

ACGME

**Accreditation Council for  
Graduate Medical Education**

515 North State Street  
Suite 2000  
Chicago, Illinois 60610

Phone 312.755.5000  
Fax 312.755.7498  
www.acgme.org

February 2, 2009

Email letter to Ms. Jupirena Stein

Dear Ms. Stein:

We have reviewed the materials that you have sent to ACGME over the last two weeks relating to your surgery in 1999 at Kaiser Permanente Hospital in Oakland, California. These materials include a YouTube video montage to which you sent a link.

In these materials, you allege that on November 19, 1999, a resident physician performed a surgical procedure on you merely to contribute to his satisfying a national physician certifying board requirement of completion of a certain number of such procedures during his five years in the residency program. The residency program was otolaryngology, and it was sponsored by Kaiser Permanente; it currently has ten resident physicians.

By telephone, you told me that you sued Kaiser Permanente for malpractice based on this surgery, and you lost. In your YouTube video montage, you accuse the resident physician of being a "criminal," although you fail to allege that any prosecuting agency ever even brought criminal charges against the resident physician.

ACGME does not certify physicians, and it does not license physicians to practice medicine. In addition, it does not adjudicate individual disputes between individuals (including patients) and sponsors of residency programs or individuals associated with residency programs. It appears that your complaint describes an individual dispute over a single incident, which occurred over nine years ago, and which has been adjudicated in a civil court proceeding in favor of the program sponsor.

ACGME accredits residency programs. It processes complaints against residency programs and their personnel with an eye to determining whether the substance of the complaint should cause ACGME to change its current accreditation status of the residency program. It makes accreditation decisions based on the residency program as it exists in the present. It is unlikely that this single surgery that occurred in 1999 and was brought to ACGME's attention in 2009 would shed light on the program's current condition and whether or not a program currently complies substantially with ACGME accreditation requirements. It is for this reason that ACGME's complaint policy states, "Complaints addressing subject matter, the entirety of

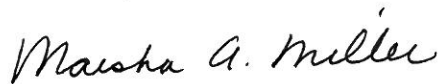
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which occurred prior to the residency year preceding the current residency year, are discouraged."

In 1998 and 2005, the residency program sent detailed information to ACGME describing the program, and ACGME site visited the program. ACGME received written status reports from the program between these site visits. The program has been continuously accredited by ACGME from prior to 1998 through the present.

Prior to receipt of your information, the program was scheduled for a site visit in 2009. The materials that you have sent to ACGME, as well as this letter, will be given to the program and to the site visitor for consideration during this site visit.

Sincerely,

A handwritten signature in cursive script that reads "Marsha A. Miller".

Marsha A. Miller  
Associate Vice President  
Resident Services