

A Case for ADD/ADHD and Autism Treatment

Over the past decade, many of you have been following the story of the Medical Board of California (MBC) vs. Dr. Robert Sinaiko. Many of you have sent donations to the Medical Defense Fund of the Progress In Medicine Foundation to help Dr. Sinaiko pay for this fight - in total more than \$450,000 was raised and spent for his defense. For those of you who do not know, Dr. Sinaiko, who studied under Dr. Ben Feingold, is an internist and immunologist of international renown, and is one of the medical advisors to the Feingold Association.

Beginning in 1993, Dr. Sinaiko was accused of "*inappropriately treating*" a child with ADHD -- he had recommended "The Feingold Diet", performed IgG allergy testing, and treated the child with antifungal medication for exposure to aspergillus mold. Meanwhile, as part of an ugly custody battle, the boy's father lodged a complaint against Dr. Sinaiko in an effort to disparage the mother's choice of doctor.

The MBC contacted other patients, searching for more information that could be used against him. They obtained three adult cases to use as "evidence." One of these patients had been treated for allergic fungal sinusitis, one had a serious mold allergy and chemical sensitivity, and one had chronic fatigue and a behavioral disorder. All of these patients had improved under the doctor's care, and none of them actually complained or testified at the hearings, but they allowed the MBC to read their records. The one with mold allergy, unfortunately, had left California and moved to another state where he became much more ill and committed suicide some years later. Amazingly, the MBC actually attempted to blame the suicide on Dr. Sinaiko.

Concerning the patients with chronic fatigue syndrome and multiple chemical sensitivity, Dr. Sinaiko was also accused of "treating a disease that did not exist" since the MBC insisted that these are not "*real disorders*", but only a psychiatric problem. (*Multiple chemical sensitivity (MCS), also known as environmental illness, is a condition that typically comes about as the result of heavy chemical exposure.*) The only person the MBC could find who actually DID complain about Dr. Sinaiko does not even exist -- but was a make-believe entity called "*Samantha Simon.*"

The MBC has a long history of silencing physicians who use what is generally called "alternative" medicine. Most doctors just give up. Dr. Sinaiko, however, chose not to bow to the intense pressure and huge financial punishment the Board can, and did, dole out to him. The case is well described and outlined in a cover article in the prestigious magazine "Medical Economics". Go to: <http://treatmentchoice.org/memag.html> and you can see the legal documents, and the history at <http://www.treatmentchoice.org>

The heart of the case is this: Does a doctor have the right to select a treatment for a patient – when this treatment is supported by good medical research and scientific studies – even if it is not generally a treatment used by other doctors in the area? The California Medical Board maintains that a doctor does not have the right to treat a patient according to emerging information found in medical research. The MBC calls such innovative treatment "*outside the standard of care.*" Thus, the only treatments doctors would be allowed to use are those which are currently being used by other doctors. Even if a new treatment is clearly superior to the old methods, and is supported by good research, and is beneficial for the patient...it would be illegal for a doctor to use anything new.

As far as the care of children with ADHD, the MBC invented a "ladder of treatment" that would allow only drugs and psychotherapy. The ladder would start with drugs like Ritalin, Adderall, Concerta, and as the child went up the ladder, progressively stronger drugs would be added.

The case is shameful on many levels, not the least being the blatant lies and unethical practices on the part of the prosecution. The Medical Board and the office of the Attorney General used the money and resources of the citizens of California in an attempt to deprive them of some very basic rights. This is easily verifiable when you read the legal papers.

The End Result: After 12 long years, the doctors and patients won. But, the road has been long and hard for Dr. Sinaiko. The final success did not occur in the courtroom; rather, under orders from the Court of Appeals to hear the case again, the Medical Board, now composed of all new members, decided they had been wrong. They agreed to drop all charges against Dr. Sinaiko – if he would just please agree not to sue them. The change in the makeup of the MBC had come about when the fraudulent behavior of the old board became too obvious for Governor Davis to ignore. The individuals responsible for this entire fiasco, however, have never been disciplined.

It almost seems anticlimactic to end the long battle so quietly, but the importance of this case cannot be overestimated. It was a catalyst, a watershed case, which has changed the history of medicine in California – and thereby, the whole country. In an unprecedented move, the California Medical Association (NOT connected to the MBC) stood up for the rights of a doctor, opposing the authority of the Medical Board. The national medical magazines "*Medical Economics*" and "*The Townsend Letter*" ran major articles supporting Dr. Sinaiko, and raising awareness of the criminal behavior of the MBC. There is a new law now on the books in California which protects a physician's right to use alternative medical treatments.

Below is a letter from Dr. Sinaiko which he wishes to distribute to all those whose prayers and donations have helped pave the way to today's success:

Dear Friends,

After a dozen years of fighting the Medical Board, I am pleased to write and let you know that as of February 17, 2005, the entire action against me has been dropped. If you go to the official web site of the Board or of the national registry, my medical license is, at long last, clear and in good standing. The battle is over.

My family and I could not have withstood over a decade of fighting this injustice had it not been literally for the hundreds of friends, patients, and advocates, all of whom were at our side. We owe thanks to so many. To Shula Edelkind and Colleen Smethers, thank you for your indefatigable work to raise the medical defense fund. To the Children's Advocacy Institute, the California Medical Association, Disability Rights Advocates, the Center for the Science in the Public Interest, the Union of American Physicians and Dentists, the Association of American Physicians and Surgeons, and the American Association for Health Freedom, we thank you for your role as amici curiae [official letters to the Court]. It made the difference, we know. To Frank Cuny and his grassroots band of warriors, California Citizens for Health Freedom, we thank you for being there time and again, before the board as well as with lawmakers. To those of you - friends, patients and strangers - who gave money, emotional support, strategic advice, we thank all of you, for your loyalty and your belief in the rights of patients and doctors to work together to find safe and effective treatments for complicated conditions such as ADHD, chronic fatigue syndrome and multiple chemical sensitivity.

It's just possible that the Medical Board now knows, thanks to the fight we waged together, that it can no longer afford to recklessly prosecute doctors who use safe treatments that are supported by clinical observation, emerging scientific literature, and informed patient consent, just because those doctors are not in the majority.

We were also blessed with excellent legal counsel along the way, including most recently, the terrific representation of Dennis Riordan and Dylan Shaffer, who prevailed for us in the Court of Appeal, helping us set the stage for this final settlement. Their skill speaks for itself. But, numbers also tell a story. Recent data compiled by the Center for Public Interest Law show that we beat the odds. Only 5 out of 75 petitions for reconsideration were granted by the Medical Board. Our case was one of them. For the past 3 years, at the appellate level, only 2 out of 19 prevailed against the board. We did, and we won big.

The Court of Appeal, in particular, establishing a precedent that will protect all doctors and their patients, noted that the Medical Board – in violation of my due process rights -- had chosen to disregard, completely, the testimony of a number of prestigious medical experts who appeared at my original hearing. We thank you, all of you, who were there at in those dark days back in 1998: Phil Lee, Vince Marinkovich, Henrik Blum, Glenn Elliott, Fred Blackwell, Carol Jessop, Jack Pulec, Deborah Sedberry, and Jeffrey Silvers. Your collective professional integrity could, ultimately, not be ignored. Many patients came forward as well, and we thank you. There, too, we had excellent legal counsel, Nancy Cahill, Judy Moore. Dick Turner took over where they left off, and we are grateful to him as well. While never our counsel, Bob Wallach was a constant advisor and friend who gave us hope and direction when we could have so easily faltered.

So, what is next for me as a doctor? I look forward to a time of figuring that out. As ever, I have a huge passion for working with children, especially children with ADD/ADHD and Autism. Scientific rigor has always been at the core of my practice, and research also appeals. But, until I know what my options are - and only time will tell how much damage has been done to my reputation that can never be undone - I cannot say for sure.

But, life feels better, oh so much better. Lois and I, as well as Olivia and John, will look back at this chapter with bittersweet feelings, knowing it never should have happened, but also aware that we learned so much about friendship, about principles, about tenacity that cannot be quantified or ever forgotten.

We remain gratefully yours,

Robert J. Sinaiko, M.D.

Best wishes, Shula Edelkind - Feingold Association of the United States

<http://www.feingold.org>

<http://www.ADHDdiet.com>

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