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March 5, 2010

BY MAIL AND EMAIL

Ms. Nancy Grimm, RN, JD
Director, Office of Health Care Quality
Spring Grove Center - Bland Bryant Building
55 Wade Avenue
Catonsville, Maryland 21228-4663

Dear Ms. Grimm,

This is in reply to your [March 1, 2010 letter](#) in which you chronicle in detail my repeated contact with your agency, noting that your staff has spent some 5 weeks of time investigating my father's care at Holy Cross Hospital.

The reason for my persistence is plain: your agency's refusal to investigate the central issue that I brought to your attention, instead citing the hospital with [paperwork deficiencies](#).

The essence of my [complaint](#) - the Alpha and Omega of what I came to you with in December of 2006, was the abandonment of my father by his attending physician, Dr. Shahid Shamim. As you described it, my allegation was that the physicians caring for my father failed to provide intubation when his condition deteriorated, and that those physicians acted unethically in the treatment of my father.

It would take another year and a half to prove, but I did provide you with concrete proof of Dr. Shamim's abandonment of my father, through Dr. Shamim's own testimony in the civil trial that you reference. Dr. Shamim testified under oath to the following:

- He was my father's attending physician, the doctor responsible for his care.
- He understood my father's code status to be "full code," requiring intubation.
- My father was "recovering well," his condition steadily improving, and the plan of care on March 25, 2003 was for discharge to rehab.
- He found my father to be in critical condition on March 26, 2003. He determined that the central, life-or-death issue was whether my father needed intubation, and he called in a pulmonologist for an emergency consult.
- He did not discuss the question of intubation with me.
- He turned my father's care over to that pulmonologist, leaving the hospital without any knowledge of, or involvement in, the urgent treatment decisions that needed to be made.

Dr. Shamim's [notations in the medical chart](#) make no mention whatsoever of his handing over care of my father to another doctor, yet he remembered doing so clearly and unequivocally. Dr. Shamim's testimony matched and confirmed what I had been conveying to you all along.

When I left [transcripts of the above testimony](#) with your agency, Chief Nurse Vaughan [assured me](#) that he "now understands" my complaint and that he would "focus like a laser" on what he termed the "hand off issue."

For perhaps the first time in your agency's history, you had in your possession very clear evidence that a physician's actions at the critical moment were at odds with his medical record. The obvious questions that come to mind:

- Why didn't Dr. Shamim document his transfer of my father's care to the pulmonologist? Isn't it important?
- Why is there no documentation of the pulmonologist seeing my father and accepting responsibility for his care?
- If Dr. Shamim turned my father's care over to an "invisible" doctor when he was deteriorating and when critical treatment decisions needed to be made, who was making those decisions? Where was the hospital while this was taking place?
- What is the hospital's policy regarding documentation and continuity of a patient's care, and were such policies properly enforced?

One needs no special expertise to know that an exploration of these issues was required, yet, remarkably, Mr. Vaughan informed me a short time later that a decision was made not to pursue the matter.

At the end of your letter you finally make mention of the hand off issue, and describe it this way: "During the course of your civil litigation, one of the physicians caring for your father could not recall a specific communication between him and another physician who was also involved in your father's care. Put in the context of the overall care you [sic] father received, this single episode, based on the memory of a physician several years after the event, does not rise to the level of a citable deficiency."

This paragraph in no way addresses the matter that I brought to your attention. The undocumented handover of a critically ill patient to a nonexistent doctor, with the patient's life hanging in the balance, most certainly rises to the level of requiring an investigation. Failure to do so is tantamount to covering up what actually happened.

I respectfully ask you to please take the above into consideration, and am willing to meet with you if any further clarification is needed. Ensuring that all citizens of Maryland, most especially the elderly, are treated with transparency and within the law is clearly in the public interest. Investigating the question of precisely whom Dr. Shamim turned my father's care over to, why it is undocumented and why my father wasn't given life-saving treatment in accordance with his wishes, would assuredly serve to advance those goals while at the same time doing right by my father.

Sincerely,

Alexander H. Neustadter

cc: Peggy Watson
Yolanda Winkler
Office of the Governor