



KEVIN KAMENETZ
County Executive

FRED HOMAN
Administrative Officer

February 22, 2013

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Honorable Thomas M. Middleton
Chair, Senate Finance Committee
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

RE: SB681/HB1314 - Workers' Compensation – Medical Presumptions

Dear Chairman Middleton:

I am in receipt of a copy of the February 14, 2013 correspondence of the Professional Fire Fighters of Maryland to Governor O'Malley in this matter. I wish to advise you of the circumstances relating to Dr. Cheung as referenced in the letter, from the perspective of Baltimore County government.

Dr. Cheung was retained as an expert witness by Baltimore County to provide an Independent Medical Examination (IME) of a Baltimore County paramedic in a workers' compensation claim of COPD/emphysema causation. In December 2012, Dr. Cheung testified that in his expert opinion, there was no evidence to support the claimant's assertion that his career with the Fire Department contributed to what would normally be considered early onset of COPD, but rather that the condition was fully explained by a very rare pre-existing genetic condition and possibly accelerated by a significant history of smoking a pack a day for over 25 years, if it was accelerated by any external factor at all. During cross-examination, Dr. Cheung confirmed that he recognized the legal presumption in place for firefighters. Pressed further, Dr. Cheung was then asked to answer *without regard to the legal presumption*, and testified on cross-examination that in his opinion there was no scientifically reliable evidence in the body of medical literature to support a connection between firefighting activities and emphysema.

While it is accurate that Dr. Cheung's testimony was struck by the court as a result of the cross-examination, Dr. Cheung's extensive qualifications and professional background in the area of environmental medicine and board-certified occupational and internal medicine are not diminished (attached is a copy of his standard qualifications summary).

In early January 2013, Dr. Cheung contacted your legislative liaison to advise that due to personal health matters related to a family member, he would not be able to serve in the expert capacity associated with the legislative study.

The Fire Fighters were well aware that Dr. Cheung had been utilized on numerous occasions to provide IMEs on behalf of Baltimore County in workers' compensation claims. Rather, Dr. Cheung was advanced as a study participant based upon his vast experience in the occupational health field, as verified by his qualifications summary. The veiled suggestion in Senate testimony that Baltimore County somehow was "pulling a fast one" is offensive and without merit. Importantly, Dr. Cheung's withdrawal last month certainly has no bearing on the inability of all parties to timely fund and complete a competent study prior to the 2013 Legislative Session. Baltimore County has offered to contribute a very significant amount towards this study and is only interested in the science.

For these reasons, I urge the General Assembly to consider favorably SB681/HB1314, and allow the agreement that you judiciously helped craft last year to be fairly implemented.

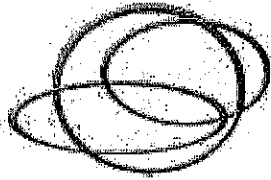
Sincerely,



Fred Homan
Administrative Officer

Attachment

- c: Honorable Dereck E. Davis, Chair, House Economic Matters Committee
- Michael B. Rund, President, Professional Fire Fighters of Maryland
- Leslie Knapp, Maryland Association of Counties



DR. CHEUNG / OEM ADVISOR, LLC

INTEGRATED OCCUPATIONAL, ENVIRONMENTAL, AND PUBLIC HEALTH SOLUTIONS

CURRICULUM VITAE

Hung K. Cheung, M.D., M.P.H., F.A.C.O.E.M.

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E-mail: hungc@drcheung-oemadvisor.com

Date of Birth: December 23, 1958
Citizenship: USA

EDUCATION:

1996	M.P.H. Degree (Environmental Science) Johns Hopkins University Baltimore, Maryland
1985	M.D. University of Maryland Baltimore, Maryland
1981	B.S. Degree (Biology) Loyola College, Maryland (Alpha Sigma Nu/ Beta Beta Beta)

PROFESSIONAL EXPERIENCE:

2009 – 2010	OPS Consultant Physician, Bureau of Environmental Public Health Medicine, Division of Environmental Health Florida Department of Health, State of Florida
2004 - Present	President Dr. Cheung/ OEM Advisor, LLC.

PROFESSIONAL EXPERIENCE: (continued)

2004 - 2008 Chief Medical Officer
Building Health Science

2003 - 2008 Vice President, Clinical Medicine
International Center For Toxicology and Medicine (ICTM)

2000 -2003 Regional Medical Director - Concentra Medical Advisory Services

- State Medical Director - Maryland agencies and employees
- Medical Advisor - Maryland Department of Transportation
 - Maryland Aviation Administration
 - Mass Transit Administration
 - State Highway Administration
 - Maryland Transportation Authority
 - Maryland Motor Vehicle Administration
 - Maryland Port Administration

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- Medical Advisor - Baltimore County, Maryland

Established Medical Advisory Department for large Concentra clients in Mid-Atlantic Region, specifically for management of Occupational Health Services/Preventive Health Services/Indoor Air Quality/Environmental Medicine consultations/ Investigations.

Department - For strategic development/implementation of Integrated Health/Disability Management programs for large clients including the State of Maryland (65,000 state employees), Baltimore County, other municipalities and large corporations with over 20,000 employees. Other services include: drug free workplace program review/evaluation, medical review of substance abuse testing, workability evaluations, disability/retirement evaluations, fitness for duty exams, employment medicine services, second opinion evaluations/IMEs, absence management/sick call programs, ADA, STD/FMLA reviews, medicolegal consultations, delayed recovery cases, indoor (industrial & non-industrial) environmental quality/health management and evaluations, Environmental outbreak or disease cluster investigations, etc.

PROFESSIONAL EXPERIENCE: (continued)

1996 - 2000

Regional Medical Director
Concentra Medical Centers/Concentra Health Services
Delaware/Maryland/Virginia/ Pennsylvania

Responsible for supervision of clinical services provided at 13 outpatient centers and four on-site facilities. 25%-30% direct patient care with focus on complex environmental medicine patients, second opinions, complex HR issues, fitness for duty, travel medicine and complex work injuries. Other duties include monthly medical professional education, training, compilation and dissemination of medical informational updates, Quality Assurance, development of new product line(s) to meet needs of client companies, development of protocols to meet various OSHA/ CDC/scientific standards (including BBP, OSHA respirator, etc.), budgeting, scheduling, marketing, NCQA credentialing of providers, chart audits, performance evaluations/tracking, best practice pattern identification with review of cases of outliers, outcomes research, assist and serve as resource for the cases of outliers, assist and serve as resource for the Case Management Division: IME, TCM/FCM, provider bill review, First Call (first report telephonic case management services).

1995 - 1996

Director
Potomac Occupational Health Group (POHG)

Responsible for management of multiple Occupational and Urgent Care Medicine Centers. Contracted through CEMA. POGH is a member of the Dimensions Health Network (a PHO with over 450 physicians, three hospitals and two nursing homes) and is a provider of Occupational Medicine and Urgent Care for covered subscribers and companies.

1993 - 1995

Director
Odenton Community Medical Center
Odenton, Maryland

Contracted through CEMA. A sister corporation to CEMA, formed to expand the Occupational Medicine and Urgent Care Services. Overall management of all clinical and administrative services including credentialing, Managed Care contracting,

PROFESSIONAL EXPERIENCE: (continued)

sales and marketing, supervision of human resource issues, Occupational and Environmental Medicine investigations.

Merged in 1995 with DHS to form Potomac Occupational Health Group Emergency Medical Services, Inc.

1993 - Present Medical Review Officer

Certified expert reviewer of forensic toxicological/drug/alcohol testing.

1991 - 1996 Associate Director of Occupational Medicine (part time position)
Express Care/ Prince George's Hospital Center
Cheverly, Maryland

Part of CEMA's portfolio of services, including Occupational and Environmental Medicine for PG County Fire/ Rescue/ Police/ Badge employees, MNCPPC Police Force - Clinical position with administrative responsibilities including sales, marketing, Quality Assurance, education, updates, conferences.

1989 - 1994 Attending Physician
Department of Emergency Medicine
Prince George's Hospital Center
Bowie Health Center
Prince George's County, Maryland

(Contracted with Chesapeake Emergency Medicine Associates (CEMA) with additional duties: education of students, residents and assistance with Quality Assurance Program)

Part Time/Moonlighting Positions
Leland Hospital Emergency Department, Riverside, Maryland
St. Agnes Hospital Emergency Department, Baltimore, Maryland

1988 - 1989 Locum Tenens Physician – Montana, Massachusetts
Primary Care/Internal Medicine
Inpatient and Outpatient services
CompHealth, Utah

MEDICAL LICENSURE:

Delaware	California
Maryland	Pennsylvania
Nevada	Virginia
Montana – inactive	Massachusetts – inactive
Federal DEA# BC 0919045	MD. CDS# M26978

PROFESSIONAL GRADUATE TRAINING:

1997 - 1999	THOMAS JEFFERSON UNIVERSITY Occupational Medicine Program Jefferson Medical College Philadelphia, Pennsylvania
1985 - 1988	UNIVERSITY OF MARYLAND HOSPITAL Medical Resident Division of Primary Care/Department of Medicine Baltimore, Maryland

QUALIFICATIONS:

Diplomate Federal Licensure Examiners
Board Certification, Am. Bd. of Internal Medicine - 1988
Board Certification, Am. Bd. of Preventive Medicine/ Occupational Medicine 2002
Advanced Cardiac Life Support Provider 1985-1995
Advanced Trauma Life Support Provider 1989-1995
American Association of Medical Review Officers
Inspector Technician, certified 2010

PROFESSIONAL SOCIETIES:

Fellow - American College of Occupational and Environmental Medicine (ACOEM)
Treasurer - Maryland Chapter ACOEM 2000 to present
Member - American College of Physicians
Member - American Industrial Hygiene Association, Chesapeake Chapter
Inactive, Fellow - American Academy of Disability Evaluating Physicians
Inactive, Member - American College of Emergency Physicians
Inactive, American College of Physician Executives
BBB - Biological Honor Society
Alpha Sigma Nu - National Jesuit Honor Society

FACULTY APPOINTMENT:

Faculty member, Department of Environmental Health Sciences,
The Johns Hopkins University Bloomberg School of Hygiene & Public Health

CLINICAL APPOINTMENT:

Active staff, Division of Occupational and Environmental Medicine,
Mercy Medical Center, Baltimore, Maryland

MISCELLANEOUS:

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| 1999 | Named " 1999 Physician of the Year " by Maryland Academy of Physician Assistants |
| 2001 - 2002 | Political Appointment - Maryland Governor's Task Force on Indoor Air Quality and its Effects on Health & Worker Productivity. One of two physicians on this Task Force with final recommendations to the Governor and Legislature July 2002. |
| 2002 - 2003 | Member - State of Maryland Committee on Early Return to Work |
| 2002 | Medical Advisory Panel, PKIDS - a nonprofit organization for families who have children with infectious diseases. Additionally, have assisted with a grant proposal and volunteered as project manager for an overseas disease prevention program. |
| 2003 | Volunteer Examiner - ACOEM's Corporate Health Achievement Award. Evaluator of Fortune 500 companies' Corporate Health Programs and Practices for this annual prestigious award. |
| 2006 - 2008 | Lead investigator to a large Department of Defense epidemiology research study and selected health hazard evaluations involving over 7 thousand study participants and over 350 study areas in various large governmental facilities |
| 2006 - Present | Atlantic Legal Foundation, Advisory Council member |
| 2006 - 2012 | ACOEM appointment - Practice Guideline Panel member for development of the ACOEM evidence-based Respiratory Medicine Practice Guidelines |
| 2007 - 2008 | Baltimore City Health Department - Healthy Homes Advisory Group |
| 2009 - Present | Baltimore City Health Department - Greater Baltimore Asthma Alliance |
| 2012 | EPA Accredited Risk Assessor Training |