

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
JFK Federal Building, Government Center  
Room 2325  
Boston, Massachusetts 02203



CENTERS for MEDICARE & MEDICAID SERVICES

## Division of Quality Improvement / Region I

---

August 18, 2006

Alexander Neustadler  
1111 University Blvd. West  
Silver Spring, MD 20902

Dear Mr. Neustadler:

On July 17, 2007 you contacted this office to voice your disagreement with the Delmarva Foundation of Medical Care (DFMC) findings that the care provided to your father during his admission to the Holy Cross Hospital from March 10, 2003 through March 27, 2003, met professionally recognized standards of health care. In your complaint you stated that in Maryland, the professionally recognized standards of care is the Maryland Health Care Decisions Act, which you stated that DFMC did not consider in their review of your father's case. You also provided the link to your website <http://users.starpower.net/neustadter/menu.html> where information on your complaint can be found.

This office oversees Medicare's contracts with the Quality Improvement Organizations ("QIOs"), which evaluate quality of care concerns such as the one you sent to DFMC, our QIO for Maryland. DFMC and all QIOs across the country utilize the medical record to determine whether the care was medically necessary, rendered in the appropriate setting, and met recognized standards of care. **Conversations such as the ones you had with the physicians involved were not reflected in the medical record.**

I understand that you are concerned that DFMC did not find any quality of care concerns with your father's care. Staff from the Centers for Medicare & Medicaid Services evaluated DFMC's work in this case and found that they have reviewed your father's care to the fullest extent of their legislative authority. **We have to rely on the input of the clinical reviewers as they evaluate the appropriateness of care based in independent medical review.** These reviewers are independent and impartial practicing physicians and of the same medical specialty as the original physician.

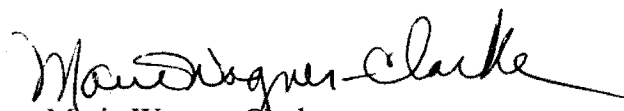
From our interview with DFMC and view of information provided at <http://www.oag.state.md.us/Healthpol/HCDA.htm>, we understand that the Medical Healthcare Decision Act governs healthcare decisions made on behalf of

Reviewers asked the right questions of Drs. [Kariya](#), [Weiner](#) and [Nawaz](#). Although Delmarva Foundation received no replies, it still found care to have [met professional standards](#).

patients who cannot do so personally. QIOs are not charged with overseeing these requirements.

We recognize the frustration that you have experienced regarding your father's care. However, since it has been determined that the QIO acted appropriately and within their authority and scope of responsibilities, I regret to inform you that we can not be of any further assistance to you in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Marie Wagner-Clarke", with a long horizontal flourish extending to the right.

Marie Wagner-Clarke  
Project Officer

Cc: William Taylor, MD, ARA/DQI  
Yvette Williams, GTL/OCSQ  
Donna Williamson, GTL/OCSQ