

September 25, 2011

Pat Fry
Chief Executive Officer
Sutter Health

Dear Mr. Fry:

Following the tragic death of a patient at your Alta Bates Summit Medical Center campus in Oakland, I find it unconscionable that you are refusing to engage in a discussion with me that I had requested through your attorney which could serve to alter Sutter's course in its ongoing lockout of your regular registered nursing staff.

Your attorney's response that you believe that all the nurses working are qualified and competent and that you have no intention of changing your strategy is shocking under the circumstances today and given the issues that are at the heart of the dispute between you and the Sutter nurses.

I personally requested that you involve yourself in a discussion and further have suggested that as the CEO of Sutter that you personally engage in settling this ill conceived dispute with dedicated Sutter nurses and present yourself to hear from the nurses in bargaining their specific patient care issues that are at the heart of our differences. I make those requests again.

The nurses and the community are deeply concerned that this terrible incident raises substantial concerns about public safety in the facilities where a lockout is presently underway.

As you are probably aware, on Friday, even before the latest incident, we had contacted the California Department of Public Health asking them to investigate whether all the replacement nurses employed during the lockout at Alta Bates Summit were meeting California law, particularly in guaranteeing demonstrated clinical competency and appropriate certifications for the hospital areas where they were assigned.

That request to the CDPH was prompted by specific reports that had been brought to our attention about problems with competency and certification among the replacement staff.

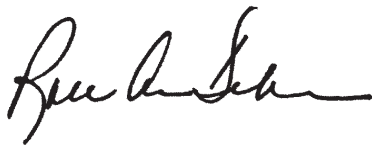
Further, that request occurred hours before reports of the death of one of your patients which the *San Francisco Chronicle* reported, was due to "what the hospital described as a 'medical error' made while she was under the care of a replacement nurse."

Your decision to retain the out-of-state replacement nurses, in light of this grave incident, rather than return the regular nurse staff to work and end your imposed lockout in order to prevent any further such incidents, is senseless. This recent patient death follows a previous incident early Friday morning when a replacement nurse was found to be incompetent to perform her duties, and CNA was contacted under emergent circumstances to have the regular nurse returned in order to safeguard the patient's health.

As you know, Kaiser Permanente, where 17,000 RNs also held a one-day strike Thursday, September 22, elected not to lock out any nurses, a clear reminder that a lockout at Sutter

facilities was unnecessary and unwarranted and, as circumstances have proven, unconscionable and untenable.

As you also are aware, I have been trying to reach you since last night when the incident occurred. I will be available at any and all times to meet with you and your representatives along with Sutter nurses to resolve all differences so that the patients who utilize Sutter facilities will know that they have the security of the expert care provided by experienced, permanent Sutter nurses who are free to advocate for their patients without fear of reprisal.

A handwritten signature in black ink, appearing to read "RoseAnn DeMoro". The signature is fluid and cursive, with a prominent initial "R" and "D".

RoseAnn DeMoro
Executive Director
California Nurses Association/National Nurses United

CC:

Governor Jerry Brown
Attorney General Kamala Harris
Congresswoman Barbara Lee
Senator Lonnie Hancock
Assemblyman Sandre Swanson
Oakland Mayor Jean Quan