

David T. Thornton, Executive Director
Medical Board of California
1426 Howe Avenue #54
Sacramento, CA 95825

March 12, 2007

Dear Mr. Thornton,

I am writing to express concerns about accusations made by the Medical Board of California against Dr. Paul Fleiss, MD (case #17-2005-169843) with regard to his care of my daughter, Eliza Jane Scovill. It has come to my attention that the accusations include false and misleading statements about my daughter. Because the accusations are posted at your web site, these false and misleading statements have entered into the public record, damaging my daughter's reputation and causing me harm. I would appreciate your prompt investigation into this matter and an amendment of the accusations to conform to documented facts.

Paragraph 11 of the accusation states that at a January 21, 2002 visit, "Respondent [Dr. Fleiss] diagnosed [Eliza Jane with] candidiasis." This same paragraph goes on to state that, "No cause of candidiasis was given and/or documented in the patient chart. No treatment of candidiasis was given or documented." These three references to candidiasis are without basis as no such diagnostic term appears in my daughter's medical chart on January 21 or at any previous or subsequent visit with Dr. Fleiss. Instead, at the January 21 visit described in paragraph 11, my daughter was diagnosed with a diaper rash which resolved following the treatment Dr. Fleiss documented in her chart.

Since candidiasis is one of 26 AIDS-defining conditions listed by the U.S. Centers for Disease Control, and given that the term candidiasis does not appear anywhere in Eliza Jane's medical records, it seems "candidiasis" was added to the accusation for the purpose of suggesting that my daughter had AIDS, and to lead readers of the accusation to this same conclusion.

The accusation also includes repeated charges that Eliza Jane suffered from "failure to thrive" based entirely on Eliza Jane's small stature and in absence of any documentation of ill health or inability to participate in normal school and play activities. In fact, there is no evidence in Eliza Jane's medical records that her small stature was a medical problem, and no references in the medical literature to support the idea that small stature alone is diagnostic of disease. Further, Dr. Fleiss' records show that Eliza Jane gained in weight and/or height at each office visit. That these gains failed to elevate her to the next growth percentile is not sufficient reason to claim that she suffered from "failure to thrive," especially given that her brother Charles Scovill, and her cousin, India Maggiore--both healthy patients of Dr. Fleiss--were also in the same growth percentiles as Eliza Jane at similar ages.

Additionally, the allegation "failure to thrive" is not supported by medical records from another medical practice where Eliza Jane was a patient. Dr. Jay Gordon is a local pediatrician who saw my daughter during the same period of time that she was a patient of Dr. Fleiss. Dr. Gordon's records express no concern about Eliza Jane's height or weight or general health at any office visit.

Dr. Fleiss' medical records also mention that my daughter attended music classes and playgroups and eventually nursery school where she was under the observation of many teachers, all mandated reporters of child abuse and neglect. Of the many

teachers who observed and interacted with Eliza Jane, including the period in the days and weeks before her death, all describe my daughter as an active, energetic, healthy and unusually bright child, observations that contrast starkly with "failure to thrive." Five letters of testimony from some of her teachers and caretakers are enclosed for your reference.

I object to the decision to upgrade my daughter's diaper rash to an AIDS-defining illness by adding the term "candidiasis" to the accusation, and object to the inclusion of allegations that she suffered from "failure to thrive" based solely on her small stature. As stated previously, I would appreciate your prompt investigation into the inclusion of these statements in the accusation and an amendment of this document to conform to the facts involved in this case.

With appreciation for your attention to this matter,

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