

Union of American Physicians and Dentists
 UAPD, the largest post-graduate doctors' union in the United States, represents 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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UAPD news in brief

MOMENTUM BARGAINING FIRST CONTRACT: Momentum doctors, the newest members of UAPD, will start bargaining their first union contract on August 24th. UAPD Bargaining Committee Members are Dr. Susan Harris, Dr. David Kilgore, and Dr. Bruce Eliashof, as well as UAPD Representative Jeff Duritz and Senior Representative Patricia Hernandez, who will serve as Chief Negotiator. The Bargaining Team encourages all Momentum doctors to be active in the bargaining process, and to contact any Bargaining Team member to find out more about getting involved. Momentum for Mental Health consists of several non-profit clinics that provide mental health services for residents of Santa Clara County.

UPDATE YOUR EMAIL: UAPD updates members with union-related news via e-mail. But many members have not provided a valid e-mail address to UAPD. If you are not already receiving union e-mails, please send a message to uapd@uapd.com asking that your e-mail address be added to your account (please include your full name).

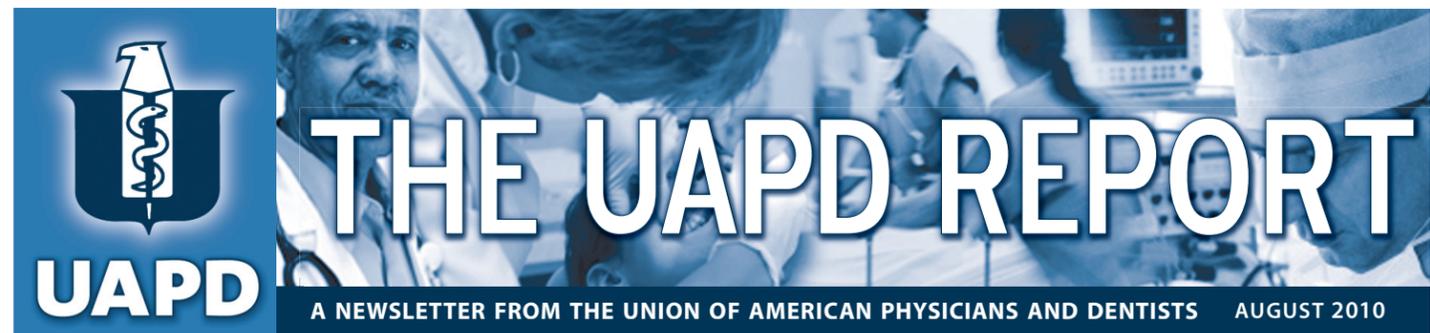
EMAIL UAPD: E-mail is also a great way to communicate with UAPD labor representatives and other staff. You can find a list of staff e-mails at www.uapd.com under the "Contact Us" link. When you e-mail UAPD, please include your full name and workplace in the text of your e-mail, which helps us route your message correctly.

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State Doctors Ratify Contract

State Bargaining Unit 16 members voted overwhelmingly in favor of the agreement reached between the UAPD Bargaining Team and the State of California on June 25th, after more than two years of bargaining. That agreement is now making its way through the State Legislature, which must approve all agreements reached with unions that employ state workers before they can go into effect.

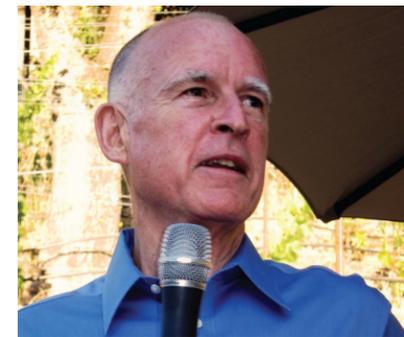
While some concessions were made as part of the new deal, the agreement made improvements in areas like CME and holidays, and goes a long way towards protecting core contractual items like salary and health benefits. For example, the 5% additional pension contribution will be offset by a 5% increase to the top salary step in the final year of the agreement. The agreement also contains a large number of non-economic gains and resolves a host of problems doctors have faced in their dealings with the State.

This agreement also ensures that UAPD B.U. 16 doctors will continue to be paid their full salaries even in the event of a budget impasse, an important guarantee for many of our members. Schwarzenegger has been working to reduce to minimum wage the salaries of State workers represented by unions that have not reached agreements this

summer, including SEIU. The Governor recently exempted UAPD doctors from his Executive Order to restart monthly furloughs, also as a result of this Agreement.

The nearly unanimous ratification vote demonstrated that members agreed with the Bargaining Team's analysis.

Over the previous two years, UAPD has taken a very patient approach to bargaining with the State; the intention was to push for the best deal rather than the earliest settlement. This summer, however, circumstances changed and it became clear that our group faced significant risks by going without a contract. The Governor expressed his intent to impose wage cuts, and there was an additional threat that he would declare impasse and implement other language detrimental to our bargaining unit. State Legislators, including those on the Democratic side, conveyed a clear message to all unions that they were prepared to pass legislation to set state-employee wages, benefits, and working conditions--without our input or agreement--if we failed to settle a contract soon. And some voters were calling for "pension reform" far more severe than the adjustments (for future hires only) contained in this TA. Once other bargaining units began reaching agreements with the State, the UAPD



UAPD Doctors Meet Jerry Brown

State Attorney General and Democratic gubernatorial candidate Jerry Brown addressed a group that included many UAPD doctors at a special fundraiser on July 24, 2010. In addition to those in attendance, many more UAPD doctors from across the state opted to support Brown's run for governor by sending in checks to support his campaign.

Continued on p. 5

INSIDE:

| | |
|------------------------------|---|
| PRESIDENT'S MESSAGE | 2 |
| LEGAL UPDATE | 2 |
| BROWN VS. WHITMAN | 3 |
| UC-CDCR EDITORIAL | 4 |
| ACMC EXTENSION | 5 |
| AFSCME CONVENTION | 7 |
| MOMENTUM IN BARGAINING | 8 |

Continued on p. 5

UAPD

President's Message

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



Fall is Statewide Meeting Time

I would like to encourage you to attend this year's UAPD Statewide Membership Meeting Weekend, which will take place October 22 – 23, 2010 in San Diego. Some highlights of the weekend are:

Free CME: On Friday morning, the UAPD Continuing Education Program continues with a special four (4) credit CE/CME entitled "Doctor-Patient Communication & Privacy: New Laws and Technologies." In this class UAPD doctors and other experts will provide an analysis of Electronic Health Records, Telemedicine, and other technologies that may change the way we communicate with and about our patients.

Statewide Membership Meetings: On Saturday morning, members can attend one of five statewide membership meetings. For the first time, we will be holding a separate membership meeting for California State University (CSU) doctors. In addition, there will be membership meetings for State-employed, County-employed, Private Practice/IPA, and Retired doctors. Agendas for the meetings will be developed over the coming weeks.

Steward Training: Senior Labor Representative Patricia Hernandez, J.D., will train state stewards and county leaders in grievance handling, dispute resolution, and contract enforcement. The training, which is open to all interested members, will serve as an introduction for new stewards and a refresher course for experienced ones.

Registration forms have already been sent to all UAPD members. Those of you who attended last years meetings know how useful and entertaining they were, and this year promises more of the same. I hope to see many of you there!



Legal Update

UAPD's case against Arnold Schwarzenegger and the State of California regarding last year's furloughs is still in motion. In May, the State Supreme Court agreed to Governor Arnold Schwarzenegger's request to review a Superior Court judge's decision; the Superior Court judge had ruled that furloughing State workers paid from sources other than the state fund was illegal. UAPD attorneys recently finished appellate briefs and now await the start of oral arguments. At stake now is the issue of back-pay, as unions including UAPD are fighting to have state employees reimbursed for the money lost to furloughs last year. UAPD doctors were exempted from the more recent furlough order made by Schwarzenegger last month, which targeted only those bargaining units that have not yet settled a contract with the State of California; UAPD BU 16 ratified its Agreement with the State in July.



Legislative Advocacy

After UAPD members in State Bargaining Unit 16 overwhelmingly ratified their new agreement on July 22nd, UAPD staff and leaders, as well as AFSCME lobbyists, intensified their work to ensure passage of UAPD's Memorandum of Understanding (MOU) bill through the Legislature.

In late July, Assembly Member Joan Buchanan authored AB 1592, which contained the agreement for UAPD physicians, podiatrists and dentists, as well as the agreements reached by two other unions. On August 3rd, AB 1592 passed out of the Senate Public Employees, Retirement and Social Security (PERS) Committee with strong bi-partisan support. UAPD and AFSCME legislative staff continue to work closely with key leaders to increase the likelihood that the legislation will be approved shortly by the Senate; UAPD anticipates the bill coming to a full vote in the Senate in the coming weeks. Assuming passage by the Senate, AB 1592 would then revert back to the Assembly for concurrence, prior to moving on to the Governor for his signature, perhaps as early as late August.



Lee Saunders being sworn in as AFSCME Secretary-Treasurer at the 2010 AFSCME Annual Convention

39th Annual AFSCME Convention in Boston

UAPD sent a full contingent of delegates to Boston to take part in the 2010 AFSCME Annual Convention in late June. While there, the UAPD delegates helped elect Lee Saunders to the Secretary-Treasurer position within AFSCME. Working as President Gerald McEntee's top aide prior to this election, Saunders oversaw the union's legislative, political, retiree and public affairs activities. He managed what is acknowledged to be the most effective political and legislative operation in the history of the American labor movement. UAPD predicts more of these types of successes from Mr. Saunders in the future.

UAPD delegates also proposed a resolution calling for AFSCME to take a stand against the inappropriate use of telemedicine in prisons and other public institutions, which was unanimously adopted by the 4600 delegates present at the convention (see full text at right).

Unanimously adopted on June 29, 2010 by AFSCME Convention Delegates

Resolution: "People Over Machines-- Lock Up the Doc in the Box"

Whereas, all patients, including inmates, have the right to a personal, consistent and hands-on doctor-patient relationship...

And whereas, telemedicine has a useful, but adjunctive and limited role in the delivery of quality health care in prisons...

And whereas, numerous companies are selling their telemedicine technologies to state and local governments as a means to save money by downsizing the prison healthcare and ancillary workforce...

And whereas, significant layoffs have already occurred in the state prison system as a result of telemedicine's expansion from specialty care into primary care...

And whereas, any purported money savings will be offset by decreased quality of care and increased lawsuits...

Therefore, Be It Resolved, that AFSCME, its councils and affiliates take a strong public position against the inappropriate use of telemedicine in prisons and other public institutions...

And Further, Be It Resolved, that AFSCME, its councils and affiliates will support research into the appropriate uses of telemedicine in prisons and other public institutions.

Submitted by the Union of American Physicians and Dentists, AFSCME Local 206, California: Stuart Bussey, President and Delegate; Ronald Bortman, Vice President and Delegate; Al Groh, Executive Director and Delegate.



UAPD Delegates to the 39th Annual AFSCME Convention in Boston join other AFSCME members at a demonstration to stop library cuts. Pictured (from left): Dr. Carol Smith, Dr. Hoe Poh, Al Groh, Gary Robinson, Dr. Stuart Bussey, Dr. Ronald Bortman. Also in attendance was Dr. Alice Singleton.

Reprinted from *California Progress Report*

The Mission of a University is Not Running Prison Health

By Dr. Richard Pan | 07/07/10

When the Governor announced in January that California should not be spending more on prisons than on its state universities, most people thought he wanted to renew the state's commitment to higher education. We did not imagine that the Governor was proposing shifting the \$2 billion per year prison health care system to the University of California (UC). While this kind of budgetary shell game raises significant issues regarding fiscal accountability, the proposal's potential negative impact on the University of California is being taken seriously by the UC Regents who are "committed to looking at this in a very thorough way," according to Regent Sherry Lansing. Thankfully, the Regents are not rushing in at the whim of the Governor.

As a physician on the UC faculty, I recognize the three central missions of the university are education, research, and service. UC academic health centers provide the clinical setting for teaching physicians and many other health care professionals in our state. Prisoners are a unique population that has different health issues from people in the general population. Prisoners are more dangerous or litigious which may teach health care trainees to be fearful of their patients. Care management is also different since prisoners have little free choice. While some exposure to prison health is educational, the education of our health care professionals should be based on our community needs.

Clinical research – the second prong in UC's mission - is stimulated by observations of patients who have to give informed consent to participate in research that advances our knowledge of their condition. As involuntary wards of the state, there are significant legal and ethical challenges that accompany involving prisoners in clinical research. Thus, increasing the involvement of UC faculty in the care of prisoners may detract from both education and research.

In testimony before the UC Regents, UC was urged to take over prison health care as part of its service mission. Currently, UC faculty, staff, and students provide service by providing care to the poor and indigent in communities surrounding UC medical centers and providing highly specialized care. Because the demand for care has and will continue to grow, many UC clinics already have long waiting times for appointments and are at overcapacity. Adding prisoners to UC health facilities will displace other underserved pa-

tients. Taking over the prison health system will detract from UC's service mission to the community.

A university is an institution of higher learning, and UC provides health care as part of its university mission to teach future health care professionals to provide quality health care to the residents of California. Because of the intertwined missions of education, research, and service, health care provided by academic health centers, such as the UC medical centers, is more expensive than at community facilities.

Yet, a private company, NuPhysicia, is promising to reduce prison health care costs by selling telemedicine equipment to the state and having UC physicians deliver care to prisoners via telemedicine. Telemedicine increases access to specialty care in remote locations, but it has limitations and does not reduce the cost of care itself. For many clinical encounters, telemedicine requires two highly trained professionals: a physician with another physician, nurse practitioner or physician's assistant to be effective, compared with the cost of having a single physician on-site. Delivery of primary care and mental health services via telemedicine is particularly problematic given the importance of developing rapport with the patient to provide appropriate care. UC physicians can assist state prison health professionals by providing specialty consultation and providing expertise in the evaluation of prison health care. As UC Regent Sherry Lansing expressed, this proposal would be a "momentous" move. UC should not end up subsidizing the prison health system if the promised savings do not appear and the cost of care is higher than what the state budgeted, as is the case in Texas where the University of Texas Medical Branch is engaged in a similar contract with NuPhysicia.

In the final analysis, the job of the UC Regents, President, and Chancellors is keeping UC among the top universities in the world, and the UC faculty, staff, and students should serve the residents of California and not just the state government. California should not hide the health care costs of its prisons in the UC budget. Running prison health care is the responsibility of the state.

Richard Pan, MD, MPH is Associate Professor of Clinical Pediatrics at the University of California, Davis. A UAPD member, Dr. Pan is running for the State Assembly in the 5th District (Sacramento area, including Folsom and Roseville).

Alameda County Medical Center ACMC Docs Opt for Contract Extension

On June 30, 2010, the UAPD Negotiating Committee for Alameda County Medical Center (ACMC) signed a tentative agreement to extend the current physician contract for one year. The Agreement was ratified by ACMC union members on July 16. The one year extension will maintain all benefits at current levels and leave all other contract language unchanged.

Although the extension contained no cost of living adjustment, the UAPD committee concluded that opening the contract this year would have exposed members to management's cost-cutting proposals, which would have had a detrimental effect on patient coverage and workloads.

The UAPD Bargaining Team expects the Medical Center's finances to improve over the next year, putting them in a better position to fairly address UAPD's proposals during the next



Dr. Milton Lorig, UAPD Negotiating Team Member at Alameda County Medical Center and UAPD Board Member.

round of bargaining in 2011.

The UAPD Negotiating Committee at the Alameda County Medical Center consisted of Jackie Bolds, M.D., Jacob Eapen, M.D., Bruce Fitzgerald, M.D., Milton Lorig, M.D., and Senior Labor Representative Patricia Hernandez.



San Mateo County In Negotiations

UAPD-represented doctors in San Mateo are gearing up for what will likely be a challenging round of bargaining, with the next meetings taking place in late August. While San Mateo County has announced its intention to make cuts in all county bargaining units, including SEIU and AFSCME in addition to UAPD, county representatives have not yet articulated its specific proposals to UAPD. Members will be updated as more details become known.

Continued from p. 1

State B.U. 16 Ratifies Agreement

Bargaining Team understood there was a small window of opportunity to reach an acceptable agreement before a lot of the gains we were poised to make would be taken off the table. The strong, nearly unanimous ratification vote demonstrated that members agreed with the Bargaining Team's analysis.

Before it can take effect, every Tentative Agreement (TA) reached between the California Department of Personnel Administration (DPA) and a union which employs state workers must be approved by the California State Legislature. The UAPD MOU bill is proceeding swiftly through the legislature and may reach the Governor's desk by late August (see page 2). Members can rest assured that UAPD is working diligent-

ly at all levels to ensure that the contract ratified by state physicians, podiatrists and dentists goes into effect. Members will be updated as more information becomes known.



Continued from p. 1

Brown Speaks

Union members are key supporters of Brown's campaign, which is not surprising given Brown's support of working people during his career. In his previous term as governor, Jerry Brown was responsible for several key bills that significantly improved conditions for public sector workers, including the Dills Act which made the unionization of State workers possible. As governor, he also signed the first Memorandum of Understanding with UAPD Bargaining Unit 16, which represents State doctors. Brown's opponent, Meg Whitman, has stated her intention to cut 40,000 state workers, presumably by using some of the same techniques (layoffs, outsourcing) that she implemented while serving as the head of eBay.

UAPD Pursues Higher Pensions for Retired DSS Doctors

With the help of the Union of American Physicians and Dentists (UAPD), a retired

retiree members who 2) complete and return a claim form designed by UAPD attorneys.

member who had worked for the State's Department of Social Services (DSS) filed a claim with CalPERS seeking to have a higher pension payment based on the bonuses he received while working for DSS.

UAPD attorneys sought to pursue this issue on behalf of all DSS physician retirees, and while CalPERS staff originally agreed to this group treatment, a CalPERS attorney later said she would not allow it, but instead each affected physician would have to sign a claim in order to be considered for a pension increase.

UAPD attorneys will continue to pursue this claim on behalf of 1) UAPD

Doctors who retired from the State's Department of Social Services may be entitled to an increase in their pension.

UAPD has reached out to all retired DSS doctors, including those who are no longer members of the union, to invite them to renew their UAPD membership and become part of the claim. To become a retiree member of the union, a doctor must sign and return the special retiree membership application. The application authorizes the union to deduct the \$6/month retiree dues from the member's CalPERS payment.

At the same time that they return their membership application, DSS doctors have been asked to send back a completed claim form. UAPD will



forward all claims to CalPERS, and will pay the legal expenses for its attorneys to present evidence at a hearing that covers all such claims. UAPD will provide regular updates about the progress of the case.

Of course, DSS doctors can instead elect to represent themselves on this issue or hire another attorney at their own expense to represent them. But it makes more sense for all retirees to become members of UAPD, and pursue this and other issues with the power of that group behind them.

October's Free CME of Special Interest to Private Practice Doctors

On Friday October 22, 2010, one day before the Statewide Annual Meetings in San Diego, the Union will hold the next offering in the *UAPD Continuing Medical Education Program*. Entitled "Doctor-Patient Communication and Privacy: New Laws and Technologies," the course is free for UAPD members. Four CE/CME credits are available to physicians, dentists, and podiatrists who attend.

The quality of physician-patient communication is a critical factor in treatment outcomes and patient satisfaction with care. "Doctor-Patient Communication and Privacy: New Laws and Technology" will examine how two new technologies, telemedicine

and electronic health records, have the potential to transform the way medicine is practiced, for better or for worse. While some say both are advances that will benefit practitioners and patients, others argue that the two technologies are being promoted by vendors and managers, but don't always correspond to the actual needs of clinicians in the public sector and private practice. The purpose of the class is to provide doctors, attorneys, and other experts to look impartially at both telemedicine and EHR, as well the laws surrounding them. Participants will leave with a framework to evaluate these technologies, decide on their applicable uses, and hopefully avoid the problems they

might introduce. Like Saturday's statewide membership meetings, the Friday CME class will take place at the Manchester Hyatt in San Diego. Registration forms have already been mailed to members; if you need another copy contact the UAPD Oakland Office at 510-839-0193.



ON LAYOFFS...

BLITZER: He (Schwarzenegger) says -- you know, last week, he said he would like to lay off 5,000 of those state employees. How many would you like to see laid off?

WHITMAN: Well, I know, from my experience, that almost any organization, you can lay off 10 percent of the bureaucracy, and actually -- maybe it's easier, actually, with fewer people, and it will not be a hardship on the state. And, so, that would say that you want to lay off between 30,000 and 40,000 people...

BLITZER: Creating jobs, but you -- but I just want to reiterate, you are saying you would eliminate 30,000 or 40,000 state jobs?

WHITMAN: Yes.

May 18, 2009
The Situation Room

ON UNIONS...

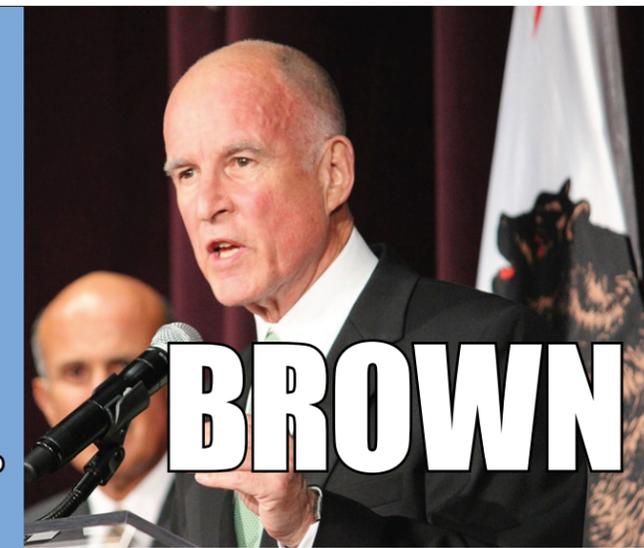
"Right now, eligible state workers automatically receive annual pay raises unless their manager has chronicled a strong case for why their work has been inferior. Meg believes the standard should be reversed, with state workers having to show that their work has been worthy of an increase in pay. She will pursue an overhaul of the state's civil service laws to adopt this change."

From "Meg Whitman's Policy Agenda"

ON PENSIONS...

"Meg is proposing...a more flexible 401(k)-style defined contribution plan for new hires."

From "Meg Whitman's Policy Agenda"



VS.

VS.

VS.

VS.

"She talks about waste and abuse...She paid herself \$120 million, and then eBay had to lay off 10% of its workforce. Now, is that waste and abuse? Is that what you want?"

Speaking to Reporters
June 9, 2010

As quoted in the Los Angeles Times

Established the right to collectively bargain for all California state workers (SB 160, Dills Act, 1975). Expanded the right to collectively bargain for firefighters, police, teachers, and other local government workers. Negotiated first UAPD Contract for state workers.

"Losses in PERS were caused primarily by the melt down on Wall Street...For 70 years our public pension system worked well. Reforms are needed now to return California to a fair but affordable pension system."

Brown Pension Reform Plan