

"The Shame of America"

Fact Sheet about Dr. Serafina Corsello and her "War" with the New York State Department of Health - OPMC

Who is Dr. Serafina Corsello?

Dr. Serafina Corsello is a Complementary, Alternative Medicine (CAM) doctor practicing in New York City. Born and raised in Italy, she was inspired to pursue medicine by her grandmother. For more than 35 years, she has helped to heal her patients with non-toxic, noninvasive methods. Dr. Corsello is an internationally respected clinician, author and lecturer and is a co-founder of the Foundation for the Advancement of Innovative Medicine (FAIM). Dr. Corsello was also one of the 25 physicians chosen by the National Institute of Health to participate in the formation of the Office of Alternative Medicine.

What are the "Corsello Centers"?

The Corsello Centers were Dr. Corsello's realization of a life-long dream. During her fierce fight with the OPMC she was forced to close the Long Island office and was mandated to change the name of her Manhattan office of which she presently is the Administrative Director. The interim name is the Wellness Medical Center. The Center specializes in treating chronic medical conditions with alternative and complementary therapies such as antioxidant intravenous infusions, chelation, nutritional counseling, nutritional supplementation, energy balancing, acupuncture, stress management and more, as is applicable to the patient's condition.

What is the OPMC?

The OPMC is an acronym for the Office of Professional Medical Conduct. The stated purpose of this office is: *"The Office of Professional Medical Conduct (OPMC) is responsible for investigating complaints about physicians, physician assistants and specialist assistants. The Office also monitors practitioners who have been placed on probation. The Office serves as staff to the Board of Professional Medical Conduct, which is comprised of some 200 physicians and lay members. Board members are responsible for the adjudication of cases and for developing direction and policy regarding medical conduct issues."* (From the website: www.health.state.nv.us/nysdoh/opmc/main.htm)

The OPMC essentially serves as the "medical police" for the state of New York, and unfortunately they are biased against CAM practitioners.

Why did OPMC want to take Dr. Corsello's license?

The OPMC represents an entrenched mindset in the medical community that is biased against alternative and complementary therapies. These non-toxic and beneficial therapies are not "accepted medical practice" according to the OPMC and are, therefore, subject to persecution. What the OPMC



represents is the closed-minded and reactionary attitude of the allopathic medical community, which stands to lose millions of dollars to the CAM community. And that is the ultimate issue: *money*. The OPMC is trying to set a precedent that will deny patients any options other than allopathic care, so that the doctors who engage in "accepted medical practice" will not face financial loss. By taking legal action against Dr. Corsello, the OPMC has positioned itself to eliminate CAM practitioners from the larger medical picture.

Has OPMC done things like this in the past?

Dr. Corsello is not the first CAM practitioner to face harassment at the hands of the OPMC. CAM practitioners like Dr. Warren Levin, Dr. Robert Atkins, Dr. Michael Schachter, and the late Dr. Emmanuel Revici were all targets of OPMC attacks. There are even certain allopathic doctors, such as Dr. Joseph Burrascano, who face persecution from the OPMC for using treatments that are effective, but which do not

meet the criteria for "accepted medical care."

How was Dr. Corsello denied due process?

Dr. Corsello did not have the opportunity to defend herself from the OPMC's charges. Due to an alleged technical mistake by a previous attorney, who the State says did not file a written response to the charges in a timely way, the OPMC judge took the opportunity to rule that Dr. Corsello, by default, "had admitted" to their ridiculous charges. Dr. Corsello made many unsuccessful attempts to address the dangerous implication of her supposed "admission." Her attempts were always blocked. Her new team of competent and dedicated attorneys will challenge this injustice. They have already brought her case in front of the New York State Appellate Division, and if justice is not achieved there, they are ready to go all the way to the United States Supreme Court.

Why is this process taking so long?

In order to be heard by the judges, the Attorney General of New York State, who is in charge of defending the health department position, is creating obstacles in expediting the approval of our brief. Legally, he has up to 45 days to reply. Interestingly enough, on the first round of reviewing the brief, he found no problems. On the second round of the final brief, which had no substantial changes, he now chooses to exercise his right to take up to 45 days. The Corsello Coalition believes these postponement strategies are aimed at bankrupting her. This tactic has been advocated in the website of the Federation of Medical Boards and reported in the forthcoming book *The War against Alternative Medicine*. Our attorneys are telling us that the 3rd Circuit Appellate Division in Albany will now hear our case in September.

Why should I support Dr. Corsello?

The fight between Dr. Corsello and the OPMC goes far beyond a confrontation between one doctor and a state agency. The real issue that Dr. Corsello represents is health freedom and a patient's right to choose his/ her treatment. If we allow the OPMC to permanently revoke Dr. Corsello's license, we are capitulating to a system of health care that limits our treatment choices and that does not allow for innovation or advancement of medicine.

Dr. Serafina Corsello

Is Dr. Corsello's Office Still Open?

Yes. Although Dr. Corsello is currently unable to see patients personally, her Center, The Wellness Medical Center (formerly known as The Corsello Centers) continues to be fully functional under the Clinical Directorship of other Physicians well trained in her protocols of intervention and healing philosophies. Dr. Corsello remains the Scientific Advisor and the life style consultant.

Dr. Corsello is tireless in her efforts to stem the ever-increasing persecution of CAM physicians like her all over the State. She passes up no opportunity to speak and lecture on this issue, as well as sharing her experiences as a CAM physician for the past 30 years.

How can I learn more about the persecution or CAM physicians?

A recently published book *The War Against Alternative Medicine* describes in great detail how mainstream medicine is trying to destroy complementary and alternative medicine - *the shame of America*. The book is a revelation of facts that will shock the ordinary lay person. It is a must read for anyone who is concerned about persecution.

Serafina Corsello, MD is a leading practitioner of complementary care/alternative medicine in the United States. She participated in the drafting of medical guidelines for the National Institutes of Health for Alternative Medicine and hosts a radio program which is carried weekly in New York City on WOR. Unfortunately, she has become a target of a crusade which has enlisted New York's Office of Professional Medical Conduct to harass alternative care providers out of practice.

Background

Alternative health care providers generally practice complementary or integrative medicine, which means that they provide a holistic treatment for illness and wellness in addition to the treatment that the orthodox medical establishment provides for a particular disease, frequently integrating their treatment with that of a conventional medical doctor. A holistic treatment plan requires a battery of tests to measure for allergies, toxins and other markers indicating health problems for each individual patient. Based on the results of these tests, various supplemental nutritional regimens and other regimens are prescribed with the idea of restoring the natural balance to the body's basic chemistry and immune system.

Within the orthodox medical establishment, there are practitioners who have believed that

all forms of alternative or complementary medicine are "quackery" and "fraud." Certain crusaders within the orthodox medical establishment have systematically identified alternative health care practitioners for the purpose of forcing them out of the practice of medicine, using the legal system. Some of them were quoted in a 1998 article about Dr. Corsello in the *Observer*. These crusaders are particularly well-organized in New York State, where it has become clear that they have influence and contacts with certain staffers of New York's Office of Professional Medical Conduct (OPMC). The sheer number of OPMC prosecutions against alternative practitioners in this State, when compared to other states, bears this out.

Despite these attacks, complementary medicine has attracted patients, both because of the limits of orthodox medicine, and the success of many integrative treatments. Although the effectiveness of certain protocols has been scientifically established, other protocols are experimental and represent the health care provider's best effort to combat diseases that have baffled the orthodox medical community as well as, sometimes, the alternative health care community. People frequently turn to alternative therapies when orthodox therapies offer little or no hope.

In 1994 the New York State Legislature enacted the Alternative Medical Practices Act to accommodate certain of the interests of the alternative health care community (Laws 1994, Chapter 558). Subsequent to this legislation, OPMC has given lip service to the interests of alternative health care providers, but has continued to vigorously prosecute them and to harass them out of practice. The power of the state against an individual practitioner is formidable, and only the most well-heeled individual, practitioner can afford to put up the kind of defense that is likely to prevail in an OPMC proceeding.

Ansel Marks, MD, OPMC's medical director, testified as to OPMC's practices before the White House Commission on Complementary and Alternative Medicine this year as follows:

"This board and the law is sensitive to complementary and alternative medicine. As a matter of fact, the law provides that at least two members of our board be physicians who provide complementary and alternative medical care. And actually there are more than two, and we are currently soliciting additional qualified candidates to serve on the board....

"We have a cadre of over 750 experts, physicians, in the State of New York, including many credentialed and qualified alternative practitioners. *We call upon them to review cases with us* [emphasis added]. Additionally, we make every effort, when

there's judiciary hearing panel, although the law doesn't require it, to include as one of the two physician members on a three person panel, to include an alternative medical practitioner, if possible."

The Corsello Case

If Dr. Marks' testimony is consistent with the policy of New York State, the actions of OPMC in the Corsello case are clearly not:

1. It is extraordinary that OPMC engaged a doctor to review. Dr. Corsello's charts who wrote: "Many of the modalities used by Dr. Corsello are foreign to me. It would take massive library research to establish them as non-efficacious and possibly harmful." This language betrays a mindset that Dr. Corsello's approach is not medically viable and appears to be answering the directives of those who are committed to the elimination of alternative medicine.

2. Despite the OPMC expert's total lack of knowledge of the methods of alternative health care, based on his recommendations, a statement of charges was proffered against Dr. Corsello alleging in virtually every case; inappropriate and excessive medical testing, inappropriate and excessive medical treatments, and alleging other problems, the consequence of which is that Dr. Corsello is being charged with fraud, gross negligence, incompetence, negligence on more than one occasion, abandoning a patient, moral unfitness and a variety of other charges. Most of these charges could be brought against any physician in the state who has misdiagnosed or mistreated a patient, and there is not a single physician anywhere in active practice who has not on occasion misdiagnosed or mistreated a patient or mismanaged a patient's records.

3. The 1994 legislation mandated that at least two alternative health care providers be retained on the panel of OPMC. Although OPMC has apparently taken this step, it did not use the expertise of either of its panel members or any other alternative health care providers in connection with the review of the charts of Dr. Corsello, contrary to Dr. Marks' statement of OPMC concerns for alternative therapies.

4. Unless an informed physician reviews her charts as a first step in the investigative process, it appears that the OPMC actions are simply a biased effort to outlaw her therapies and harass her and other alternative practitioners out of business. This effort is reminiscent of the Soviet actions against organized religion in the 1920s. The Soviets may have succeeded for a while in outlawing religion, but ultimately it was the Soviet Union that lost credibility. Similarly, if orthodox medicine succeeds for a while in outlawing alternative/complementary therapies, its failure to consider holistic solutions will not only cost it credibility, but could exacerbate public distrust of contemporary science.

Dr. Serafina Corsello

5. If OPMC were committed to truth, it would not have acted to employ an orthodox practitioner to critique Dr. Corsello's charts for the purpose of preparing charges against her. This act reminds one of the crusade of the 17th century establishment against Galileo after he published his proof that the sun was the center of the solar system. He spent the last years of his life under house arrest for this heresy. Although the 1994 New York legislation functions in part to encourage the emergence of new truths when medicine is baffled, OPMC has instead stepped into the shoes of Galileo's antagonists and resurrected their crusade against exploring new truths. How? By investigating Dr. Corsello solely within the context of the "truths" of orthodox medicine. Her chances of prevailing in such a context before an OPMC panel are hardly better than were Galileo's chances before the tribunal that judged him.

6. From the outset, OPMC has given Dr. Corsello's attorneys a difficult time:

- First, the prosecuting attorney refused to share the OPMC "expert's" report with her counsel, despite numerous requests and the well-established right of a physician to obtain such report, until just before the eve of the scheduled hearing.
- Second, the prosecuting attorney has to this date refused to share a 1987 patient file for an inactive patient that, being far beyond the 7-year mandatory requirement for maintenance of a file, was long ago discarded by Dr. Corsello. This refusal has severely impeded ability to defend against charges related to this patient.
- Third, no reasonable attempt was made by OPMC to limit the charges in the context of a pre-hearing conference to those charges which would require an explanation from Dr. Corsello. There are still numerous charges for which the explanation is obvious to anyone familiar with alternative health care and which should be dismissed from the proceeding.

Fourth, despite her appearance by attorneys, despite numerous written documents showing that she intended to contest every charge and to allege a conspiracy against alternative health care providers as an affirmative defense, the administrative law judge (ALJ) has ruled, *sua sponte*, that she failed to file an answer and therefore has defaulted on the charges, that all that remains to be decided is her punishment, and the ALJ has moved to commence the punishment phase.

The scientific knowledge behind alternative medicine is expanding exponentially, and new treatments will emerge for many diseases, many of which will eventually be adopted by the orthodox medical community.

Those who are knowledgeable in the modalities of alternative medicine are outraged by the allegations against Dr. Corsello concerning her use of tests that are necessary for her to treat her patients. Her patients were all told the approximate costs of these tests in advance and were warned that insurance would not reimburse these costs. There is no assertion that any of these tests harmed her patients. There is no credible assertion that she wrongly profited from these tests. There is no assertion that any of these tests cost the State any money as they were not reimbursed by Medicaid. The only issue is whether the tests have any validity, and a physician who admittedly has no knowledge of alternative/ complementary medicine hardly qualifies as an "expert" upon which the State should commence a legal proceeding to revoke Dr. Corsello's license.

OPMC's primary *raison d'etre* should be as a consumer protection agency. In that capacity, it should be aggressively investigating the use of drugs by conventional physicians and hospitals which result in more than 100,000 deaths nationwide from what are termed "side-effects" but which often can be predicted based on the mix of drugs being prescribed for the patients affected. Most of the money for these drugs comes from Medicare and Medicaid. And drug companies spend erroneous sums marketing these drugs to physicians who often prescribe them without being fully aware of the effect of these drugs together with other drugs. Instead of working to create and enforce new practices to govern the professional conduct of doctors and hospitals in prescribing drugs which can kill, OPMC is devoting altogether too many resources to reducing the choices available to consumers who have not been successfully treated by conventional doctors. And it has the power to do this, regardless of the merits of its charges in particular cases, when it proceeds against alternative practitioners.

Alternative/complementary physicians rarely use drugs; they use natural therapies without the same dangers and without the same risks, and often their results are better. If the results weren't better in enough cases, the marketplace would drive the alternative practitioners out of business, and OPMC would be irrelevant. Instead the OPMC represents a throwback to the old days when market forces in medicine were distrusted and the state regulated everything. If OPMC were truly concerned that some of the therapies used by Dr. Corsello were ineffective, it should act to require disclosure, much in the same way that warnings are required on cigarette packages; instead OPMC trumps up dozens of charges and forces the target of its so-called investigation, in this case a prominent alternative/complementary care physician, to

spend hundreds of thousands of dollars to defend her right to practice and to provide choice to the consumer. This is not serving the public.

The Corsello investigation should be turned on its head. Instead of investigating a doctor who is familiar with both conventional and alternative medicine and who is unafraid to recommend conventional therapies to those patients who could benefit by such therapies and to recommend alternative therapies for those patients who could likewise benefit, OPMC should be more concerned about doctors such as its own "expert" in this case, a Doctor who professes no knowledge of

Alternative/complementary treatments and whose limitations make him unable to provide a full range of care for his patients. Such a limited physician should not be reviewing other physicians; perhaps they should be reviewing him.

More about the Crusade against Dr. Corsello

It appears that she is the target of a group of crusaders who refer to themselves as the "Quackbusters." Members of this group include Stephen Barreett MD, who was quoted in the Observer article and Victor Herbert, MD, who has orchestrated attacks on other alternative practitioners. Their crusade has been ongoing for perhaps two decades, but they were galvanized into action in New York State in 1993 after an article appeared in the Journal of the American Medical Association describing a study which showed that the number of visits to alternative practitioners exceeded the number of visits to conventional doctors.

Their contacts are significant, including media, other doctors and OPMC personnel. They see their mission as no less than outlawing most, if not all, alternative care therapies. Some appear on advisory boards for publications that portray themselves as authorities on issues of the alternative/complementary health care community, when in fact their purpose is exactly the opposite. A good example is the recent book of the American Cancer Society on Alternative Cancer Therapies.

There is unquestionably a large constituency for alternative health care in this state. It is noteworthy that a majority of cancer patients also resort to alternative/complementary therapies and yet the doctors who provide such therapies are underrepresented on the OPMC panels. Dr. Corsello believes that her problems are more political than legal, and from the record she appears to be right. Meanwhile OPMC seeks to destroy her practice without even affording her the opportunity to put on a defense.