

Ex-Lawmaker Is the Key In Medical-Board Battle

By MITCHEL BENSON

Staff Reporter of THE WALL STREET JOURNAL

SACRAMENTO — Don't waste your breath trying to convince former state Sen. Robert Presley that letter writing is a forgotten art.

Three years ago, the veteran lawmaker composed a seven-paragraph letter to his old Senate colleagues, opposing legislation that would have restructured the physician-dominated California Medical Board with a layperson majority.



REPORT FROM SACRAMENTO

The board is responsible for licensing and disciplining doctors, and backers of the change argued that it would result in tougher scrutiny of health-care providers.

But Mr. Presley disagreed. "I believe it at minimum to be useless in improving Medical Board performance," he wrote at the time.

Only days later, a Senate committee killed the bill. And Mr. Presley's poison pen note was blamed — or credited, depending on who's talking — for ensuring the measure's demise. While the Riverside Democrat had been out of the Senate for more than six months, his 20 years as a lawmaker had earned him a solid reputation for integrity and a stockpile of good will.

These days, the 73-year-old Mr. Presley is back at his computer keyboard. But while he continues to write missives about public representation on regulatory boards, his views have changed dramatically. In a recent letter, Mr. Presley

urged his former legislative colleagues to approve a bill to convert the doctor-dominated Board of Podiatric Medicine to a public-member majority.

Why the switch?

For one thing, Mr. Presley has gone from outsider to insider. In 1995, he was

appointed to the podiatric-medicine board and last year served as its president. "I've been right there on the line, dealing with these issues," he says. "I've been giving it a lot of thought, a lot of evaluation."

Mr. Presley stresses that he is still only "mildly supportive" of public-member-majority regulatory boards. And he doesn't think a change in the composition of the podiatric-medicine board would actually result in a disciplinary crackdown on those in the field. "But as far as the public's concerned, it's perception," he hastens to add. "And the public's view of a public-majority board is much better."

The Board of Podiatric Medicine is admittedly a pretty small operation, especially by California standards; it watches over about 2,000 practicing foot doctors, and has an annual budget of less than \$1 million. But Mr. Presley's unexpected change of heart makes it a drama worth watching, especially at a time when the future of managed care is such a sensi-



Robert Presley

tive political issue.

Opponents of changing the board's makeup — mostly doctors' groups — are fearful that a successful restructuring will lead to similar efforts with other health-related panels. Among them: the mother of all such bodies, the California Medical Board.

Their fears seem well-founded. If the podiatric-medicine board is reshaped, "it is clearly something we would seek to continue to spread," vows Jamie Court, director of Consumers for Quality Care, a Santa Monica-based patients' rights group.

To fend off such efforts, the California Medical Association has closed ranks with the considerably smaller California Podiatric Medicine Association. Giving the board a public-member majority is "symbolism without substance," says Scott Syphax, a Medical Association lobbyist and an alumnus of Mr. Presley's Senate staff.

Even so, Mr. Syphax begrudgingly applauds his adversaries for luring Mr. Presley to the podiatric-medicine board in the first place. Then, as board personnel began crafting their legislative agenda, he says, "they were very wily in making sure he was elected president."

Currently, the six-member board is composed of four podiatrists and two public members. As part of its review under the state's sunset law, the board is proposing either to make itself a nine-member entity, with five laypersons, or a seven-member board with four public members.

Under the sunset law, the Legislature must approve a bill this year to extend the life of the podiatric-medicine board. If not, the independent panel goes out of business next year, and its functions will be absorbed by the Department of Consumer Affairs.

The Podiatric Medicine Association adamantly supports the continued existence of the independent board, but only

with a podiatrist majority. Officials contend that the medical issues the board addresses are too complex for a layperson majority to effectively master.

They also point out that no medical board in the nation today has a public-member majority. "We do not believe that California's podiatrists should be used as guinea pigs," says John Bailey, executive director of the group.

What's more, Mr. Bailey and his colleagues are concerned that as managed care continues to put the squeeze on specialists like podiatrists, they'll need an even stronger voice in the regulatory arena.

But officials at the podiatric-medicine board counter that it's health-care consumers — not providers — who have been getting short-changed under managed care. "We are not a podiatry organization," says Jim Rathlesberger, the board's executive officer and a staunch supporter of an overhaul. "We need to represent the broad public to the greatest extent possible."

Gov. Pete Wilson's administration has also thrown its support behind revamping the panel. But in the end, Mr. Rathlesberger says, the key to the fight will be Mr. Presley's performance. His "stature ... will be the major factor in all of this," he says.

In fact, this isn't the first time Mr. Presley has dangled his feet into the treacherous waters of the state's health-care regulatory establishment. In the early 1990s, he was the lead author of two landmark laws — aptly nicknamed Presley I and Presley II — that restructured the state Medical Board and toughened the disciplining of incompetent and unethical physicians.

"Bob Presley is a man of honor," says the Medical Association's Mr. Syphax. "He's also an organization man. If the organization espouses a position, he will do his damndest" to ensure it gets implemented.