

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

NO STATE OF CALIFORNIA BARGAINING SCHEDULED IN NOVEMBER: Despite not having reached agreement with UAPD, no one from the State of California's Department of Personnel Administration (DPA) has approached UAPD with dates for future bargaining sessions. UAPD has not requested to return to the table with the State, in light of the fact that the State presented only takeaways at the last bargaining session and tried to rescind agreements already reached. UAPD representatives did meet with the new DPA Director Debbie Endsley, who replaced Dave Gilb in the position. All unions representing State of California employees have reached a similar point in their dealings with the State; not one union settled a contract with the State of California in 2009.

DR. ROBERT WEINMANN RECEIVES AWARD: Former UAPD President Dr. Robert Weinmann was the recipient of the 2009 Sanford A. Marcus award at October's Triennial Convention. Executive Director Al Groh and UAPD President Dr. Stuart Bussey presented the award to Dr. Weinmann in honor of his many years of service to UAPD. Dr. Weinmann continues to be an active union leader. In addition to serving as IPA President and lobbying in favor of bills that protect doctors, Dr. Weinmann is a prolific writer and frequent press source; samples of his work can be found on his blog, <http://politicsofhealthcare.blogspot.com>.

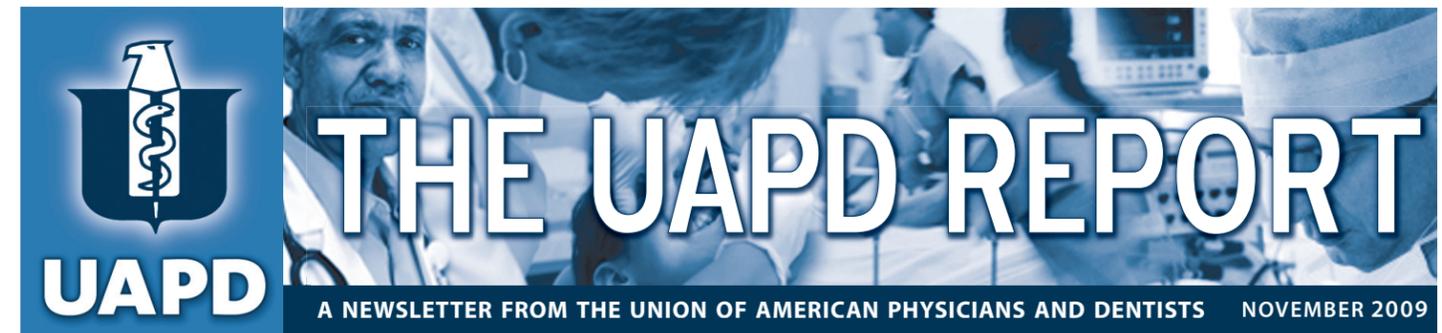


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Members Shine at Triennial Convention

Delegates pass several resolutions and bylaws changes, including one to allow the Board to reduce member dues



More than 150 doctors--a record turnout--came together at the San Francisco Hyatt Regency for the UAPD Triennial Convention and Leadership Weekend. Highlights included a press conference led by UAPD President Dr. Stuart Bussey and Lieutenant Governor John Garamendi, speeches by both Mayor Gavin Newsom and Senator Mark Leno, and a careful look at Health Care Reform during UAPD's first complementary CME course for union members.

Of all the events taking place during the weekend, none was more important than Saturday's vote on the proposed bylaw changes and member resolutions. After much thoughtful discussion, the Triennial delegates voted in favor of the three bylaws changes. They are:

- 1) The Board of Directors was given the power to temporarily reduce dues. The UAPD Board voted to reduce dues to .90% of salary for all UAPD members paying at the .95% rate.
- 2) Retirees not paying active member dues can no longer hold UAPD Executive Committee positions; however, retirees who continue to pay active member dues can.
- 3) To prevent conflicts of interest, no member employed as a manager or confidential employee can serve as an officer of the UAPD Executive Committee.

The Triennial delegates also voted in favor of three resolutions:

- 1) Against contractors doing bargaining unit work. UAPD firmly opposes the contracting out of our positions, and resolved to always fight so that any work available be offered to

employed doctors.

2) In favor, along with AFSCME, of a public option in health care, one that includes the rights of collective bargaining for the doctors tasked with carrying it out.

3) Gave the Board the power to start negotiating with AFLAC to get pricing and terms on a long-term disability policy that would be offered to UAPD members.

This issue of the *UAPD Report* covers more of the weekend's events, including a two page photo gallery featuring our union's doctors in action. A special thank you is owed to all those members who took the time to attend the Triennial, and who lent their energy and good ideas to the building of our union. To continue that momentum, more CME courses and a special training for new and returning stewards are planned for the near future. Details will be coming out soon.

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UAPD President's Message

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



A Second Opinion

We know it has become increasingly difficult to navigate the political waters of medicine without bumping into a rock or two. A jealous manager or nurse, or even a colleague, can level the "D" word at you. The label "disruptive" can elicit a cascade of aggravation, recrimination and fear in a doctor. It can also threaten your career.

Over the years our UAPD staff and stewards have done an outstanding job in allaying these fears and mending fences. But because of the high stakes involved, sometimes a second opinion is in order. Beginning a year ago our Executive Board began discussing the idea of subsidizing some form of legal assistance for our members, especially for those doctors who need help in deciding whether to fight or settle a disciplinary action. This decision could hinge on an obscure interpretation of a law or practice. Prior to the recent UAPD Triennial meeting the Board passed a resolution to create a legal consultation fund for UAPD members.

Here's how it will work. The fund can be applied to any current UAPD member who receives a formal written notice involving suspension, termination or limitation of medical staff privileges, or who faces any Medical Board action. The etiology of these actions must have begun while the doctor was an active UAPD member. If approved by a three person screening panel, our Union will provide up to \$500 in legal fees per case per year. The panel of attorneys available for these consults will be determined by UAPD. In creating this fund UAPD is responding to requests by our members. We will modify this program over time to meet the needs of our members. If you would like to see a copy of the resolution, check out the UAPD website or call the Oakland office.



Legislative Advocacy

At a packed press conference in San Francisco on October 2, more than 50 UAPD doctors joined Lieutenant Governor John Garamendi onstage to announce the results of an internal survey showing that union doctors overwhelmingly support offering a public option as part of health care reform.

In releasing the survey results, UAPD called on Congress to stand up to the insurance industry and include a robust public option in national health care reform legislation. UAPD President Dr. Stuart Bussey presented Garamendi, a long-time health care advocate, with a "prescription for health care reform," to carry with him to Washington after his victory in November's special election. Garamendi won the 10th District seat that was vacated when Democratic U.S. Rep. Ellen Tauscher joined the Obama administration.

The symbolism of the moment was not lost on San Francisco family practitioner and UAPD Executive Secretary Dr. Deborah Brown. "The model for a strong, efficient, sustainably financed public option exists right here in San Francisco," said Brown. "The City's public health plan [Healthy San Francisco] is not only more efficient than private health plans, but it better serves the needs of patients."

The event was covered by local news stations and several California newspapers, and featured in the Huffington Post.



Legal Update

UAPD has on file the following pieces of affirmative litigation (legal actions to enforce the rights of the members and union):

- (1) Atascadero Contracting-Out: UAPD filed a complaint with the State Personnel Board (SPB), which the SPB referred to an evidentiary hearing before an Administrative Law Judge (ALJ). UAPD awaits a decision on the post-hearing brief filed



Dr. Joyce Sutton

New Retiree Chapter Formed

One highlight of the 2009 Triennial Convention was the chartering of the new UAPD Retiree Chapter. On the day before the convention, a group of retired doctors met to elect officers and adopt a constitution for the new union. They also heard from Steve Regenrief of the AFSCME Retired Members Department, who described the national retiree program and the successes of local chapters.

The new officers are: Dr. Joyce Sutton, President; Dr. Steve Hague, Vice President; Gary Robinson, Treasurer; Dr. Jean Howard, Secretary

On the day of the convention, UAPD President Dr. Stuart Bussey asked the first set of officers to sign the charter marking the birth of the new Retiree Chapter.

The chapter has already begun its work, identifying the protection of State pension plans as one of its first goals. There are also plans to educate retired members about their pensions and other matters, and to recruit more retired members into the new union.



An excerpt from the State of the Union Address given by Dr. Stuart Bussey, UAPD President, at the Triennial Convention

The Year in Review

The organizing possibilities for our Private Practice Sector are increasing with health care reform on the way. As I mentioned earlier private physicians need to push the system, not pull it. During the 2008 AFSCME International Convention in San Francisco the 5000 union leaders present unanimously passed UAPD's resolution to level the playing field for doctors and insurance companies. Specifically AFSCME is committed to support state and federal legislation to create collective bargaining for independent, non-employed physicians. They've also committed to legislation to modify the 1947 McCarran Ferguson Act, which gives advantageous anti-trust exemptions to insurers. These companies don't deserve any more bargaining advantages than they already have. The entire profession of medicine needs to carry this message to the government and insurance companies—let experienced and working doctors help make decisions regarding medical necessity, coverage and reimbursement. We should be driving the system.

Private doctors are reaching out to promote collective bargaining. I presented such a proposal to the Senate Finance Committee and to the House of Delegates of the American Academy of Family Physicians. I ask all of you in other specialties to consider the same strategy. We need

broad based political activism.

UAPD's staff and reps provide terrific services to our private members. We regularly help our doctors collect delinquent reimbursements from payors and review HMO/PPO contracts with our members. We have an excellent audit defense service. We are creating a new group long term disability plan. We have a successful IPA, led by Superdoc Dr. Bob Weimann, with many contracts covering millions of lives in California. Some of our doctors are making six figure

incomes from these contracts. We sponsor and support legislation in California designed to improve the professional lives of private doctors. I would like to thank our UAPD lobbyist Doug Chiappetta and AFSCME lobbyist Willie Pelote for all their hard work. This year UAPD sponsored AB 933 which would require workers' compensation utilization reviews to be done by California licensed doctors. The Legislature passed our AB 245 which requires that the Medical Board remove expunged felonies and misdemeanors from its public website. We supported SB 920 which provides sweeping peer review reform in private hospitals. Sham review and the concept of the "disruptive" physician should be of concern to all of us in the increasing political atmosphere of the private hospital. And the UAPD Legal Consultation service that we are starting should help all private members.





Los Angeles County

BU 324 and BU 325 Settle Contracts

UAPD members in Los Angeles County Bargaining Unit 324 (Physicians) and 325 (Dentists and Psychiatrists) have ratified tentative agreements reached by their respective bargaining teams. The UAPD Bargaining Teams unanimously recommended ratification of each of the two-year agreements, which improve benefits and protect doctors from furloughs and salary cuts during 2010 and 2011.

Although the County is in difficult financial times with diminishing tax revenue from the local economy and funding cuts from the State of California, both UAPD teams fought not to lose ground at the table and to keep services flowing to the greater L.A. community. The County compensated doctors in the form of benefit enhancements rather than agreeing to additional wage increases – a compromise that was acceptable to the UAPD Bargaining Teams as the salary step increases already negotiated in the previous round of bargaining would remain in effect for 2010 and 2011.

The agreement maintains all provisions – including paid holidays, sick days and vacation days – of the previous contract and funds health care inflation for most medical and dental plans in 2010, as well as providing significant increases for 2011.

Additional improvements in the Physicians contract include:

- New language that grants physicians ten days for approved CME;
- New work schedule language that makes management responsible to arrange duty coverage for approved time off;
- New language emphasizing equitable distribution of overtime;
- New enhanced job security protection language pertaining to contracting out.

Improvements in the contract for

Dentists and Psychiatrists include:

- New CME language that places UAPD members on the Department of Mental Health (DMH) Continuing Education Committee to discuss in-service training provided by the DMH.
- New Health and Safety Language that requires the Sheriff's Department to maintain emergency alarm systems, including personal alarms and panic buttons, in accordance with Department and State standards.
- Change in Paycheck Errors language which mandates that management notify an affected employee of an overpayment on the employee's paycheck prior to making any deduction to recover the overpayment.

Both agreements will go into effect

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Litigation Report

last month with the the ALJ.

(2) Furloughs of State Employees: UAPD filed two charges with the Public Employee Relations Board (PERB) regarding furloughs, which are still pending. PERB staff required that UAPD refile last month to include more evidence in the charge. UAPD also filed a lawsuit in Alameda Superior Court for doctors paid with special funds and federal funds. UAPD filed our opening brief in October and the state responded in early November. A hearing on the merits of the suit is scheduled for November 16.

(3) Yountville Veterans Home Unit Closure: UAPD filed a lawsuit, PERB charge and SPB complaint. Lawyers are taking discovery in the lawsuit. PERB staff asked UAPD to refile the charge with more evidence, which was done. The SPB complaint was consolidated with a later-filed one by SEIU. The briefing was completed; the hope is that



upon approval by the County Board of Supervisors. The contracts were negotiated by UAPD Chief Negotiators Lux Irvin (324) and Steve Case (325) under the direction of UAPD Regional Administrator John Murillo

the SPB will order an evidentiary hearing at least.

(4) San Joaquin County Pensions: UAPD filed a class action on behalf of doctors there to get them into the retirement system from which the County had excluded them. This past month the County and Retirement Board approved the settlement we reached earlier with the County which puts the doctors into the system, and resolves PERB charges we filed over County's making unilateral changes and bypassing UAPD to negotiate directly with members. The settlement was sent to all class members and now must be approved by the Court.

(5) CalPERS - Inclusion of DSS Bonuses in Pension: Appeal pending before CALPERS over its staff refusing to include bonus money in "compensation" used to determine pension amount. UAPD awaits the ALJ setting a hearing date.

Columbus Day Grievance Filed

Unless clearly illegal or unsafe, one should comply with a management directive. But if you feel that directive violates our contract, you can contact your union representative and file a grievance," wrote UAPD President Stuart A. Bussey in a letter to State doctors last month.

Nearly 300 doctors responded to Dr. Bussey's call to action by signing the class-action grievance filed by UAPD over the State's elimination of the Columbus Day holiday. The grievance seeks a restoration of the Columbus Day holiday and money to compensate for its loss last month. While the collective grievance covers all Bargaining Unit 16 members, the additional doctor signatures give the grievance added weight.

While the expired UAPD contract provided for a holiday on Columbus Day, last year the State Legislature amended the Government Code to eliminate Columbus Day and Lincoln's Birthday as holidays for all state workers. Whether the holiday language in an expired contract supersedes Government Code, or vice versa, is the crux of the grievance, as well as a legal dispute that is making its way through the courts.

UAPD advised members to "obey now, grieve later" if scheduled to work on Columbus Day. This contrasted with advice given to SEIU 1000 members, who received an email advising them not to work on Columbus Day. The State threatened to discipline employees who did not report to work, and almost all SEIU members worked that day, according to reports.

Nearly 300 doctors signed the class-action grievance.

CSU Workers, Students, Organize to Save System

State universities have been hard-hit by the current budget crisis, but campus unions like UAPD are standing side by side with student organizations to put up a fight. UAPD doctors have joined with other CSU workers and students to organize support for AB 656, "The California Higher Education Fund," authored by Assembly Member Alberto Torrico. AB 656 would impose a fee on oil companies that extract oil from California land and use that money to fund higher education. California is the only major oil-producing state that does not levy an extraction tax. The goal of the coalition is to convince 100,000 students, parents, alumni, staff, administrators, community and business leaders to sign a petition in support AB 656 (see www.uapd.com for petition link).

Putting their business connections before the good of the system they govern, the CSU Board of Trustees refuses to support the bill, which they consider a tax on business.

Despite agreeing to accept furloughs, California State University (CSU) workers are being threatened with possibility of layoffs because of lack of funds. At this time, no doctors in the UAPD Bargaining Unit have been identified for layoff, but the union has been put on notice by CSU administrators. If passed, AB 656 would begin sending much needed money to the CSU, UC, and community college systems in January 2010.

Board Prohibits Court Monitor from Treating Patients at DMH

In July UAPD filed a complaint with the Medical Board of California calling for an investigation of Mohamed El-Sabaawi, the Court appointed monitor at the Department of Mental Health (DMH). According to the Medical Board's own records, El-Sabaawi's California medical license expired on February 28, 2009. UAPD was concerned that El-Sabaawi could be practicing medicine without a license at the DMH.

The Medical Board has declined to take further action in this case because, as it states in a letter to UAPD, "...neither the Consent Judgment nor the Court directed that the Court Monitor engage in the practice of medicine or that he/she holds a California medical license." The Board clarified that "Mr." El-Sabaawi is prohibited from performing "diagnosis, treatment, or medical care of any persons in the state hospitals."

Though halting their investigation

