

May 17, 2021

Cassie Jones
Medical Board of California
Enforcement Program
2005 Evergreen Street, Suite 1200
Sacramento, CA 95815

Dr. Calvin Hirsch

Dear Ms. Jones:

I am writing to you to respond to your April 22, 2021 letter (the “April Letter”) and provide you with additional information relevant to my case.

I. The Board’s April Letter

I am concerned by the Board’s April Letter, as it seems to show yet again that the Board’s Central Complaint Unit has failed to read and comprehend my complaint against Dr. Hirsch.

First, the April Letter states that I have made “sexual misconduct allegations against multiple physicians with patients.” This is simply not true, also not at all supported by any of the materials I have sent to the Board.

Second, the April Letter also suggests the potential existence of a physician-patient relationship between Dr. Hirsch and me. This is distressing, as my complaint against Dr. Hirsch centers on the fact that I was *not his patient*, something I have made this clear to the Board on multiple occasions. In the particulars of my complaint, which were submitted to the Board on December 3, 2020, I wrote:

In December 2014, Olivarius finally felt able to confront Hirsch and wrote him privately about the rape, seeking an apology. She hoped that he would show her that he was a changed man and that her concern for other women and patients was unnecessary.

That did not occur. Hirsch replied with invective and fury, denying the rape entirely. More worryingly, he used his medical license to threaten and intimidate Olivarius. He said that as an “objective clinician,” he believed she was suffering from a mental illness or cognitive disorder. He evaluated and diagnosed her, without her consent and despite the obvious conflict of interest and **the fact that she was not his patient or seeking his advice** (emphasis added).

When your office wrote me on January 14, 2021 claiming that my complaint against Dr. Hirsch is out of time, I responded with a letter on February 2, 2021 (the “February Letter”), explaining for a second time how my allegations against Dr. Hirsch are, in fact, timely. In that letter, I reiterated how Hirsch evaluated and diagnosed me, “despite the obvious conflict of interest and **the fact that I was not seeking his medical advice**” (emphasis added).

The quotes above show that in both my initial complaint and the follow-up February Letter, I made it abundantly clear to the Board that I never had a physician-patient relationship with Dr. Hirsch. It was thus surprising to receive your April Letter, which suggested that the opposite was true.

As I stated in my initial complaint, I am the founder and Chair of McAllister Olivarius, a transatlantic law firm that advocates for the rights of women and other disempowered groups. As part of my day job, I regularly write complaints like the one I submitted about Dr. Hirsch for clients. Despite this, writing about my own experiences has of course been immensely painful, and I have found the Board’s failure even to read my complaint carefully to be frustrating. Given my experiences thus far with the Board, it is hard to exaggerate just how devastating and demoralizing this process would be for the average person.

II. Bandy X. Lee case

As you may have read, Dr. Bandy X. Lee, formerly a Yale-affiliated forensic psychiatrist, has recently made [national news](#) for losing her position at the university after diagnosing Alan Dershowitz – who was not her patient – without sufficient information. Also, as I mentioned in my complaint, the Medical Board of California itself has recently punished at least two physicians – Ramon Fawzi Fakhoury and Robert T. Perez – for using their medical licenses to intimidate and gaslight their victims by diagnosing them without sufficient information. As you well know, the Board found their behavior to be sanctionable.

Dr. Hirsch’s behavior in late 2014 is arguably more appalling than that of the three physicians mentioned above. Dershowitz is a highly public figure who, upon information and belief, had not made any claims against or about Lee specifically when she first made her claims about his mental state. Dr. Lee commented on Dershowitz’s health simply because he is in the public eye (not out of any desire to discredit allegations he made against her). The two other doctors mentioned above both at least had a current relationship with their victims when they made claims about their psychiatric health. In my case, however, Dr. Hirsch provided me with an unsolicited diagnosis of my mental state in 2014 after I contacted him for the first time in several decades, when he knew little to nothing about my current life or medical history.

I’m sure you can agree that this manner of practicing medicine – trying to diagnose others across a distance of time and geography – is certainly not in line with the “quality health care” the Board apparently seeks to ensure. In fact, the American Psychiatric Association has made [a public statement against this practice](#), deeming it “armchair psychiatry.” It states, “The standards in our profession require review of medical and psychiatric history and records and a complete examination of mental status [to evaluate mental illness]. Often collateral information from family members or individuals who know the person well is included, with permission from the patient.” Dr. Hirsch, of course, had access to none of this information when he diagnosed me over email in 2014, without any request by me that he do so.

Given the seriousness of my complaint against Dr. Hirsch, I would appreciate an update on the Board's investigation into his behavior. I filed my complaint in December of last year. Since then I have received the February and April letters that demonstrate that the Board has not properly engaged with my complaint. I remain concerned about Dr. Hirsch's ability to abuse his license to harm his patients and other vulnerable people to whom he may have access.

As I have previously stated, I am happy to speak with you as needed and look forward to assisting with the Board's investigation.

I would be grateful if you could confirm receipt of this letter.

Sincerely,



Dr. Ann Olivarius
Chair of the Executive Committee