



North Carolina Department of Health and Human Services
Division of Mental Health, Developmental Disabilities and Substance Abuse Services
Dorothea Dix Hospital
820 S. Boylan Ave, Raleigh, NC

Michael F. Easley, Governor
Dempsey Benton, Secretary
Michael S. Lancaster, M.D. and
Leza Wainwright, Directors

James W. Osherg III, Ph.D.
Interim Hospital Director

MEMORANDUM

TO: Michael Lancaster, M.D.
Stephen Oxley, M.D.

FROM: Elliot Silverstein, J.D., Ph.D.

DATE: September 25, 2008

RE: Psychologist Disenfranchisement from the Medical / Psychological Staff

We realize that the merger of JUH and DDH into CRH is an onerous and often thankless task. We appreciate many of the attendant difficulties involved in this merger.

Nevertheless, we are concerned that the process by which the CRH medical staff was formed is in violation of the DDH Medical / Psychological Staff bylaws. In our general monthly meeting of the DDH psychologists on September 24, 2008, the psychologists unanimously (those present and others by e-mail) authorized me formally to object to our disenfranchisement.

As you know, Article XIII, Section 8 of the current DDH Medical / Psychological Staff Bylaws governs amendment and adoption of the bylaws:

- B. Amendments or revisions to these Bylaws shall be made only upon consideration and recommendation of the Medical / Psychological Staff in a regular or special meeting (as indicated by a two-thirds (2/3) vote of Active Staff present) and the subsequent approval of the Governing Body. Recommended changes are effective only after receiving this approval from the Governing Body, which may not be unreasonably withheld.
- C. Neither the Medical / Psychological Staff nor the Governing Body may unilaterally change or revise these Bylaws.

As you also know, we have not followed these procedures. The DDH physicians, and not the psychologists, were asked to vote on the CRH Medical Staff bylaws, which did not include psychologists as members. We feel that this procedure violated the DDH bylaws.

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I had planned to give you a courtesy call and let you know of our concerns, and that a letter would follow. However, Dr. Lancaster's memorandum of September 25, which unilaterally abolishes the DDH Medical / Psychological Staff, prompts a more immediate response. Even though we understand the necessity of effecting a unified organizational structure and of avoiding a violation of CMS Conditions of Participation, this immediate action suffers from the same procedural flaws.

We submit that it is more prudent to follow our established procedures for amending or eliminating the DDH Medical-Psychological Staff Bylaws, and is more respectful of its membership.

Cc: Ms. Wainwright
Dr. Osberg
Dr. Wolfe
Dr. Vance
Dr. Barrick
DDH Psychologists
Dr. Mayo