

May 22, 2008  
Holy Cross Hospital of Silver Spring, Inc.  
Medical Records Department  
1500 Forest Glen Road  
Silver Spring, Maryland

Dear Sirs:

At the request of Alexander Neustadter, I am writing to address a concern that he has raised with respect to the accuracy of the Holy Cross Hospital medical record of his late father, Israel Neustadter (MR#00815510; date of death March 27, 2003).

Israel Neustadter was admitted to Holy Cross Hospital on my service on March 10, 2003. I participated in his care along with a number of specialists. On March 24, 2003, I signed the patient out to my colleague, Shahid Shamim, M.D., so that I could go with my family on a long-planned vacation. At that time, the patient appeared to be improving, and there were discussions regarding transfer to a rehabilitation facility. When I returned some weeks later, I learned that Israel Neustadter had passed away. As the attending of record, it fell to me to prepare the Death Summary/Discharge Summary for the Holy Cross chart. **Because I was not present** during the last days of Israel Neustadter's hospital stay, and therefore had no personal knowledge of what care was rendered, **I relied on contemporaneous notes in the medical record to reconstruct what had occurred for my summary, and did not talk with the treating physicians about the case. When the notes were somewhat ambiguous about discussions that had occurred between physicians and family, I drew what I believed to be reasonable inferences about the content of those discussions.**

Alexander Neustadter takes issue with the following sentences on page two of the Death Summary / Discharge Summary, dictated on June 25, 2003: **"Dr. Shamim and Dr. [Steven] Kariya had a long conversation with the son again for further management because the patient needed intubation at the time. The family decided not to intubate the patient and continue the aggressive medical therapy with suctioning."** Alexander Neustadter denies that this conversation took place. **I subsequently learned that Dr. Shamim has given sworn testimony that he did not discuss re-intubation with Alexander Neustadter.** With respect to his contacts with Alexander, Dr. Kariya does not recall if Alexander Neustadter expressed a desire to have his father intubated or not.<sup>1</sup> Thus, **I have no independent basis to assert that Alexander Neustadter decided not to intubate his father, as was stated in the dictated Death Summary / Discharge Summary.**

Accordingly, I request that you correct page 2 of my Death Summary / Discharge Summary to be reflective of the above, pursuant to Maryland law.<sup>2</sup>

1. According to [Holy Cross Hospital brief](#) neither Dr. Kariya nor Dr. Weiner believed reintubation was in Israel Neustadter's "best interests" and accordingly never "recommended" this course of treatment for him (in other words they made the decision to euthanize without consulting Alexander).

2. Holy Cross Hospital contends that it never received this [certified](#) letter, thus no changes have been made to the death summary.

Sincerely,



Ahmed Nawaz, M.D.