.

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UAPD

President's Message

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



Space Station UAPD

After watching the recent meteor shower, solar eclipse, and the replay of Apollo 11's lunar landing on television, my thoughts turned celestial. Astronauts from several countries work collaboratively aboard the International Space Station. How can we better model ourselves after these brave people? After all, we too are trained scientists, working on complex problems, under time pressure in harsh environments, under the command of multiple bureaucracies, and trying to improve humanity.

Back down on earth there is a recent case in point—the current toxic working environment in our State Mental Hospitals. Our members are overwhelmed with Court ordered paperwork, they don't appreciate being “supervised” by non MDs, and they don't like the mall recovery program or the intrusive and possibly illegal Mortality Review process.

After hours of discussion in the various modules, solution strategies are emerging from our multiple Command Centers. Demand a direct meeting with the Court Monitor to discuss workload. Demand additional pay for additional work. Develop our own statistical assessment and evaluation of care and safety in the hospitals. Regular teleconferences between our five hospitals. Legislative solutions. Legal Solutions. Some of these have already been initiated by the Command Centers—we've just gone to the press with the shocking news that the Court Monitor's medical license expired back in February.

This is just one of UAPD's special missions; other groups of doctors have the attention of staff and elected leaders as well. In the end, everyone benefits from the strides each group takes. It takes courage, communication and camaraderie from all of our members to keep UAPD spinning in space.



UAPD Legislative Advocacy

Sick of the budget cuts? Think the pain should be shared with big business as well as doctors and the patients we serve? Speak up! It is now easier than ever to communicate directly with leaders.

The next time the news from Sacramento makes your blood boil, visit www.uapd.com and click on the “Legislative Advocacy” link on the left side of the screen. There you will find links that make it easy to send messages directly to Governor Schwarzenegger as well as the State Senators and Assemblymembers. Soon there will be links for local and nationally-elected leaders there as well, making it possible to reach almost every level of decision-maker from the UAPD legislative page.

UAPD already has an aggressive political program, employing our own full-time lobbyist and drawing also on AFSCME and AFL-CIO resources to fight for the doctors we represent. Many of our members already donate to our successful Political Action Committee (PAC), which UAPD uses to fund candidates and causes. The UAPD Board of Directors has approved a plan to enlist more PAC contributors in the coming months. So why should an individual doctor take the time to write his or her representatives? Does anyone read those letters? Does it even work?

In short, yes. Studies show that letters from constituents, particularly those in which the writer uses specific examples from his or her own life and areas of expertise, do influence the decisions that elected officials make. Letters on paper are best, but e-mails and phone calls also work, and can be completed, start to finish, in just a few minutes. Be sure to identify yourself as a UAPD member, and to request a response from the official to whom you are writing. Feel free to forward a copy of your correspondence to UAPD, so our officers and staff members on the ground in Sacramento and DC can help amplify your voice, as well.

*UAPD has made
it easier to tell
Sacramento
what you think ...
RIGHT NOW!*

Educational resources for current and aspiring retirees

Three Myths About State and Local Government Pension Plans

By Paul Zorn and Keith Brainard. Excerpted from PLAN SPONSOR Magazine of November 2006. Full text available at www.AFSCME.org

Significant misinformation is circulating in recent media reports about state and local government pension plans. These reports claim that most public pension plans are in a state of financial crisis, that they lack oversight and standards and, therefore, that they should be replaced with defined contribution plans.

Myth 1: Public Pension Plans Are in Crisis

The claim that public pension plans are in crisis often is supported by references to a handful of poorly funded public plans and a statement that public plans' unfunded liabilities amount to hundreds of billions of dollars. In fact, pension plans covering the vast majority of public employees are in good financial shape. According to the Public Fund Survey, the average funded ratio for more than 100 of the nation's largest public plans was 87% in 2005, with two-thirds of the plans at least 80% funded. While a handful of plans do have funded ratios below 60%, the financial health of the plans covering the vast majority of public employees is sound.

Myth 2: Public Pension Plans Lack Oversight and Standards

Recent media reports suggest public plans are not subject to oversight, fiduciary requirements, or even accounting standards. In fact, all public plans are governed by federal and state laws that regulate how they are established and the level of benefits they can provide. Public plans also are governed by comprehensive accounting standards established by the Governmental Accounting Standards Board (GASB). These standards provide the framework for the annual financial audits most governments contract to independent accounting firms. Since credit rating agencies pay close attention to the auditor's report in assessing a government's credit quality, there is significant incentive to adhere to the GASB's standards.

While public plans are not subject to many of the provisions of the federal Employee Retirement Income Security Act of 1974 (ERISA), state fiduciary laws governing public plans often reflect ERISA's language. According to Protecting Retirees' Money, published by the National Council on Teacher Retirement, the fiduciary standards established by nine out of 10 states for their retirement plans are similar to ERISA's fiduciary standards.



Myth 3: Converting to a Defined Contribution Plan Will Save Money

Media reports also suggest that replacing public pension plans with defined contribution (DC) plans (similar to 401(k) plans) would reduce government costs and better meet workers' needs. While DC plans are useful for supplementing pension benefits and encouraging additional employee savings, replacing public pension plans with DC plans is unlikely to reduce government costs or better meet workers' needs.

First, many state and local governments have strong legal protections on pension benefits—often based in the state's constitution. Consequently, the current pension plan still would need to be maintained and funded for current employees. Any new DC plan would be established for newly hired employees at an additional cost to the government. Moreover, because the pension plan would be closed to new employees, stricter accounting standards would apply, effectively increasing the plan's annual contributions. Any arguable savings from conversion to a DC plan would likely take 10 to 15 years to realize.

Second, DC plans have not been particularly successful at providing adequate retirement benefits. Many DC plan participants do not contribute enough to sustain their benefits throughout retirement, and often take money out of the plan when they change jobs. They also tend to invest conservatively, earning low returns while paying high investment management fees. Finally, they often spend their assets too quickly in retirement. A 2004 Congressional Research Service study found that only half of older workers in 401(k) plans had accumulated enough to provide an annual benefit of at least \$5,000. By comparison, public pension plans paid an average annual benefit of about \$20,000 in 2005.

Third, to ensure they do not outlive their benefits, DC plan participants must contribute enough to pay benefits that will carry them into their 90s. However, because pension plans can pool these mortality risks, contributions need only fund benefits over the average life expectancy of the group (about age 85). Consequently, for the same level of benefit, contributions to a pension plan are significantly lower than to a DC plan.



The Honorable Edward G. Rendell
Governor of Pennsylvania
Harrisburg, PA 17120

Dear Governor Rendell:

During these difficult economic times, it is critical that we all do what we can to ease the financial burdens on the American public. The American Recovery and Reinvestment Act (Recovery Act) signed into law by President Obama was intended to do just that—create jobs, support state budgets, and ensure that American families continue to receive services to which they are entitled. Millions of Americans depend on their monthly Social Security Disability and Supplemental Security Income checks. These Americans in turn rely on the system that determines and processes eligibility for these vital programs.

As you know, the federally-funded State disability determination services (DDS) play a crucial role in determining benefit eligibility for federal disability programs. I am very concerned that some States are imposing hiring restrictions or furloughs on the DDSs. This is not only unsound but it also goes against the spirit of the Recovery Act which included funding explicitly intended to reduce the Social Security disability backlogs and assist Americans with disabilities in this difficult economic time.

I urge you, as the Chair of the National Governors Association, to convince the Governors to exempt the DDSs from any furloughs, hiring restrictions, or other budget cuts. While I understand that States must make difficult choices to balance their budgets, applying State-wide budget cuts to the DDSs would not help state budgets because DDS operations, as well as disability benefits, are fully funded by the Federal Government.

In fact, DDS cuts would negatively affect a State's economy by forcing the Federal Government to reduce funding to states for DDS administrative costs. Continuous employment of federally-funded DDS employees helps to reduce State unemployment, provides State tax revenues, and assures a steady cash stream into State economies.

More importantly, DDS cuts would delay monthly benefits and health care coverage to disabled Americans and their families. A speedy determination process has direct benefits for state budgets: the faster the DDS can approve claims for benefits, the sooner many people can move from State to Federal support and medical coverage.

Letter from the Vice President to Governor Rendell - Page 2 of 2

This year the Social Security Administration (SSA) expects to provide \$2 billion in Federal funding to States for the operation of the DDSs. In addition, it pays \$11 billion each month in disability benefits to over 12 million citizens across the nation. If every State nationwide furloughed its DDS employees, each furlough day would reduce Federal administrative funds paid to the States by about \$8 million, and delay over 15,000 disability decisions and \$4 million in benefit payments.

During a time when so many people are struggling, the Federal and State governments must work together to ensure we are doing what we can to help American families. I would appreciate your support on this issue as it benefits the millions of Americans we represent as well as State economies.

Sincerely,

Joseph R. Biden, Jr.

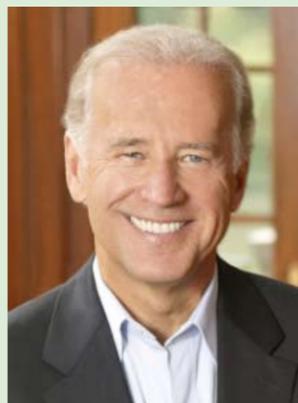
State of California Doctors

In June UAPD filed a lawsuit arguing that State employees in federally-funded positions should be exempt from furloughs. Now we are working with AFSCME to bring federal attention to the issue. VP Joseph Biden wrote this letter of support.

"I am very concerned that some States are imposing hiring restrictions or furloughs on the [disability determination services]."

"...applying State-wide budget cuts to the [disability determination services] would not help state budgets because these operations, as well as disability benefits, are fully funded by the Federal Government."

"...cuts would delay monthly benefits and health care coverage to disabled Americans and their families."



Vice President Joseph Biden



News is Mixed for State Employees

+ The State Department of Personnel Administration confirmed that State employees, including all those represented by UAPD, will receive their regular paychecks, not IOUs, throughout the summer months.

+ Contractors will receive IOUs instead of paychecks this summer. Banks stopped cashing the IOUs on July 10th.

+ CDCR physician contractors now earn half of what they earned in 2006.

- Governor Schwarzenegger issued another Executive Order, bringing the number of furlough days for all state employees to three.

- Despite the budget crisis, Governor Schwarzenegger refuses to sign legislation, passed by both the Senate and the Assembly, to tax corporations that drill for oil in California. California is the only government on earth that doesn't impose a tax on oil extraction.

- Schwarzenegger backtracked on his May agreement to seek bond funding for prison hospital construction.

+ In sixteen more months, we can all say "Hasta La Vista" to the Governor.

+ Talks continue between UAPD and the State. The next negotiation is scheduled for July 30th.

- No union has been able to reach an agreement with the State this year. The one group that reached a TA saw that agreement fail in the Legislature.

Los Angeles With Surveys In, Ready to Begin

Surveys, completed online and on paper by doctors from both of UAPD's Los Angeles County bargaining units, have poured in to UAPD offices over the last few weeks. The contracts covering the Physicians Unit (324) and the Psychiatrist and Dentist Unit (325) in Los Angeles County are set to expire on September 30th, 2009. Both units are now forming their Bargaining Teams and scheduling pre-meetings in advance of the first bargaining dates, which are expected to take place near summer's



County Doctors

end. UAPD members in either unit who need another copy of the survey to fill out can call the UAPD's LA office or e-mail us at uapd@uapd.com.

San Joaquin County Closer to Victory on Pension Issue

After recent meetings, San Joaquin County officials, county-employed UAPD-represented doctors, and the San Joaquin County Retirement Board moved closer to resolving a years-old battle over inclusion of the doctors in the County employee pension plan.

The doctors are the only San Joaquin County employees not included in the county defined benefit pension plan. In 2007 the County Pension Board agreed to add the doctors to the plan, but, in an unprecedented turn of affairs, the County Board of Supervisors sued the Pension Board and Union to prevent the change from taking place.

Inclusion in the retirement plan became a key bargaining issue in 2008. Unit doctors held their ground for many months before achieving an agreement with the County in October that included placing the doctors in the retirement plan starting in 2010.

Doctors were then dismayed to learn that that the County Retirement Board, who had originally voted to include doctors in the plan, were now refusing to allow entry in 2010. At issue, it

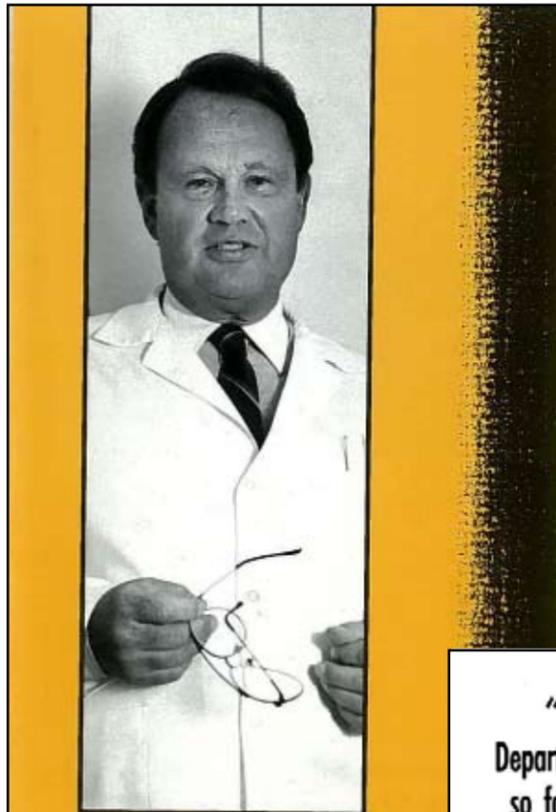
seems, was a disagreement between the Retirement Board and the County over when contributions for the employees would begin.

The negotiation talents of UAPD Senior Labor Representative Patricia Hernandez, the legal expertise of UAPD attorneys, and the determination of the County's doctors kept the issue alive. Fighting in court gave way to a mandatory settlement conference, in which the Retirement Board agreed to include the doctors in the pension plan upon court approval of the settlement the parties reached. Pending approval by the court, the County's Labor Committee, and the Board of Supervisors, doctors will be back on track for inclusion in the pension plan in 2010, as originally agreed to in their T.A..

There is no underestimating the value of a good public pension plan (see related story on page 7). And there is no underestimating the power of a group of workers, unified by a common cause, and led by experienced and skilled labor professionals like those employed by UAPD.

UAPD Kicks off Campaign To Increase Size of Private Practice Sector

Since its inception 37 years ago, the Union of American Physicians and Dentists has included private practice doctors. In fact, most of UAPD's original members worked exclusively in private practice. Over the years, successful organizing campaigns dramatically expanded the size of the Union's State-employed and County-employed bargaining units, but the commitment to Private Practice doctors remains. Over the next few months, UAPD will do a series of mailings to doctors in California to recruit new members to the Private Practice sector. Having more members in every sector gives the Union added strength, which benefits all the doctors we represent. Current Private Practice members can help by using the new materials to promote membership to other doctors they know. Keep an eye out for the first mailings in August. For now, here's a look back at one of our earlier, and highly successful, advertising campaign.



"The UAPD helped me win back \$56,000 from Medicare. And they're fighting for more."

Robert M. Melnikoff, MD
San Jose

"The UAPD's Practice Management Department helped me recover \$56,000 so far. The UAPD has been the single most useful organization in dealing with Medicare abuses in reimbursement. Physicians need a tough and effective representative in our corner these days. The UAPD usually wins its battles with bureaucrats."

Recruitment brochures mailed to doctors in the 1990s highlighted the services provided to Private Practice Members by UAPD. Those same services, including assistance with claims and fee recovery, are offered to private practice members today.



UAPD Private Practice Membership provides:

UNION POWER

UAPD is a labor union, the largest union for doctors in the US. We are proudly affiliated with AFSCME and the AFL-CIO. All physicians, dentists, and podiatrists are welcome to join UAPD.

CONTRACT REVIEW SERVICE

UAPD offers careful review of your contracts with hospitals, PPOs, and insurance companies.

RECOVERY ASSISTANCE

While not a collection agency, UAPD can help collect money owed to you by private insurance companies, PPOs, Medi-Cal and Medicare.

INDEPENDENT PHYSICIANS ASSOCIATION (UAPD-IPA)

Through our non-profit, doctor-run IPA, physicians can gain access to eleven PPO contracts and millions of patients for only \$160/year or \$360/lifetime.

LEGISLATIVE PROGRAM

UAPD'S full-time lobbying efforts in Sacramento and Washington D.C. have resulted in legislation that protects the interests of doctors and patients.

LITIGATION PROGRAM

UAPD files lawsuits and amicus briefs to support important medical causes.

DUE PROCESS PROGRAM

Having decades of experience, UAPD can provide expert advice and referrals for doctors with licenses at risk.



CE Class

Health Care Reform 2009: A Doctor's Guide to Understanding and Influencing State and Federal Legislation

October 2, 2009, 8 am – 12 pm
Hyatt Regency Embarcadero Hotel, San Francisco, CA

4 hours CE Credit Available

Joint-Sponsored by the University of California Irvine, School of Medicine and the Union of American Physicians and Dentists (UAPD).

Health care reform is a top legislative priority in 2009. The class will train doctors to play a greater role in shaping health care policy. Participants will distinguish between health care reform bills, analyze the bills, and evaluate the impact of each bill on their patients. Doctors will learn to apply their medical knowledge to the health policy debate, in forums that are likely to influence the direction of reform.

This Continuing Education class is intended for all Physicians, Podiatrists, and Dentists. There are no prerequisites.

Cost: Free for UAPD Members

The University of California, Irvine School of Medicine designates this educational activity for a maximum of 4 hours of AMA PRA Category 1 Credit(s). Physicians should only claim credit commensurate with the extent of their participation in the activity. Podiatrists will receive four hours of Continuing Education credit. Credit for Dentists is pending Dental Board of California approval; contact UAPD for more information.

Registration forms have been mailed to UAPD members, or call Claudia Modrall at 510-839-0193.

October 1-3 in San Francisco Register Today for the UAPD Triennial Convention & Leadership Weekend

Members of the Union of American Physicians and Dentists can register now for the UAPD Triennial Convention

and Leadership Weekend, which will take place October 1 – 3, 2009 in San Francisco. The Hyatt Regency Embarcadero, in the heart of downtown San Francisco, will be the host for the events.

It will be a weekend of several firsts for UAPD, including the first course from the new UAPD Continuing Education Program and the inauguration of the new Retirees Chapter.

The UAPD Continuing Education Program was developed to provide no-cost, fully-accredited CE courses as a benefit to our members. On the morning of Friday, October 2, UAPD President Stuart Bussey, M.D., J.D., will serve as chair of the first course, on the topic of Health Care Reform (see sidebar).

At Saturday's Triennial Convention, attendees will witness the birth of the new UAPD Retirees Chapter. UAPD looks forward to providing services to retired union doctors, and being able to use their strength and expertise in our political work, particularly as it concerns pensions and other retiree benefits.

For the first time, the County and the State General Membership Meetings will be held in conjunction with the Triennial Convention. Both the County and the State General Membership Meetings, as well special meetings for Private Practice and Retiree members, will take place on Friday afternoon. Scheduling the meetings over a single weekend will hopefully make it more convenient for doctors to attend.

Registration packets with more detailed information have already been mailed to UAPD members. If you didn't receive or misplaced your packet please contact Claudia Modrall at 510-839-0193 to request a replacement.

Event Schedule

Thursday, October 1, 12:30 p - 5:30 p
GOLF TOURNAMENT
Presidio Golf Course, San Francisco
\$125 fee. Lunch included. Space limited.

Friday, October 2, 8:00 a - 12:00 p
CE CLASS
Health Care Reform 2009: A Doctor's Guide to Understanding and Influencing State and Federal Legislation.

Friday, October 2, 12:00 p - 1:00 p
UAPD LUNCHEON

Friday, October 2, 1:00 p - 5:00 p
ANNUAL MEETINGS

Friday, October 2, 5:00 p - 7:00 p
RECEPTION

Saturday, October 3, 9:00 a - 4:00 p
TRIENNIAL CONVENTION
Includes continental breakfast & lunch.