

Testimony Presented to the LHH Joint Conference Committee

(a subcommittee of the Health Commission)

March 26, 2013

Testimony of Derek, Kerr, MD, CNA

We heard today that 40 of Laguna Honda's leadership staff took training geared to improve management skills. Plus, a recent Grand Rounds presented the concept of a "Just Culture," wherein employees feel comfortable reporting Mistakes.

Knowing how to engage employees who report Wrongdoing is also a management skill — and part of any Just Culture. Just bullying and getting rid of whistleblowers is counter-productive — and illegal.

As you know, one part of my whistleblower retaliation settlement requires the hospital Executive committee to take a one-hour training on whistleblowing — and the First Amendment rights of employees.

Since the city is paying for this training anyway, why not offer it to all 40 staff leaders and interested managers? It would be a good way to optimize the use of City resources, while improving leadership skills throughout Laguna Honda.

Testimony of Maria Rivero, MD, FACGS

The Coalition on Compassionate Care's award to the Hospice and Palliative Care Service tells a different story than Mivic Hirose's [new] Press Release.

This award honors 25 years of Hospice and Palliative Care at LHH. In 1987, a Blue Ribbon Commission determined that LHH needed a Hospice. Hospice was founded when Laguna Honda joined forces with Visiting Nurses and Hospice, and Zen Hospice Project in 1988.

For 21 years, Dr. Derek Kerr was the creative force behind the Hospice and Palliative Care Teams that provided expert care for thousands of dying patients and their loved ones.

After Dr. Kerr became a whistleblower, Hirose retaliated by terminating him. Opportunists stepped in — seeking recognition and awards. This award did not just "come" — it was vigorously sought. It is shameless self-promotion to aggrandize yourselves and Anne Hughes by ignoring the founders of the Program.

It [Hirose's news release] also misleads the public.

Testimony of Patrick Monette-Shaw

The Board of Supervisor's have likely approved former LHH physician Dr. Derek Kerr's settlement agreement on second reading today, within the past hour, awarding Kerr \$750,000 plus non-monetary damages, for wrongful termination engineered by former Director of DPH Mitch Katz; LHH's Executive Director, Mivic Hirose; and LHH's Medical Services Director, Dr. Colleen Riley. On March 19, the Board passed Kerr's settlement on first reading; now probably finalized. The three defendants should each, and collectively, be ashamed of themselves for unethically manufacturing various pretexts to terminate Kerr documented in depositions under penalty of perjury, and other discovery. They each wrongfully and willfully tarnished Kerr's and Dr. Maria Rivero's careers and good names. The Defendants' pretext Hirose was innocent is over; she's cost taxpayers over \$1 million between Kerr's settlement and \$350,000 ordered restored to the patient gift fund. Hirose's surpassed her Peter's Principle. The Health Commission should recommend DPH terminate her.