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R. Stephen Ellis, M.D.

Re: Tod H. Mikuriya, M.D. – Precedent Decision

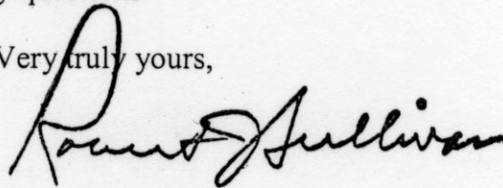
Dear Steve:

Here's a copy of the Board's decision in the Mikuriya case.

I note on the Board's agenda for the upcoming meeting of Thursday, July 26, 2007, they will vote to adopt this decision as a "precedent decision." If the vote is affirmative, that will define the standard of care for physicians providing Prop 215 recommendations. The meeting is going to be in South San Francisco at the Embassy Suites, 250 Gateway Boulevard. That item is scheduled for Friday, July 27, 2007, before the Division of Medical Quality who is meeting some time between 8:00 a.m. and 10:00 a.m. I suggest you send somebody to monitor the meeting to see if they adopt the decision. Nonetheless, it is clear to me that the protocols that you adopted and follow make you "bulletproof." In the future, make certain you monitor the Medical Board's publications to see that your practice is always consistent with the Medical Board's recommendations.

Call me if you have any questions.

Very truly yours,



Robert J. Sullivan  
of NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

RZS/jgk

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