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Silver Spring, Maryland 20902

C Irving Pinder
Department of Health & Mental Hygiene
Maryland Board of Physicians
4201 Patterson Ave
Baltimore, MD 21215

By mail and e-mail

September 17, 2007

Dear Mr. Pinder,

I submitted a [complaint](#) to your agency last year regarding the actions of four doctors that led to my father's death at Holy Cross Hospital in Silver Spring. My late father, a model citizen, prolific Maryland taxpayer and concentration camp survivor, lost his life after 2 weeks of treatment during which his most basic rights as a patient were violated.

Despite the thoroughness of the [corroborating material](#) I sent, I never even got a phone call from one of your investigators - and I presume you did not interview any of the doctors either. All I received nine months later was a [form letter](#) telling me that a *preliminary investigation* found no cause of action; the letter even misstating my title and gender. I respectfully ask you to please take another look at my complaint, considering the latest developments outlined below. I would also still welcome the opportunity to talk to an investigator.

I filed a lawsuit in this matter that led to the recent deposition of one of the attending physicians (Dr. Shamim) in July, and one of the pulmonologists (Dr. Weiner) ten days ago. Attached is the transcript of [Dr. Shamim's deposition](#).

Unfortunately, the shocking gap in care that I described to you over a year ago has now been substantiated. Dr. Shamim stated that when he saw my father in respiratory distress he began the process of evaluating whether intubation was required, but then turned my father's care completely over to Dr. Weiner. [He described in detail](#) how he ordered tests on Dr. Weiner's behalf and how he observed Dr. Weiner in the room talking to me at length about my father's condition. This was clearly not an incidental or brief visit, but rather the extended visit that I described to you in my complaint. Dr. Shamim testified that he left the hospital and never checked back, leaving my father's life totally in the hands of Dr. Weiner. None of the above is documented in the records; we would not have known it but for the deposition and my complaint to the hospital and to you.

Dr. Weiner testified that [he did not see my father at all](#) on the day in question. He lied under oath, and, I believe, confirmed what I described in my complaint: his unequivocal refusal to provide life-sustaining treatment to my father. Dr. Weiner had an implicit contractual and

ethical obligation to provide his services until such time as my father, and I, as his surrogate, could be reasonably expected to be able to find a replacement. Instead, after Dr. Weiner's emotional and abusive display at my father's bedside on 3/26/03 as described in my complaint, both he and Dr. Shamim walked away - Dr. Weiner telling me that my father was "dead the day he got here."

Drs. Shamim and Weiner were apparently trying to hide Dr. Weiner's presence entirely. Just as there is [no record of Dr. Shamim handing off care to Dr. Weiner](#), there is no record anywhere of Dr. Weiner treating my father; he did not even bill Medicare for this visit. This constituted a willful rejection and repudiation of his contractual obligation to provide services to my father. Both of these doctors' actions, but especially those of Dr. Weiner, squarely meet the criteria for patient abandonment. Their actions also clearly constituted immoral and unprofessional behavior in the practice of medicine as well as making a willful misrepresentation in treatment. All of these are violations of the Medical Practice Act (§ 14-404) that your agency is mandated with enforcing.

From my perspective, what happened was not merely a breach of the medical standard of care, it was a purposeful and forceful breach of my father's core religious values by a doctor who somehow gave himself the right to do this. It was, I regret to say, the forced euthanasia of a father who was full-code, had no terminal illness and was in no pain. Of secondary importance, it prevented me from doing right by my father in his greatest time of need.

Mr. Pinder, I fully understand that doctors face difficult situations every day, and that when there is a bad outcome the family will quite often harbor resentment toward the physician. Considering the vital role doctors play they must given the benefit of every doubt. But I'm sure you would agree that when the disregard of rules, patient rights and ethics is so blatant, a line must be drawn. If your agency doesn't do it, who will?

This case has clear implications for the safety of the elderly in our state. Dr. Weiner testified that he was convinced from the outset that my father was not going to survive his hospitalization - thus any care to be given would be futile care. (In reality this was far from certain. To the contrary, all of the progress note entries by the admitting and attending doctors as well as the nurses, indicate a patient with no underlying terminal illness or multiple organ failure - improving each day and on the road to discharge.) But he knowingly acted against the patient's and the surrogate's wishes. An unambiguous message needs to be sent to Dr. Weiner and others like him that they are never permitted to bypass the law under any circumstances, even when convinced of the direction in which a patient is going.

Although we can't give my father back what he was deprived of, your agency can, even at this late date, accord my father the posthumous respect he deserves by holding the bad actors accountable and creating a future deterrence.

Sincerely,

Alexander H. Neustadter

Encl.