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# Correspondence

## Licensure Board Abuse

In February 2007, I was informed by the Texas Medical Board that I was being investigated for a violation of section 311.0025 of the health & safety code concerning my billing services and charges in the care of five patients. That particular section of the code concerns fraudulent billing.

On further investigation, I found that all five patients were insured by Mutual of Omaha, which was a very odd coincidence. The investigation was rapidly escalated to a formal investigation on Mar 9, 2007.

In the following two weeks every member of my practice, a group comprising 12 board-certified anesthesiologists practicing in south Texas, received a similar notice. Each notice involved the care of five patients, and each patient was insured by Mutual of Omaha. Each investigation similarly escalated to a formal investigation, and each investigation is still being actively pursued by the medical board some 11 months later, in violation of state law concerning expeditious investigation of such complaints.

When we contacted the medical board concerning the identity of the person/entity filing the complaint, officials stated with a chuckle that they couldn't divulge that information, much as they said in the Oct 23, 2007 hearing before the state legislature.<sup>1,2</sup> Some of the anesthesiologists being investigated have been practicing in the Rio Grande Valley for more than two decades, and our group's practices have not changed.

Notably, our group has had continuing significant collection difficulties with Mutual of Omaha. At one point, Mutual of Omaha owed us well in excess of \$100,000.

One element I feel was significantly missing from the recent legislative hearing was the very strong possibility, which I consider a virtual certainty, that the Texas Medical Board is being used as a baseball bat by anonymous insurers to bludgeon practitioners, individually and in groups, to whom they feel they pay too much money.

**Aaron I. Cohn, M.D.**

Harlingen, Texas

AAPS has taken a much needed leadership position on the matter of state medical boards.<sup>1</sup> The Texas Medical Board is the prime example of unbelievable degeneration and perversion affecting those state agencies. The general public and the vast majority of physicians are still unaware of the truly malignant nature of the

changes that are occurring in the area of physicians' discipline. In 1742, Charles-Louis de Secondat, Baron de Montesquieu, wrote: "There is no crueller tyranny than that which is perpetrated under the shield of law and in the name of justice." One can only add that such tyranny is bound to happen every time when group of inept bureaucrats is presented with virtually unlimited power and subjected to no outside scrutiny.

**Walter Borg, M.D.**

**Monica A. Borg, M.D.**

Lafayette, La.

<sup>1</sup> Schlafly A. Nation's worst medical board met its match at extraordinary hearing. *J Am Phys Surg* 2007;12:114-115.

<sup>2</sup> Transcript. Texas Legislative Hearing, Subcommittee on Regulatory in Oversight of Texas Medical Board (TMB), Oct 23, 2007. Available at: <http://www.aapsonline.org/tmb/tmb-transcript.pdf>. Accessed Feb 6, 2008.

## AIDS and HIV

Thank you for publishing the excellent article by Dr. Henry Bauer.<sup>1</sup> Errors in AIDS research can only continue to compound as long as the fundamental hypotheses remain unexamined in the medical literature. The desire by some researchers to avoid any debate is a sign of their fear that they may need to rethink some very basic aspects of this disease.

**Steven Burrall, M.D.**

Sacramento, Calif.

<sup>1</sup> Bauer HH. Questioning HIV/AIDS: morally reprehensible or scientifically warranted? *J Am Phys Surg* 2007;12:116-120.

## Sham Peer Review

As a victim of sham peer review, I read with mixed pleasure and regret your articles on the subject. I wrote and published *The Maine Conspiracy*, a 452-page tell-all of the degrading, humiliating, financially destroying story of sham peer review in the dental profession.

AAPS continues to alert medical professionals on the evils of sham peer review. Unfortunately, the dental profession has managed to slip below the radar. Add mobbing and harassment in the workplace and academia. Medicine must be made aware that sham peer review has wreaked its havoc in other professions also.

**Aaron S. Greenwald, D.D.S.**

Plymouth, Mass.