

# Doctor barred from practice

## Chavis denies allegations of negligence, cites 'incomplete records'

LYNWOOD, Calif. (AP) — Long before California banned racial preferences, there was Patrick Chavis, a black medical student swept up in one of the earliest court cases over affirmative action.

Chavis, who grew up in South central Los Angeles, not only survived the Bakke case, which went all the way to the Supreme Court in the 1970s, but was hailed as the embodiment of affirmative action as it was meant to be when he opened an office in a poor Los Angeles neighborhood instead of a well-to-do suburb. Today, however, the 45-year-old obstetrician-gynecologist is temporarily barred from practicing because of alleged negligence in the death of a liposuction patient, and critics are using him as a weapon to crack affirmative action.

"A cautionary tale about the dangers of preferential treatment," Mark Aswell, contributing editor at *Albion* magazine, wrote in a *Wall Street*

Journal opinion piece Wednesday.

Civil rights groups that once touted Chavis said his problems should not be used to argue against affirmative action.

"It's never wise to rely solely on anecdotal information to justify public policy," said Oren Sellstrom of the San Francisco-based Lawyers Committee for Civil Rights. "A single example does not constitute data."

Whatever the larger social implications, Chavis is in very deep trouble.

Court files show he has been sued at least 21 times for alleged malpractice. He has settled some of the cases without admitting wrongdoing. He declared bankruptcy in March. Before that, he failed to pay child support. He has been through two bitter divorces, with an alimony trial pending.

Worst of all, he could permanently lose his medical license and even face criminal charges in the death of

Tammara Cotton, a 43-year-old court clerk.

In a recent interview, Chavis denied all the allegations against him. He said his accusers at the state Medical Board relied on incomplete records from a hospital he has clashed with numerous times, and on selective interviews with his enemies, including his ex-wives.

All of the Medical Board investigators who have questioned him are white, as are the administrators at the hospital where he once worked, he said.

"That's racism, I don't care what you say," Chavis said. "They wouldn't do that to a white guy."

In October, Chavis will face administrative hearings on whether he should lose his license over Cotton's death.

Cotton suffered severe blood loss and died of cardiac arrest in June 1996, hours after Chavis removed fat from her abdomen, but-

tocks and thighs.

Investigators allege Chavis was incompetent and negligent. Among other things, he allegedly failed to monitor Cotton's blood pressure or hospitalize her when it dropped.

Deputy Attorney General Richard Avila said at a hearing this summer that Chavis "abandoned patients at critical points in their recovery."

Chavis blames the woman's death on her husband, Jimmy, who he says propped her up after surgery against his orders, causing a fatal plunge in blood pressure. State medical reports confirm Jimmy Cotton moved his wife into a wheelchair after the liposuction.

Chavis acknowledges that he had left his office for his home, where another patient was recovering.

"There's a good possibility that if I had been there standing guard over them, this probably wouldn't have happened," he said. "But I left my competent nurse there."

# Senate debates change in Indian tribal funding

WASHINGTON (AP) — By any measure, the Mille Lacs Band of Chippewa in Minnesota is one of the most successful tribes in America. Casinos trimmed unemployment and welfare bills and helped build new schools and a clinic. Yet the tribal government still gets \$1.4 million a year from the Bureau of Indian Affairs — roughly \$1,000 for every tribal member. Meanwhile, a few hundred miles west, some of the poorest Americans, South Dakota's Oglala and Rosebud Sioux, get about \$200 per member from the BIA.

An AP analysis of the Indian agency's arcane funding systems shows wide disparities, with the richest, best-located tribes frequently the best funded, up to \$2,000 per member, while some get less than \$100.

And the gap between tribes grows as annual funding increases are made at the same rate for every reservation.

BIA officials say it's politically impossible for them to redistribute the money. And distrustful tribes — rich and poor — don't want any change.

The Senate, nevertheless, will debate legislation this month that could lead to relatively wealthy tribes getting less of the BIA money flow.

"All tribes have needs but the tribes with the greatest needs and poorest situations should be, at the least, given some level of preference," said Sen. Slade Gorton, R-Wash.

Gorton inserted a provision in the Interior Department's 1998 appropriations bill that would require tribes to begin reporting their income to the BIA. It's a first step toward requiring the federal agency to fund tribes according to need.

Interior Secretary Bruce Babbitt has said he would recommend a veto of the appropriations if Gorton's provision stays in.

Opponents such as Ron Allen, president of the National Congress of American Indians, explained: "You can't come in and fix a problem like this overnight in such a blatant and callous way.

It's fundamentally wrong."

Tribal leaders argue that the federal government is obligated to care for Indians in perpetuity and that basing funding on need would discourage tribes from trying to improve themselves.

"I don't think they could guarantee us we

"All tribes have needs but the tribes with the greatest needs and poorest situations should be, at least, given some level of preference."

SLADE GORTON  
UNITED STATES SENATOR

wouldn't be hurt by this," said William Kindle, president of the Rosebud Sioux, whose barren reservation has one of the nation's highest poverty rates. "They've never kept their word with us."

More than 200 Indian leaders are coming to Washington this week to lobby against Gorton's provision and a second, equally unpopular, measure that seeks to strip tribes of their immunity against lawsuits.

The BIA funds almost every function of tribal government on reservations, including social services, law enforcement, land management and road maintenance. This year the bureau distributed \$681 million to 554 tribes.

When the BIA started funding tribes in the 1930s the money was apportioned according to population, but that changed in the 1960s and 1970s.

Tribes with influential representatives in Congress, such as former Sen. Warren Magnuson of Washington, longtime chairman of the Senate Appropriations Committee, got more money. So did tribes that took over management of BIA services or won rights to water and

other natural resources and needed federal money to enforce them.

That extra money subsequently was built into the tribes' annual funding base regardless of whether the tribes' needs changed.

The result: tribes that have been the most successful in developing natural resources, starting casinos, resorts and other businesses, or in lobbying Congress are also among the best funded by the BIA. Often that means tribes rich in timber or those located near major cities.

Tribes in the Pacific Northwest receive nearly twice the amount per capita that tribes in the Dakotas get on average and nearly eight times the share for the Cherokee and other tribes in eastern Oklahoma.

In Oregon, the Confederated Tribes of Warm Springs, which has one of the lowest unemployment rates in Indian country, an estimated 12 percent, received \$3.6 million in BIA funding this year. That's more than \$1,230 for each of the 2,900 tribal members living on or near the reservation.

New Mexico's Mescalero Apache tribe, which operates a popular mountain resort and has virtually no unemployment, got \$941 per tribal member.

The small Mille Lacs tribe, located on one of Minnesota's premier fishing lakes less than two hours north of Minneapolis, operates casinos that draw 130,000 gamblers a week.

"It was hard to control and keep the per-capita allocation system going," said Michael Anderson, the Interior Department's deputy assistant secretary for Indian affairs. "To right that in the 1990s and to try to achieve equity ... is going to be very difficult."

Even when Congress has tried to address the funding disparity it hasn't always hit the mark. BIA was given \$2 million this year to distribute to tribes deemed "small and needy." All the tribes that shared the money were small — under 1,500 members — but not all were needy.

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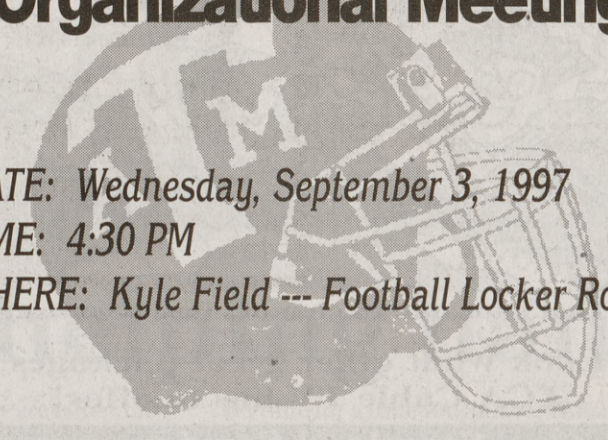
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