

Barbara Clark, c/o
PMB # 125
785 Tucker Road, Suite G
Tehachapi, CA 93561
info@barbclark.org

January 2, 2008

Thomas J. Mostert, Jr. c/o
Pacific Union Conference of the SDA
P.O. Box 5005
2686 Townsgate Road
Westlake Village, California 91359
Fax: 805-495-2644

Thomas J. Mostert, c/o
401 Taylor Blvd.
P.O. Box 23165
Pleasant Hill, California 94523
Fax: 925-685-4380

SUBJ: ***Dr. David N. Glaser, expert witness and general
qualified medical examiner (QME)***

Dear Sir:

Background:

This is my follow-up letter to your office concerning a recent invitation to attend a psychiatric interrogation interview by Dr. David N. Glaser, M.D. on January 23, 2008 at 10:00 am. This letter is a follow-up letter to my July 18, 2007 letter concerning the two (2) invitations to an interrogation interview that I have received from Dr. Glaser last year. The letters of June 28, 2007 and July 3, 2007 from Dr. Glaser have been sent to you under separate cover.

I call to your attention that language on both letters is very perplexing to me.

*"We would like to inform you that an appointment has been scheduled for you to receive an examination at the offices of Dr. David Glaser, **in order to determine any psychiatric issues in your workers' compensation case.**" [emphasis added]*

In sharp and direct contrast to the above statement, I call your attention to the cover sheet of a psychiatric report completed by Dr. Glaser on October 8, 2004 (following the July 7, 2004 interrogation interview with me). That statement is as follows:

*“The purpose of this evaluation **was not to determine whether or not** there has been an industrial illness as a result of her employment with San Joaquin Community Hospital..” [emphasis added]*

As you can see these statements seem contradictory. On the one hand, I am being invited to an interrogation interview in order to “*determine any psychiatric issues*” in my workers’ compensation case; but, three years ago in a report completed by the same psychiatrist it was written that the “*evaluation was not to determine whether or not there has been an industrial illness.*”

Dr. Glaser has no relationship to my on-going workers compensation case and I shall NOT attend any interrogation interviews unless compelled by court order

I call your attention the rules and regulations that apply to the “qualified medical examiner (QME)” process.

*(d) All aspects of all physical and/or psychological comprehensive medical-legal evaluations, including history taking, shall be directly related to medical issues as presented by any party or addressed in the reports of treating physician(s).
8 Cal. Code. Reg. 41*

What, exactly, are the “*medical issues*” that serve as the supporting rationale for the scheduled interrogation interview (set for 1/23/2008) that were not addressed three years ago? Kindly enlighten me as to the purported “*medical issues*” that are to be addressed, if you can.

Until I understand exactly what the purpose of the planned interrogation interview is, I will have to assume that Dr. Glaser has engaged in the fraudulent use of the U.S. Mails for the purposes of inflicting emotional and psychological damage upon me.

Dr. Glaser's record of apparent criminal violations of the Health Insurance Portability and Accountability Act of 1996

I wish to make it clear that I have alleged that Dr. Glaser may have conspired with defense attorney Dennis J. Hershewe, esq. (your representative to the workers compensation proceedings) to violate the provisions of the HIPAA law of 1996. Further I contend that I have a Constitutional right to privacy. I cite a case below where allegations were made against Dr. Glaser and his apparent attempt to violate the privacy of the plaintiff.

The California Constitution protects the right to privacy. (Cal. Const., art. I, § 1.) Legally recognized privacy interests consist of the interest in the confidentiality of sensitive information, and the interest in making intimate personal decisions and conducting personal activities without observation or intrusion. (Hill, supra, 7 Cal.4th at p. 35.) Bazargan v. Hilton Universal City & Towers, 2007 Cal. App. Unpub. LEXIS 367 (California Unpublished Opinions 2007)

As this matter is presently before the U.S. Supreme Court for review, I have forwarded a copy to relevant authorities with an interest in medical privacy under the HIPAA law of 1996.

Sincerely,

Barbara Clark

Lewis Morris, Chief Counsel
U.S. Department of Health and Human Services (DHHS)
Room 5527 Cohen Bldg.
330 Independence Ave. SW
Washington, DC 20201
Fax: 202-619-1487, and
Fax: 202-401-3197 and 202 690-7453

Office of Civil Rights
U.S. Department of Health & Human Services
50 United Nations Plaza – Room 322
San Francisco, CA 94102
Fax: 415-437-8329

U.S. Department of Justice
Federal Bureau of Investigation
4500 Orange Grove Avenue
Sacramento, CA 95841
Fax: (916)-977-2300

Workers' Compensation Appeals Board
1800 30th Street, Room 100
Bakersfield, California 93301-1929

Carrie Nevans, Acting Administrative Director
Division of Workers' Compensation Division; and
1515 Clay Street, 17th Floor
Oakland, California 94612
Fax: (415) 703-5911

Destie Overpeck, Chief Counsel
Division of Workers' Compensation
1515 Clay Street, 17th Floor
Oakland, California 94612
Fax: (415) 703-5911

Dennis J. Hershewe, esq.
19665 Horace Street
Chatsworth, Ca 91311

Dennis J. Hershewe, esq.
"a professional corporation"
21835 Nordhoff Street
Chatsworth, California 91311

Dr. David N. Glaser, MD
16530 Venture Blvd.
Suite 200
Encino, CA 91436
Fax: 818-385-1166

Judge Robert K. Norton
Workers' Compensation Appeals Board (WCAB)
1800 30th Street, Room 100
Bakersfield, California 93301-1929

Dr. Allen I. Salick, MD
Rheumatology
Cedars-Sinai Medical Towers
8631 West Third Street Suite 1145E
Los Angeles, California 90048

Dr. Gil Tepper, M.D, QME, FACS
Orthopedic Surgeon
Valley Spine Center
4849 Van Nuys Blvd. Suite 217
Sherman Oaks, California 91403

Dr. Mayer Schames D.D.S
The Dental Trauma Center
12243 S. Hawthorne Blvd
Hawthorne, California 90250-3831

Dr. Jacobo Chodakiewitz, MD
1494 S. Robertson, Ste. 200
Los Angeles, CA 90035

Patient Privacy Rights Foundation
P.O. Box 248
Austin TX 78767
Fax: 512-732-0036