

## **Convicted physician continues practicing**

Josh Kleinbaum, Staff Writer

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Three years after being convicted of sexually exploiting two patients, an osteopathic physician still practices medicine at a Panorama City clinic because of the tangled bureaucracy involved in taking disciplinary action, interviews and documents show.

Dr. Laurence Reich of Los Angeles, who faced disciplinary action for similar problems earlier in his career, pleaded no contest in December 2002 to performing sexual acts on two female patients. He was sentenced to a day in jail - time served - and a year's probation. Officials said he was not fined because he had filed for bankruptcy in 2000 and had no personal assets.

A hearing that could result in the suspension or revocation of Reich's medical license was postponed twice and is now scheduled for February while the agencies involved wrangle about the appropriate punishment, officials said. The delays frustrate his victims and worry the Los Angeles County prosecutor who handled the plea bargain in the doctor's criminal case.

"Everyone - the victims, the investigator and me - we all conferred and agreed, to protect the safety of the public, the main thing was to get a conviction and get it now," said Deputy District Attorney Maureen Green. "I needed to get a plea in and get it fast so they could pull his license.

"I didn't realize until now that it's taken another three years to proceed with the license proceedings."

Neither Reich nor his attorney, Rickard Santwier, returned repeated telephone calls.

While other states have systems that allow regulators to immediately discipline a doctor found guilty - or even accused - of wrongdoing, it can take years for a hearing to be held in California because of the convoluted bureaucracy involved, officials said.

The Osteopathic Medical Board, whose five members are appointed by the governor, licenses osteopathic physicians and surgeons - who utilize a holistic approach to medicine - and investigates consumer complaints.

But it does not have the authority to suspend a physician's license, and must rely on the Attorney General's Office to prosecute disciplinary matters before an administrative law judge - a process that officials say can drag on for years.

Deputy Attorney General E.A. Jones said he has been negotiating with Reich's attorney and has twice reached a settlement agreement, only to have the Osteopathic Board reject the deal.

"I can't give any specifics until there's a final decision on the matter," Jones said. "What takes place in terms of the give-and-take of a settlement is confidential."

"The conduct alleged is serious conduct. The agency is attempting to deal with it in an appropriate manner with protection of the public in mind."

Dr. Michael Feinstein, president of the board, declined to comment on the case. But Linda Bergmann, executive director of the Osteopathic Medical Board, indicated that the agreement was rejected because the proposed discipline was too lenient.

Dr. Don Krpan, a former member of the Osteopathic Medical Board and a past president of the American Osteopathic Association, said the Attorney General's Office needs to take a stand against doctors who take advantage of their patients.

"The Attorney General's Office needs to be more aggressive," Krpan said. "It's the legal end of it that hangs things up."

"The board wants sanctions brought against these guys. Some of them get these high-powered lawyers, and sometimes the Attorney General's Office doesn't have that kind of legal representation. Sometimes, they cower at the Attorney General's Office."

Krpan recalled a case when he was on the board that involved the death of a patient. The Attorney General's Office proposed a settlement for an \$8,000 fine.

"People that may be a threat to the public are allowed to continue to practice," Krpan said. "I find that somewhat egregious."

According to the state, Reich received his license from the California Osteopathic Board in February 1979.

Court records from a lawsuit filed by Reich against the Osteopathic Board show that, within seven months, a patient had accused him of sexual impropriety.

A complaint filed in 1982 by the board against Reich included allegations from six women, four accusing him of sexual impropriety and two of incompetence, court records show.

As a result of these allegations, the board placed Reich on probation from 1984 to 1994, and required that he have a nurse present while treating patients, according to court records.

In the new allegations that led to the 2002 plea, two women accused Reich of sticking his fingers inside their vaginas without medical necessity. Both women said Reich asked inappropriate sexual questions and both said he gave them his home phone number.

Reich was originally charged with felony exploitation of patients, but pleaded no contest - the equivalent of a guilty plea in a criminal case - to misdemeanor exploitation of patients in December 2002.

In May 2003, the osteopathic board filed a complaint against Reich alleging conviction of a crime, gross negligence and two counts of sexual misconduct.

The women say the years-long delay in the disciplinary hearing for Reich have added to their anguish about their doctor's behavior.

"That is probably what bothers me most," said Shea Elder, one of Reich's accusers, who asked that her name be used for this story.

"With all these court dates being set and rescheduled and being dragged on as long as they have, it brings up all of these emotions all over again. You kind of have to re-live it.

"It should've been resolved a long time ago and way behind me. Instead, we have to keep trudging through the mud."

In some states, Reich could have been disciplined by the state board immediately after his arrest or criminal conviction. The osteopathic boards in Arizona and Pennsylvania, for example, have the authority to suspend a physician's license on their own.

"As soon as the judgment is given, we can step in and take proper discipline with the license," said Allison Hrestak, spokeswoman for Pennsylvania's Department of State. "With criminal proceedings, part of the plea agreement often includes a clause that the doctor has to surrender his license."

Bergmann, the executive director of the California board, said its members could have asked a judge to suspend Reich's license when the allegations initially surfaced, but opted not to.

"I don't have an excuse or any explanation why it wasn't requested," Bergmann said. "Usually the attorneys will recommend it. In this case, we didn't. I guess it didn't seem critical at the time to get a suspension order."

Since September 2001, the Osteopathic Board has filed accusations against 41 physicians.

Thirty have already been disciplined - 10 doctors received administrative disciplines such as public reprimands; 13 doctors were put on probation; and six had their licenses suspended or revoked. The accusations against one doctor were withdrawn.

Reich is among 10 physicians still awaiting a hearing. In the meantime, he is treating patients at Clinica Medica Para La Mujer De Hoy in Panorama City while his case works through the disciplinary process.

That concerns Yvette Chambers, the other accuser in Reich's 2002 case.

"Why do we have to have the hearing next year?" Chambers said. "Why can't we have it next month? Nobody is holding them accountable. Nobody. The entire thing is a let-down."

Assemblyman Keith Richman, a medical doctor, decried the system that allows a case to go unresolved for so long.

"It shouldn't take three years to discipline a physician who has already been convicted in court. It does raise cause for concern. It's an unacceptable time period."

Josh Kleinbaum, (818) 713-3669 [josh.kleinbaum@dailynews.com](mailto:josh.kleinbaum@dailynews.com)