

Exhibit 169

Punishing Dissident Physicians

Dr. Aaron Kheriaty

<https://aaronkheriaty.substack.com/p/punishing-dissident-physicians>

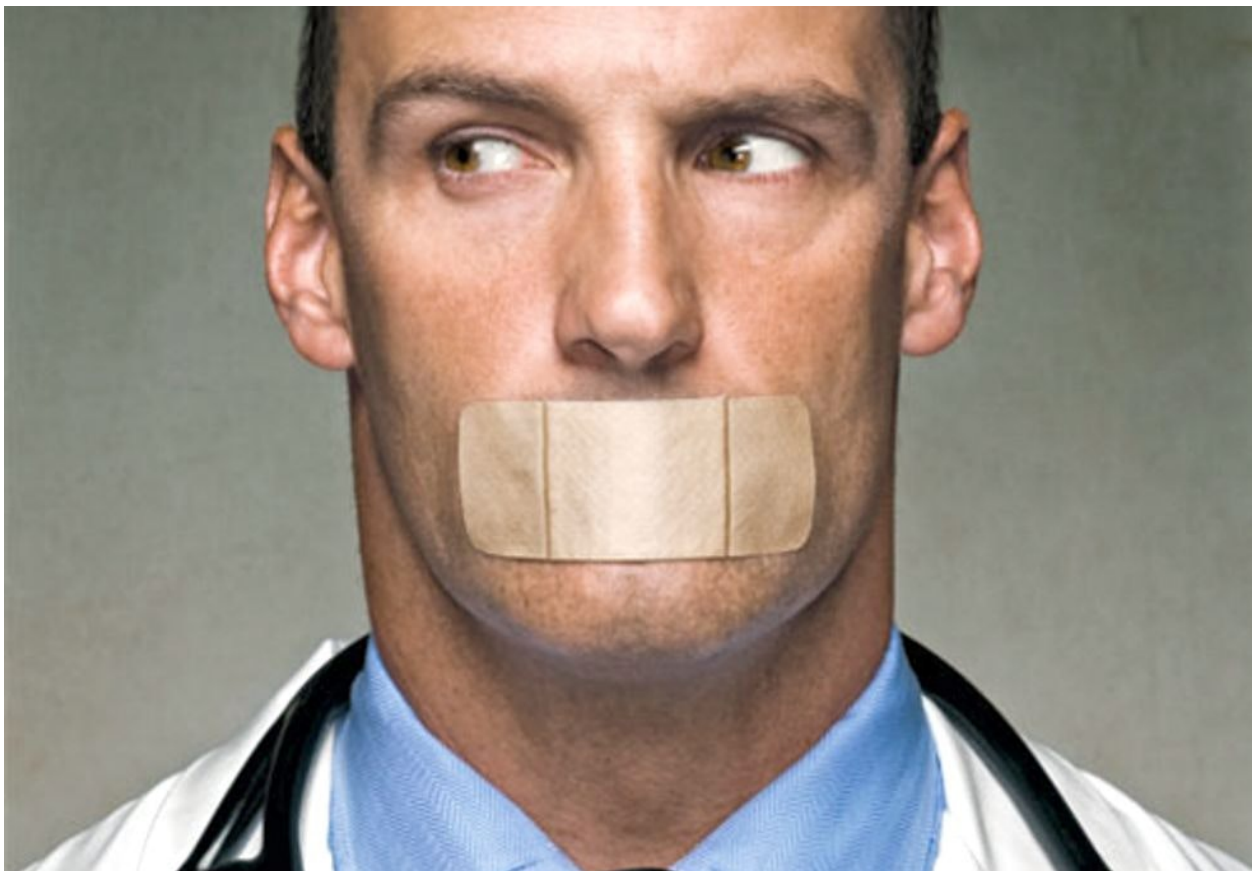
Punishing Dissident Physicians

CA Assembly Bill 2098 would muzzle physicians and severely punish those who challenge covid public health measures



Aaron Kheriaty, MD

Jun 21, 2022



I will be heading to Sacramento next Monday to testify at a Senate committee hearing on California Assembly Bill 2098. The bill, sponsored by Senator Pan—who has been in Pharma’s back pocket for years and the source of much legislative health policy mischief in my home state—would give the medical board the authority to punish any physicians who challenge the safety and efficacy of covid vaccines. This bill is advanced even as evidence continues to emerge of safety problems with the mRNA shots, including a study this week showing the vaccines lower sperm counts in men:



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Bummer. I mean, who would have thought?



Andrology / Accepted Articles

ORIGINAL ARTICLE | [Free Access](#)

Covid-19 vaccination BNT162b2 temporarily impairs semen concentration and total motile count among semen donors

Itai Gat✉, Alon Kedem, Michal Dviri, Ana Umanski, Matan Levi, Ariel Hourvitz, Micha Baum

First published: 17 June 2022

<https://doi.org/10.1111/andr.13209>

CAPSULE: A retrospective longitudinal multicenter comparison reveals temporary sperm concentration reduction 3 months post BNT162b2 vaccination and later recovery. Semen volume and motility remain stable.

This article has been accepted for publication and undergone full peer review but has not been through the copyediting, typesetting, pagination and proofreading process, which may lead to differences between this version and the Version of Record. Please cite this article as <https://doi.org/10.1111/andr.13209>

 About



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But this proposed measure seeks to enshrine in law “scientific” conclusions which are highly dubious:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The global spread of the SARS-CoV-2 coronavirus, or COVID-19, has claimed the lives of over ~~5,000,000~~ **6,000,000** people worldwide, including nearly ~~75,000~~ **90,000** Californians.

(b) Data from the federal Centers for Disease Control and Prevention (CDC) shows that unvaccinated individuals are at a risk of dying from COVID-19 that is 11 times greater than those who are fully vaccinated.

(c) The safety and efficacy of COVID-19 vaccines have been confirmed through evaluation by the federal Food and Drug Administration (FDA) and the vaccines continue to undergo intensive safety monitoring by the CDC.

All three of these statements are demonstrably false: (a) The death count figures cited are grossly overestimated by hospitals failing to distinguish dying *from* covid vs. dying *with* covid and the financial incentives from the Centers for Medicare and Medicaid Services (CMS) to overestimate covid deaths; (b) the efficacy of vaccines has declined with time and new variants, so the statistic cited here is no longer true of the vaccines against omicron; (c) the CDC has consistently failed to follow-up on serious safety signals, apart from myocarditis, and the post-marketing surveillance data acquired from our FOIA request showed serious safety issues in the first three months of vaccine rollout.

If this bill passes, any physician who raises these or other inconvenient scientific facts or study findings could be disciplined by the medical board, as the text of the bill explains:

It shall constitute unprofessional conduct for a physician and surgeon to disseminate misinformation or disinformation related to COVID-19, including false or misleading

information regarding the nature and risks of the virus, its prevention and treatment; and the development, safety, and effectiveness of COVID-19 vaccines.

The supposed scientific “facts” mentioned in the bill make it clear just what information will be considered “misinformation” under this law. This bill will spell the end of scientific integrity and medical freedom in California. I worry that if it passes, other states could follow suit. As I have said before, California is the tip of the spear:



Human Flourishing

The Tip of the Spear

California has been the tip of the spear for novel pandemic policies. My home state's failures are legion, and it would be tedious to recount them all. For an aerosolized respiratory virus the safest place to avoid contagious spread is outside in the open air. Once we realized that the coronavirus spread in this fashion rather than by respiratory droplets...

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Here is the text of a letter I submitted last week to the committee where the bill is currently being reviewed:

13 June 2022

To: California Legislators and Committee Members

RE: AB 2098: Physicians and Surgeons: Unprofessional Conduct - OPPOSE

As a licensed physician in California I strongly oppose the proposed California bill AB 2098 and urge you to vote no and oppose as well.

Advances in science and medicine typically occur when doctors and scientists challenge conventional thinking or settled opinion. This is the very nature of scientific progress.

Fixating any current medical consensus as “unchallengeable” by physicians will stifle medical and scientific advances and give undue authority to a few gatekeepers who act as guardians of the consensus. As I testified in January at a U.S. Senate panel on Covid policy:

“The scientific method suffered [during the pandemic] from a repressive academic and social climate of censorship and silencing of competing perspectives. This projected the false appearance of a scientific consensus—a ‘consensus’ often strongly influenced by economic and political interests.”

One need only look at the last two years to see how frequently public health recommendations and consensus thinking about Covid changed from one month to the next with the advent of new information. It was frontline ICU physicians who discovered and spoke out about bad outcomes when patients were prematurely placed on ventilators. This shifted the consensus in the direction of avoiding ventilation as much as possible. Likewise, it was frontline physicians who discovered that placing covid patients face-down in the prone position while they were ventilated could improve outcomes, challenging another consensus. Both of these advances came by way of challenging the way things were currently being done. Other physicians challenged the early consensus, which did not recommend the use of steroids to treat Covid. Eventually, this dissenting opinion gained ground and now represents conventional thinking: corticosteroids for critically ill covid patients are now standard care. Many other examples regarding guidelines on masks, social distancing, and other Covid policies could be cited here.

Allowing the free interchange among competing perspectives is absolutely necessary for scientific and medical progress. Good science is characterized by conjecture and refutation, lively deliberation, often fierce debate, and always openness to new data. The censorship of

free speech in AB 2098 spells not only the demise of civil liberties and constitutional rights, but the end of the scientific enterprise when it comes to dealing with Covid in CA.

Patients will not trust physicians if they believe their physician has been muzzled by the law and cannot speak his or her mind honestly. Patients want to know that if they ask their physician a question, including a question about Covid, they will get their doctor's honest opinion—regardless of whether they follow that opinion, seek a second opinion, or whatever. Patients will not trust physicians if they know their doctor is simply parroting a consensus judgment that he may or may not agree with or endorse.

This bill will not help us to deal with Covid more effectively. Doctors will be punished for practicing medicine according to their best judgment. Informed consent, the foundation of good medical ethics, will be seriously compromised, and the trust necessary for the doctor-patient relationship will be shattered. I strongly urge you and your fellow lawmakers must oppose AB 2098. It will harm not only physicians and medical institutions in California, but even more concerningly, it will harm patients.

Sincerely,

Aaron Kheriaty, MD