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January 8, 2007

Yinka Windapo, RN, BSN
DHMH Office of Health Care Quality
Spring Grove Center – Bland Bryant Building
55 Wade Avenue
Catonsville, Maryland 21228-4663

Dear Ms. Windapo,

Thank you for your letter of December 19, 2006, updating me on the status of my complaint. I would like to provide you with some additional information that I hope will prove helpful to your investigation. I have been in contact with 2 doctors and with a hospital administrator, all of whom have carefully examined the medical records and conclude that Holy Cross Hospital breached the standard of care prevalent throughout the country in its treatment of my late father. They all believe that my father should have survived this hospitalization. One of the doctors (as well as the hospital administrator,) strongly suspects that Medicare “DRGs” played a role in my father’s treatment; the hospital seeking to mitigate its reimbursement losses. He has also identified record tampering, including cardex sheets (see attached example) where medications initialed as having been given are crossed out with indelible marker. He takes a dim view of the entire hospitalization, and I can provide you with his wide-ranging, 70-page analysis of my father’s treatment if you think it would be useful.

Most specific to your investigation: When my father suddenly developed respiratory distress on Tuesday March 25, 2003 at 5:05 pm, the nursing staff failed to initiate the medically required action, intubation, to neutralize this life-threatening event. The nurses were obligated to use the standard treatment to try to remove their patient from danger, or to state clearly their rationale for withholding needed treatment – while ascertaining that such inaction was proper, and properly documented. The 3-word sentence, “Dr. Kariya aware,” was a wholly inadequate response to the emergency at hand, implying a tacit abandonment of this patient. If Dr. Kariya’s instructions were either not helpful or not in keeping with the medical norm, my father’s nurse was required to seek immediate assistance and guidance from her supervisors.

The lack of proper medical care and proper documentation on this full-code patient continued for the duration of the hospitalization, with [only one nursing entry made](#) (pertaining to suctioning) until Thursday morning March 27, shortly before death.

To the extent that Maryland's hospital standards of care mirror those of Medicare's Conditions of Participation for hospitals, I alert you to the following Medicare violations:

1. [§ 482.13 Patients' Rights](#): Holy Cross failed to provide to my father, or to myself as his representative, the required "notice of rights," informing him that he was entitled to receive all the hospital care necessary for the treatment of his illness, and how to file a timely grievance if he believed his treatment to be substandard. This document ([see attached](#)) is signed by a hospital staffer affirming that the patient and his representative were unable to receive it upon admission, even though the [Nurses' Progress Notes](#) show me to have been with my father the entire time.
2. [§ 482.23 Nursing Services](#) - Staffing and delivery of care: A registered nurse failed to properly supervise and evaluate my father's nursing care from the time of his medical emergency until death, and the hospital failed to ensure that a plan of care was kept up-to-date. As indicated above, nursing care virtually stopped, and a full-code patient with good heart and renal function was allowed to remain in respiratory distress with no countervailing rationale or documentation.
3. § 482.12 Governing Body Requirement: Holy Cross Hospital has failed to hold its medical staff accountable to the governing body for the quality of care provided to patients. Since a November 30, 2005 meeting at which Drs. Steve Kariya and Ahmed Nawaz were present, Medical Director Dr. Blair Eig has known irrefutably that the doctors failed to provide informed consent, failed to adhere to the Health Care Decisions Act, and placed false entries into my father's medical record. Multiple independent witnesses as well as senior hospital management were in attendance and can recount what was said. Dr. Eig has refused to hold his staff accountable for their actions or to accept responsibility on behalf of the hospital.

As we discussed during my visit, what happened to my father is of great concern not only because it cost him his life, but because it may be indicative of a larger problem at Holy Cross Hospital; other elderly patients may well be at risk.

Thank you again for agreeing to investigate this matter. Please let me know if you need any additional information.

Sincerely,

Alexander H. Neustadter

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