

**STANLEY L.K. FLEMMING
PEACH ACRES
7619 CHAMBERS CK. RD. W.
UNIVERSITY PLACE, WASHINGTON 98467**

October 31, 2017

Jeremy Conklin, DO
2222 Medical District Dr.
Apt 4211
Dallas, TX 75235

Dear Doctor Conklin;

I am replying to your correspondence that you recently sent me dated October 25, 2017. I truly regret and hope you will accept my sincerest apology for not being able to reply to your earlier phone calls. It was not intentional and mostly due to the limited time that I have these days.

Enclosed, you will find a copy of the letter that I have sent to Doctor Lester Permut. I hope it will be of benefit you and wish you every success in achieving your goal. If I may be of further assistance, please do not hesitate to contact. I will do my best to be more responsive.

Fraternally yours,

A handwritten signature in blue ink, appearing to read 'Stanley L.K. Fleming', written in a cursive style.

**STANLEY L.K. FLEMMING
PEACH ACRES
7619 CHAMBERS CK. RD. W.
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October 30, 2017

Lester C. Permut, MD, FACS
Associate Professor of Surgery
Program Director, Congenital Cardiac Surgery
University of Washington School of Medicine
1959 N.E. Pacific St.
Seattle, WA 98195

Dear Doctor Permut;

I am writing you with regards to Doctor Jeremy Conklin, who recently applied to become a fellow in your Congenital Cardiac Surgery program. It was recently brought to my attention that you may be attempting to discriminate against this board certified physician based on his credentials as an osteopathic trained surgeon. In your letter to Doctor Conklin declining his application, you cited that "certification or eligibility for certification by the American Board of Thoracic Surgery" as a prerequisite for consideration. This is a criteria established by the program and not in statute nor in the certification of your program.

During my tenure in the Washington State Legislature, I was deeply concerned with the discrimination practices by certain hospital organizations within our state and by the University Of Washington School Of Medicine towards osteopathic trained and board certified physicians. Thus, I worked closely with the late Doctor John Coombs, a colleague, friend, and Assistant Dean at the University Of Washington School Of Medicine to draft and enact into law RCW 70.41.235. That law clearly states that it is illegal to discriminate against physicians who have earned the Doctor of Osteopathic Medicine and Surgery. Furthermore, discrimination based on board certification is prohibited. It appears your intent to exclude physicians from participating in your program is based on credentials and not academics, thus, keeping it pure allopathic – i.e. MD. Therefore, I must caution you that you are in violation with the spirit and intent of this law. By enacting this legislation, it was clearly my intention to preclude such actions that you are currently practicing within your program.

In preparing this correspondence I took the opportunity to obtain a copy of the eligibility requirements for candidates applying to an ACGME Congenital Cardiac Surgery program. In your correspondence to Dr. Conklin, you referenced criteria that were in effect on June 30, 2013. However, you did not mention that those criteria had changed with new eligibility criteria that became effective on July 1, 2016. I call your attention specifically criteria III.A.2. Lastly, I learned that in March 2014, ACGME announced commencing on July 1, 2015 to June 30, 2020, all AOA-accredited training programs will transition to ACGME recognition and accreditation.

In closing, I have over twenty-five years of experience serving in various roles within the academic community and know from those experiences that as a *program director*, you have the ability to waiver or set aside what I consider to be an artificial barrier. ACGME in its updated eligibility criteria gives you that latitude. Thus, I am strongly urging you to reconsider your position with regards to this candidate.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley L.K. Flemming". The signature is stylized and cursive.

Stanley L.K. Flemming

Encl. – Eligibility Requirements – ACGME Accredited Congenital Cardiac Surgery Fellowship
Cf – Dr. Jeremy Conklin

Ms. Jodi Perlmutter, Executive Director,

Eligibility Requirements
Common Program Requirements are In BOLD

Congenital Cardiac Surgery

Eligibility Requirements in Effect on June 30, 2013	Eligibility Requirements Effective July 1, 2014-June 30, 2016	Eligibility Requirements Effective July 1, 2016
<p>Int.C. The educational program must be 12 consecutive months exclusively devoted to congenital cardiac surgery following successful completion of a residency program in thoracic surgery accredited by the Accreditation Council for Graduate Medical Education (ACGME) or the Royal College of Physicians and Surgeons of Canada. Prior to entry into the program, each fellow must be notified in writing of the required length of the educational program.</p> <p>III.A. Eligibility Criteria</p> <p>Each fellow must successfully complete an ACGME-accredited specialty program and/or meet other eligibility criteria as specified by the Review Committee.</p>	<p>III.A. Eligibility Criteria</p> <p>Each fellow must successfully complete an ACGME-accredited specialty program and/or meet other eligibility criteria as specified by the Review Committee. ^(Core)</p> <p>III.A.1. The program must document that each fellow has met the eligibility criteria. ^(Detail)</p> <p>III.A.2. Prior to appointment in the program, fellows must have successfully completed an ACGME-accredited program in thoracic surgery. ^(Core)</p>	<p>III.A. Eligibility Requirements – Fellowship Programs</p> <p>All required clinical education for entry into ACGME-accredited fellowship programs must be completed in an ACGME-accredited residency program, or in an RCPSC-accredited or CFPC-accredited residency program located in Canada. ^(Core)</p> <p>Prior to appointment in the program, fellows must have successfully completed an ACGME-accredited program in thoracic surgery. ^(Core)</p> <p>III.A.1. Fellowship programs must receive verification of each entering fellow's level of competency in the required field using ACGME or CanMEDS Milestones assessments from the core residency program. ^(Core)</p> <p>III.A.2. Fellow Eligibility Exception</p> <p>A Review Committee may grant the following exception to the fellowship eligibility requirements:</p> <p>An ACGME-accredited fellowship program may accept an exceptionally qualified applicant**, who does not satisfy the eligibility requirements listed in Sections III.A. and III.A.1., but who does meet all of the following additional qualifications and conditions: ^(Core)</p> <p>III.A.2.a) Assessment by the program director and fellowship selection committee of the applicant's suitability to enter the program, based on prior training and review</p>

Eligibility Requirements
Common Program Requirements are in **BOLD**

Eligibility Requirements In Effect on June 30, 2013	Eligibility Requirements Effective July 1, 2014-June 30, 2016	Eligibility Requirements Effective July 1, 2016
		<p>of the summative evaluations of training in the core specialty; and ^(Core)</p> <p>III.A.2.b) Review and approval of the applicant's exceptional qualifications by the GMEC or a subcommittee of the GMEC; and ^(Core)</p> <p>III.A.2.c) Satisfactory completion of the United States Medical Licensing Examination (USMLE) Steps 1, 2, and, if the applicant is eligible, 3, and; ^(Core)</p> <p>III.A.2.d) For an International graduate, verification of Educational Commission for Foreign Medical Graduates (ECFMG) certification; and, ^(Core)</p> <p>III.A.2.e) Applicants accepted by this exception must complete fellowship Milestones evaluation (for the purposes of establishment of baseline performance by the Clinical Competency Committee), conducted by the receiving fellowship program within six weeks of matriculation. This evaluation may be waived for an applicant who has completed an ACGME International-accredited residency based on the applicant's Milestones evaluation conducted at the conclusion of the residency program. ^(Core)</p> <p>III.A.2.e).(1) If the trainee does not meet the expected level of Milestones competency following entry into the fellowship program, the trainee must undergo a period of remediation, overseen by the Clinical Competency Committee and monitored by the GMEC or a subcommittee of the GMEC. This period of remediation must not count</p>

Eligibility Requirements
Common Program Requirements are in BOLD

Eligibility Requirements in Effect on June 30, 2013	Eligibility Requirements Effective July 1, 2014-June 30, 2016	Eligibility Requirements Effective July 1, 2016
		<p>toward time in fellowship training. ^(Core)</p> <p>** An exceptionally qualified applicant has (1) completed a non-ACGME-accredited residency program in the core specialty, and (2) demonstrated clinical excellence, in comparison to peers, throughout training. Additional evidence of exceptional qualifications is required, which may include one of the following: (a) participation in additional clinical or research training in the specialty or subspecialty; (b) demonstrated scholarship in the specialty or subspecialty; (c) demonstrated leadership during or after residency training; (d) completion of an ACGME-International-accredited residency program.</p> <p>III.A.3. The Review Committee for Thoracic Surgery does not allow exceptions to the Eligibility Requirements for Fellowship Programs in Section III.A. ^(Core)</p>