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Lyme Disease*

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Dear Friends:

I want to update you regarding the progress in my legal defense. This of course pertains to the charges which were brought against me by the Connecticut Department of Public Health, and heard by the Connecticut Medical Examining Board (CMEB).

Contrary to some newspaper accounts, I have not lost my legal battle. On the contrary, I have continued to practice without restrictions, aside from monitoring, during the more than six years that I have been fighting these charges: as a result, several hundreds of children have been able to receive treatment for their tick borne diseases!

Appeals are underway, and it is imperative that these go forward. (See below for more details). This has required a flurry of legal activity, and as a result my legal defense fund is again seriously in arrears. It would not be possible for me to fight these charges without the backing of the Lyme community, and it is time once again to appeal to you for donations. No amount is too small! It is with deep appreciation that I ask you to please send your checks as follows (the Paypal option is not available at this time):

**"Pullman & Comley Trust Account for Dr. Charles Jones"
(Note "gift" in the memo field)**

**Mail to:
Elliott B. Pollack, Esquire
c/o Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702**

For the remainder of this letter, I will focus on developments since my last communication to you. For more information regarding the history and details of my legal defense, please refer to the website www.drjoneskids.com.

As you may recall, the first set of charges pertained to two Nevada children who were successfully treated by me. The CMEB ordered a two year period of monitoring, now concluded, as well as a \$10,000 fine, which has been held in escrow pending the outcome of the litigation. Of particular concern in that case, the CMEB imposed of a four-part, highly restrictive standard of care for the diagnosis and treatment of Lyme disease. *That standard would set a dangerous*

precedent, making it even more difficult to treat Lyme disease according to clinical judgment, if allowed to remain unopposed. It has been suspended, pending the outcome of my appeal.

The central claims on appeal pertain to two key points:

- The bias of one of the members of the hearing panel, Dr. Senechal, who had made highly derogatory statements about Lyme practitioners and the laboratories to which they refer while serving on the hearing panel;
- The application an improper standard of proof to the proceedings, which made it easier for the CMEB to rule against me.

Both of these claims were rejected by the Appellate Court. We are now planning to seek certification to appeal to the Connecticut Supreme Court, where we are optimistic that we will receive a just and appropriate hearing. The petition for certification is due by the end of this month.

A second set of charges also was brought against me. These involved three different cases, which were “conjoined” into one proceeding. Once again, none of the patients involved had sustained any harm from treatment, and my attorneys succeeded in having the first of these cases dismissed entirely. They also succeeded in having Dr. Zemel’s testimony as an expert witness completely dismissed by the CMEB as biased; this will limit his ability to testify in this capacity in other proceedings against LLMD’s as well.

The second case involved a child with an EM rash which was documented but not treated at Stamford Hospital; and who also tested positive for Babesiosis. This case was quite complex medically, raising my concern over the relative risk of a treatment delay. It also raised questions about the appropriate diagnosis and treatment of Babesia infections. Dr. Peter Krause was called in to testify as an expert witness by the Department.

The remaining case involved my decision to order diagnostic testing for two youngsters before I could schedule an office visit. Although the tests were conducted, the patients cancelled their appointments, and were never seen or treated by me.

The Connecticut Medical Examining Board found against me in both of these cases. As a result, they imposed a second \$10,000 fine (also held in escrow, pending the outcome of the second appeal), and four more years of monitoring. The cost of this monitoring has been incredibly expensive, due to the need to retain a commercial monitoring service, because I could not locate any physician in my immediate practice area willing to take on the responsibility. All of the monitor's reports have been positive. In fact, the monitoring agency recommended a reduction in monitoring as a result, but their proposal was rejected by the CMEB.

The Superior Court sustained my appeal of one of the issues in the second case, which is a victory: the CMEB had found me guilty of failing to make a differential diagnosis. This was not something that the Department of Public Health had charged me with in the first place and, as a result, I had no opportunity to defend myself against this charge during the proceedings. The Connecticut Medical Examining Board is going to reconsider this issue and the Department of Public Health has filed a motion to re-argue the Superior Court decision. We have appealed additional aspects of the Superior Court decision to the Appellate Court.

I hope that this update has been helpful in explaining the scope of the charges which I have been fighting, as well as the complex and extensive legal defense that has been mounted on my behalf. I hope too that you will be able to donate to my legal defense fund as soon as possible, in whatever amount your circumstances permit.

Very truly yours,

Charles Ray Jones, M.D.