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As an organization of doctors who practice holistic and integrative medicine, I am contacting you to share my story. As a long-time member of AHMA, I am appealing for your support and a collaboration of efforts since we, and the many other organizations and doctors I am contacting, have similar goals.

What has been lacking among our alternative medicine organizations is a coordination of political and legal efforts geared toward protecting us from the medical boards and protecting the type of medicine we love and believe in. Having served as a Board member for ACAM, I fully understand the constraints on an organization and that this is a difficult task for your organization to take on. However, due to the urgent and desperate nature of my own situation, I have decided to step up to the plate and take a leadership role in trying to organize all those groups who have similar purposes in furthering the legal defense of those doctors on the front lines fighting for their present and future livelihood, their medical license, for freedom to practice medicine and for freedom of choice in medicine for all patients. To this end, we have established the **PROTECT HEALTHCARE FREEDOM ASSOCIATION AND FUND**, to help fight this battle and we are developing our website, www.protecthealthcarefreedom.org to foster JOINT action by all who share our purpose and take the pressure of any one organization.

Here is my personal story. I realize it is lengthy but I want you understand the full complicated details involved, in order to determine whether you may be able to help me and I, in turn, may support your efforts.

I am currently undertaking a major battle in the Federal District Court of Connecticut against the State of Connecticut and the medical boards. Unlike ANY other previous cases, this action was brought by me (through counsel) **before** any hearing was held by the Disciplinary Board and before any action was taken by the regulatory agencies against my license, in order to challenge the illegal actions of the Connecticut Department of Public Health and of the Connecticut Medical Examining Board. As you well know, for many years complementary, alternative, holistic, environmental and integrative physicians have been "sitting ducks" and targets of private practitioner groups who enlist the help of various Medical Boards in order to deprive us of our livelihood and to attempt to render alternative medicine an extinct discipline.

It has been and still is common practice for various regulatory boards in different states to make up ad hoc "standards of care" based upon their perceived, but ultimately distorted, view of alternative medicine, while simultaneously attempting to revoke or suspend our licenses to practice medicine. These purported "standards of care" are usually only backed up by one physician's unsupported and conclusory "opinion". This physician, usually called by the regulatory agencies a "consultant" or an "expert", is in most instances a "hired gun" of the regulatory agency, and also, by and large, a member of the very same

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group of private physicians who are seeking to eliminate the practice of alternative medicine all together. These purported opinions are neither enacted into regulations nor are they published; making it impossible for us to know what it is that the regulatory agencies expect us to do before they come to revoke our licenses and put our livelihoods on the line. Instead, the Medical Board's summary opinions are based upon the "expert's" purported education and experience in a practice of a field of medicine, which most of the time is totally unrelated to what we do in our practices.

As you all know, based upon these mysterious *ad hoc* "standards of care", which nobody knows what they are ahead of time, the Medical Boards throughout the country have played fast and loose with our licenses. They have used the tactics of divide and conquer to defeat us. They broadly interpret the state statutes that empower them in order to persecute doctors like us, when in fact they are violating they own statutes and regulations in the process of placing our livelihoods on the line. The Medical Boards attempt and succeed in intimidating even our attorneys into accepting their "authority" so we don't question their "kangaroo court". They abuse our due process rights over and over again, while limiting our ability to practice medicine and our patients' ability and right to get the medical care which they choose and deserve.

We now have an opportunity to set a precedent at the Federal level of what it is that Medical Boards **can and cannot do country-wide** when it comes to our livelihood and medical licenses. What that means is that, while at the present time various state courts allow for *ad hoc* prosecutions where physicians submit to the authority of the Medical Boards and other states prohibit such prosecutions in the absence of existing regulations and published standards, one uniform legal standard can be cited by case precedent by virtue of the potential holdings of the United States District Court for the District of Connecticut and of the influential Second Circuit US Court of Appeals.

NOW is the time to stop the *ad hoc* prosecution of physicians throughout the United States through the existing action filed by me, *Sica v. State of Connecticut et.al.*, Civil Action 3-04CV0023, in the US District Court for the District of Connecticut. (Details on how to access the full text of this action below.)

Let me explain the background which led to the filing of the action and how the outcome will affect all of you. I'll be as brief as possible but it's very convoluted so, hang on, it's quite a ride!

The Connecticut Department of Public Health asked me for records of my chelation patients over 18 months ago. No patient had complained or been harmed; they just wanted to know "in what context" I used EDTA chelation. In fact, the actual phrase which they used in the initial request is "it has come to our attention" that Dr. Sica offers EDTA chelation. (Makes you wonder how?)

When I initially refused to turn over the records and my attorney stated that they had no jurisdiction or powers to investigate anything *sua sponte*, that is, without an existing complaint, we received a letter back, threatening summary license revocation and the filing of immediate charges charging "illegal, incompetent and negligent practice of medicine" because the use of EDTA chelation. The Connecticut Department of Public Health stated in its follow up letter that the Board of Medical Examiners "has long held" that EDTA chelation can be used only to chelate heavy metals. Yet, no such opinion has ever been made public, nor has any regulation ever been implemented to support the Department's blanket

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statement. Both these requirements are incorporated in and mandated by the existing Connecticut General Statutes.

Faced with the possibility of license revocation and under duress, we decided to cooperate and send records, including full documentation of metal toxicity, while reserving all my rights to act at a later stage, should the Department of Health choose to act against me. After reviewing over forty of my patients' records who have been treated with EDTA, the Department announced its intention to proceed against me for medical misconduct relating to my use and administration of EDTA chelation with respect to three patients.

In support of its decision, to no one's surprise, the Department produced, of course, a letter from a "consultant", Dr. Marc Beyer, an occupational medicine physician. In his letter, Dr. Beyer stated in no uncertain terms that I "breached the existing standard of care" because the laboratories, the methods, and the protocols which I used were improper and not "standard of care". In his letter, Dr. Beyer does not state what the "standard of care" with respect to the use and administration of EDTA chelation is or ought to be. He merely states that the unspecified "standard of care" is based upon his education, experience, and upon some undisclosed articles, which he fails to mention. Most importantly, Dr. Beyer limits his comments to three patients only, and has no comment with respect to the remaining forty-something patient charts, which were made available to the Department for inspection.

My attorney countered the department's initial intent letter with documentation from the **Agency for Toxic Substances and Disease Registry** of the CDC (www.atsdr.cdc.gov) that showed how my use of EDTA chelation and my treatment of the patients through this method was in line with US Government's actually existing standards (as opposed to the non-existent standards of the CT DOPH). My attorney further showed how the methods and the laboratories used by me to diagnose high levels of metals, for example, mercury, were **completely in line** with the toxicological profiles and literature published by the ATSDR with respect to particular hazardous substances.

The DOPH, of course, chose to ignore the US Government's opinion and continue on their witch hunt. At the end of September 2003, the Department filed charges against me alleging medical misconduct by virtue of my use of EDTA and by virtue of the methods used by me to diagnose and treat high levels of metal toxicity.

The charges went far beyond that which even their own "consultant" found. While Beyer's letter was limited to his observations regarding three particular patients, which the Department made sure to incorporate in their accusatory document, the charges included yet a fourth count of trumped up "mumbo jumbo", to allege my violation of the unspecified "standard of care" with respect to the remaining forty-something patients. Dr. Beyer neither opined nor found anything wrong with these remaining patients at any time. Therefore, the Department, even by its own far reaching and illegal standards, had no viable grounds for bringing the fourth charge against me since they had no support even from their own so called "consultant" for the same.

In short, the charges alleged (sound familiar?) a breach of some never before disclosed or regulated

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“standard of care”, while at the same time going far beyond the Department’s own *ad hoc* rules in inventing even more “make believe” misconduct of its own with relation to forty other patients, without specifying what it is that I did wrong, and without even having the support of the Department’s own “consultant” advisor.

The “settlement” they offered was a consent order in which I would be prohibited from treating ANY heavy metal toxicity, without the consultation of a toxicologist, and from using EDTA in ANY form (including oral EDTA, which is over the counter!). This was obviously not acceptable. Several attorneys I consulted had recommended going along with the DOPH and trying to get the best settlement possible. But I think that is where we always go wrong: accepting that the Board is above the law, even the U.S. Constitution, in their jurisdiction over us. As my attorney studied our defenses, his legal research discovered that the DOPH had violated my due process rights in several ways and that they cannot attempt to regulate an otherwise unregulated aspect of medicine in the process of a disciplinary action.

The Connecticut Statutes regulating the powers of regulatory agencies, including the Department of Public Health, as well as the Connecticut Statutes from which the Medical Examining Board and the Department of Public Health draw their powers, require the Commissioner and the Department of Public Health **to enact and make public** specific written regulations, informing doctors what the standards are. The doctors and the public then have the opportunity to comment and challenge the enactment of such regulations **before they take effect**.

Similarly, under the Connecticut Statutes, before an agency can rely upon an official opinion issued by the Medical Examining Board, that opinion **must be** indexed according to the subject to which it pertains, and it must be published and made available for public inspection. **Under the Connecticut Statutes, in the absence of such regulatory making action, the agencies cannot act against anyone’s license**, as they currently did and still do.

Neither the Department, nor the Commissioner, has ever enacted ANY regulations regarding these ‘standard of care’ issues, in accordance with the Connecticut Statute. Neither have they ever publicized, indexed, and made public for inspection **any** type of opinions regarding the issues of EDTA chelation or diagnosis and treatment of heavy metal toxicity. They are attempting to regulate the practice of chelation and metal toxicity by prosecution. **There are NO statutes allowing them to do so**. In fact, the existing statutes (which are based upon the due process requirements of the Fourteenth Amendment of the US Constitution) **prohibit** such *ad hoc* conduct by the agencies.

The undeniable fact is they’ve broken and ignored their own rules, not to mention the state and federal Constitutions!

So, after exhaustive legal research, it became more and more evident that we have the opportunity to challenge the very legality of the actions and the jurisdiction and powers of the same institutions who have prosecuted our profession and placed our livelihood on the line for many years. My attorney has filed the 166-page lawsuit, *Sica v. State of Connecticut*, in Federal Court, laying out the many counts of how they have violated my fourteenth amendment due process rights (among other Federal and Connecticut

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State Statues). So blatant is their violations that I have faith that we **will** win. But what does our victory mean for other doctors?

THIS IS A FEDERAL CASE PRECEDENT THAT CAN HELP PROTECT A DOCTOR FROM THE VAGARIES AND WHIMS OF THE MEDICAL BOARD IN THEIR OWN STATE!!!

That's the good news. But the bad news is that I, like many others fighting this battle, have been worn down by the staggering legal expenses. I am near the end of my financial resources yet this expensive federal litigation is just getting underway. Since this is a **constitutional issue**, we have the opportunity to appeal all the way to the Supreme Court, if necessary. But that is very expensive. I am pledging myself to fight for our constitutional rights to treat our patients as we think best and our patients' rights to have access to the type of medical care that they choose. I am also pledging myself to ensure that no doctor ever gets prosecuted by the Medical Boards throughout the country wide upon made up *ad hoc* standards that are undocumented, unsubstantiated, and widely unknown.

We have already made progress. Due to the pressure from the Federal Judge, the Connecticut Dept. of Public Health, as a result of my federal lawsuit, has shifted away from their absolute position that the unwritten "standard of care" is exclusive and is considering that there might be a legitimate "alternative" standard of care with regards to diagnosis and treatment of heavy metal toxicity. They are now asking that we provide them with that standard of care and the evidence to back up our point of view.

This is not just about chelation! As you know, other doctors in Connecticut, Wisconsin, California, North Carolina, Florida, and other states have been investigated, harassed, and prosecuted for practicing environmental medicine, treating Candida, thyroid conditions, using EAV, helping patients in pain (i.e. Pain management), etc.

To accomplish our goals, we need a coalition of alternative medical associations and their members working on pro-active political and legal solutions and support in order to truly solve this increasingly pressing problem. In reaching out to my colleagues, I have received many interesting concepts of how to renovate the regulatory process to allow innovation while protecting patients from harm. But these ideas will come to nothing unless we all overcome inertia and work together. By contributing to a coalition that can educate, inform, organize, and provide a focus for furthering possible solutions, we can more easily mobilize our considerable creativity and resources to make change happen.

Ways AHMA can help:

1. Publish my story and appeal (or a streamlined version) in your newsletter and on your website or send a letter to your members;
2. Link to our website and give us permission to link to your site as one of our like-minded organizations and resources for physicians.
3. Contribute content or comments to our site.
4. Any other support or ideas are warmly appreciated.

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Our efforts are not meant in anyway as competitive to yours. We hope to start consolidating all our efforts as we all share a goal of more freedom in medicine. It is impossible for any doctor to belong to all the great organizations who share our mission. Just keeping up on all the news, reading newsletters, etc. is very time-consuming. We need to find better ways to access information and generate meaningful support to our efforts by making it easy for doctors and other interested individuals to keep informed and contribute. I hope we can work together! **I thank you in advance from the bottom of my heart!**

Gratefully,

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