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Silver Spring, Maryland 20902
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January 3, 2006

Department of Health and Mental Hygiene
Maryland Board of Physicians
4201 Patterson Avenue
Baltimore, Maryland 21215

Dear Sir or Madam,

The four physicians named here committed very serious ethical and medical breaches of the standard of care in their treatment of my late father, Israel Neustadter, during February and March of 2003. The medical progress notes and the discharge summary were falsified to hide what occurred. I am asking you to set the record straight and to hold the doctors and hospital accountable for their actions.

Drs. Kariya, Weiner, Nawaz and Shamim deprived my father of the option of a second round of life support in his battle with pneumonia – never informing me that reintubation was required to give him a chance of recovering, and later refusing my demand for reintubation. They willfully ignored my father's religious beliefs and what they knew to be my wishes. In effect, the doctors decided that their dim view of the prognosis superseded their patient's desire to stay alive as long as possible, and his "unrealistic" son's desire to keep him alive.

They failed to comply in good faith with the Maryland Health Care Decisions Act, and committed numerous violations of Section 14-404 of the Maryland Code. In the process of ignoring the law, they also ignored my vigorous 91-year-old father, inferring nonexistent problems while treating a serious bacterial infection in a substandard manner.

These are the issues I ask you to investigate:

- Negligence by the admitting physician, Dr. Nawaz, in the days leading up to the hospitalization. Everything I shall describe, culminating in my father's death, might have been prevented had Dr. Nawaz adhered to the community standard of care.
- Legalities aside, my father's condition did not warrant cessation of treatment unless he, or I as his surrogate, requested such – and that clearly did not happen. He suffered no organ failure or catastrophic event during his hospitalization, and his condition was documented by Dr. Nawaz and by Dr. Heinz, a pulmonologist not named in this complaint, as improving each day. Prior to this he enjoyed good health other than mild dementia, was ambulatory, lived at home and performed all ADLs independently. He had no history of dysphagia, aspiration or pneumonia. Reintubation, in an effort to save his precious life, was medically justified.

- The records falsely state that I, as surrogate, was offered and refused life-sustaining treatment for my father and they omit a key encounter with the pulmonologist who, as stated above, actually turned down my *demand* for such treatment.

I sought to resolve this case with the administration of the hospital. Specifically, I brought this matter to the attention of Dr. Blair Eig, Vice President of Medical Affairs at Holy Cross Hospital, in March of 2004. I left with him a list of questions and a copy of the record that highlighted the issues of concern.

A couple of months later Dr. Eig called me to the hospital with the results of his peer review. “Although there are inconsistencies, the records describe adequate care given to your father,” Eig said. He characterized the events leading up to my father’s death as an apparent failure of communication between family and doctor, alluding to the multiethnic, multicultural environment that comprises today’s Holy Cross Hospital. He added that, to his dismay, he has seen “a few such cases” during his tenure.

Please understand that there was no miscommunication or lack of sufficient communication in this particular case. I was the only family member involved, and the records show me to have been consistent and resolute in my instructions. I am fluent in the English language as are all the doctors involved. I continually informed them that any and all treatment decisions would be made in accordance with Jewish law (Halacha) and in consultation with our Rabbi. Every such decision that was made on my father’s behalf served to confirm this. Additionally, Holy Cross Hospital is heavily used by the largest Orthodox Jewish community in the Washington metropolitan area, located in the Kemp Mill and Woodside neighborhoods of Silver Spring. Its doctors are familiar with our religious imperatives and their bearing on medical treatment.

Dr. Eig was not at liberty to elaborate on the findings of the peer review or the inconsistencies in the records, but offered to facilitate a meeting with the doctors who treated my father. This meeting finally took place on November 30, 2005, with Drs. Kariya and Nawaz in attendance.

I asked Dr. Kariya at the meeting why he didn’t tell me that my father needed reintubation, apparently disregarding the Health Care Decisions Act. Dr. Kariya replied that he thought my father was dying. He explained that he believed my father was suffering from *recurrent aspiration based on neurological decline*, rather than from a simple bacterial infection. He said that he did not view intubation as an option, any more than a craniotomy would have been an option had I requested such a procedure; hence there was no need to discuss the decision with me. I inquired as to the basis of Dr. Kariya’s finding of recurrent aspiration, noting that my father had no such events in his medical history. He did not provide a substantive response.

Given Dr. Kariya’s acknowledged lack of consultation with me, I reminded Dr. Nawaz of his discharge summary statement that Dr. Kariya and Dr. Shamim *had a long conversation with the son for further management because the patient needed intubation at the time. The family decided not to intubate.* I asked him if he could empathize with how I felt when I read that statement, now that it is understood that the statement is false. He did not reply.

I also informed him of an elevated white blood cell count 11 days prior to the hospitalization that was indicative of bacterial infection, and that he apparently overlooked. This, like my other points, was met with silence.

Dr. Kariya's failure to inform me that my father required reintubation to have a chance of survival, set the stage for the even more serious act of misconduct by his partner, Dr. Weiner, and by Dr. Nawaz's partner, Dr. Shamim, who refused my demand for intubation the following day. The hospital staff at the meeting would not comment on this either.

The medical records as a whole are both suggestive and corroborative of the above, depicting a struggle between myself and Drs. Kariya and Weiner over how aggressively to treat my father. An Orthodox Jewish pulmonologist who practices at Johns Hopkins put it this way: "There is an undue and inappropriate energy throughout the progress notes devoted to end-of-life issues." The records show these doctors to have been not only well aware of our religious orientation, but equally aware of the chasm between my desire for treatment and their view on this matter.

I contend that what they did to my father is an order-of-magnitude more serious than mere negligence because it was done deliberately and the consequences were horrific in every way. I submit to you that like most people, doctors are creatures of habit; the way this group treated my father may be merely an extreme example of the way they routinely practice medicine on the elderly.

Enclosed you will find [my complaint](#), with footnotes referencing relevant pages in the physicians progress notes and test results. A personal diary, written in the days following my father's death, is also included.

Thank you for your attention to this.

Sincerely,



Alexander H. Neustadter

cc Rabbi Gedaliah Anemer
Rabbi Yitzchok Breitowitz

Drs. Lawton S. Cooper
Sidney M. Wolfe