

10:20 AM

PATIENT RELATIONS WORKSHEET
For Facility: M

MRN: 815510 NEUSTADTER, ISRAEL

91Y M

Obtained by court order July 31, 2007

===== ENCOUNTER DATA =====

Start Date: 3/10/2003 Acct. No.: 0306900162

Admit Phys: NAWAZ, AHMED Attend Phys: NAWAZ, AHMED

Complaint: A--038.9--SEPTICEMIA NOS

End Date: 3/27/2003 Disch Dx:

===== INCIDENT DATA =====

Date Received: 3/25/2003 Information Source: CUST RELATIONS FAMILY VIS

No: 03-118 Facility: HOLY CROSS HOSPITAL

Date: 3/24/2003 Time: Shift:

Loc: IMC - INTERMEDIATE CARE UNIT Room No: 6231-2

Depts: INTERMEDIATE CARE UN Empls:

Phys Notified: (N) Risk Mgmt Notified: (N) Physician: WEINER, JAY H

Inc Types: PROCEDURE/TREATMENT - DELAY Quantities: 1
MISCOMMUNICATION 1
BEHAVIORAL - PHYS. RELATED 1

Outcomes:

Significance: PROCESS IMP ISSUES ID-PR, QI, RM Parameters:

Treatment:

Comment:

Status: PENDING

Comments/Abstract: SON - AL NEUSTADTER CALLED WITH CONCERNS REGARDING A LIVER SONOGRAM STUDY FOR HIS FATHER. DR. NAWAZ TOLD SON @ 10AM ON 3-24-03 HE WAS ORDERING A SONOGRAM OF THE LIVER ON HIS FATHER B/C THE TEST RESULTS WERE 4X HIGHER THAN NORMAL. THE CHARGE NURSE (LIZ) ON THE NIGHT SHIFT (3/24/03) TOLD HIM THAT THE TEST WOULD BE DONE ON 3-25-03. THE DAY OF THE STUDY THE STAFF TOLD HIM THAT THERE WAS NO RECORD OF THE TEST BEING ORDERED.

THE SON MADE THE FOLLOWING ADDED REQUESTS:

1. FATHER WAS ON TEACHING SVS B/C DURING ICU ADMISSION, SON WOULD LIKE TO HAVE FATHER BACK ON TEACHING SVS. SON ALSO CALLED MD OFFICE TO MAKE THE SAME REQUEST.

2. SON WOULD LIKE TO BE INFORMED OF PROBLEMS W/ HIS FATHER'S LIVER FUNCTIONS & RESULTS OF THE SONOGRAM.

3. SON WANTS FATHER SUCTIONED FREQUENTLY.

4. SON FEELS DR. WEINER DISPLAYED INAPPROPRIATE BEHAVIOR WITH

Son clearly rejects end-of-life care, conveying to hospital desire for aggressive treatment and concern about behavior of Dr. Weiner.

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Hospital made aware of openly hostile doctor who does not want patient to survive, yet fails to intervene. Two days later patient is euthanized by the withholding of treatment.

Comments/Abstract: (Continued)

RESPECT TO THE CARE & TREATMENT OF HIS FATHER. STATES DR. WEINER VERBALLY EXPRESSED HOSTILITY TO NOTION OF HIS DAD'S SURVIVAL. CONVERSATION WAS HELD AT THE BEDSIDE WHERE HIS FATHER COULD HEAR. SON FELT DR. WEINER'S MANNERISM LACKED CARE & COMPASSION. SON WANTED TO HAVE ANOTHER PULMONOLOGIST CARE FOR HIS DAD, BUT IT WAS NOT DONE AT DR. NAWAZ'S RECOMMENDATION.

5. SON ASKED ABOUT HEPARIN INJ. NURSE CHRISTINE SAID NOT ON LIST OF THINGS TO GIVE. SON CHECKED WITH CHARGE NURSE DEBBIE. MED DAD SHOULD HAVE GOTTEN IN THE MORNING WAS NOT GIVEN UNTIL 2 PM. SON QUESTIONS WHAT WOULD HAVE HAPPENED IF HE WASN'T AT HOSPITAL TO CHECK.

6. SUNDAY DAD DID NOT GET LEVAQUIN. SUPPOSE TO GET Q24 HOURS. NURSE CONFIRMED SHE WAS CHECKING WITH PREVIOUS NURSE TO SEE IF SHE GAVE THE MED. WHEN EVENING NURSE RON GIBB (EXCELLENT NURSE) ARRIVED @ 7 OR 7:15 PM HE SAID, 'YES, WERE STILL WAITING TO HEAR BACK FROM THE NURSE ABOUT WHETHER SHE GAVE THE MED.' MED WASN'T GIVEN UNTIL 10 PM AFTER RX MADE DETERMINATION BASED ON COUNTING DOSES THAT MED WAS NOT GIVEN EARLIER. SON VERY CONCERNED THAT MISSED DOSE WOULD ADVERSELY AFFECT HIS DAD'S ABILITY TO GET BETTER.

Son literally pleads for better care in the hope of saving his father's life.

7. PT CAME TO TREAT DAD. DAD WAS SLEEPING THERAPIST LEFT. LATER, SON ASKED NURSE TO HAVE THERAPIST COME BACK. THERAPIST SAID SHE COULDN'T B/C SHE WAS TOO BUSY. SON FELT SOMEONE FROM THE DEPARTMENT COULD HAVE COME BACK TO RENDER THERAPY.

SON WANTS TO SEE STAFF GIVING GOOD CARE - STAYING ON TOP OF THINGS. MISSING ANTIBIOTICS, HEPARIN SHOTS, PT APPOINTMENTS & SONOGRAM STUDIES IS NOT HIS IDEA OF GOOD CARE.

MARCH 27, 2003

SON CALLED CUSTOMER RELATIONS @ 11:36 AM REQUESTING ASSISTANCE IN CONTACTING DR. WEINER. HE WANTED TO GET CLARIFICATION REGARDING HIS FATHER'S STATUS. SON STATED HE TOLD DR. WEINER HE WANTED "NO FURTHER TREATMENT" & THEN TOLD DR. WEINER TO "LEAVE THE ROOM". DR. WEINER ASKED THE SON, IF HE WANTED ANOTHER DOCTOR, SON REPEATED, "PLEASE LEAVE THE ROOM." DR. WEINER ASKED AGAIN, "DO YOU WANT ANOTHER DOCTOR?" SON SAID, "NO YOU'RE MY FATHER'S DOCTOR!" SON SAID, HE DIDN'T REALIZE WHAT HE WAS SAYING AT THE TIME WHEN HE TOLD DR. WEINER NO FURTHER TREATMENT. HE MEANT NO RESUSCITATION, NO INTUBATION, BUT HE WANTED EVERYTHING ELSE POSSIBLE TO BE DONE.

SON STATES HE CAME OUT TO TALK WITH DR. WEINER TO CLARIFY & EXPLAIN HIS COMMENTS, BUT DR. WEINER WAS ON THE PHONE & DID NOT ACKNOWLEDGE HIM. SON WANTED TO CLARIFY THE COMMENTS HE MADE TO DR. WEINER B/C HE FEELS THERE MAY HAVE BEEN A MISUNDERSTANDING BTWN HIM & DR. WEINER.

REFERRAL DATA

Referred To: PERFORMANCE DEVELOPMENT

Person: BRENDA RUSSO, R.N./LINDA PASEE, R.N

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Ref Date: 3/31/2003 Resp Expected: 3/31/2003 Resp Received: 3/31/2003

Action: CALL/LETTER TO PATIENT/FAMILY Disposition: SENT TO QUALITY IMPROVEMENT

Reason: FOR YOUR INFORMATION ONLY - NO RESPONSE NEEDED.
Comment: NO RESPONSE NEEDED

Referred To: INTERMEDIATE CARE UNIT Person: SUSAN KING, R.N., NURSE MANAGER

Ref Date: 3/31/2003 Resp Expected: 3/31/2003 Resp Received: 3/31/2003

Action: ISSUES IDENTIFIED Disposition:

Reason: FOR YOUR INFORMATION
Comment: ON GOING MEETINGS WERE CONDUCTED WITH SON.

Referred To: MEDICAL AFFAIRS Person: DR. BLAIR EIG, M.D.

Ref Date: 3/31/2003 Resp Expected: 3/31/2003 Resp Received: 3/31/2003

Action: ISSUES IDENTIFIED Disposition: SENT TO QUALITY IMPROVEMENT

Reason: FOR REVIEW

Comment: DR. ELISE REILLY MET WITH THE SON ON 3/27/03 FROM 12:30 PM - 1:10 PM TO CLARIFY ISSUES REGARDING HIS FATHER'S STATUS. SHE INFORMED THE SON SHE WOULD CALL DR. WEINER TO NOTIFY HIM OF HIS CONCERNS & DESIRE TO SEE HIM. DR. WEINER'S OFFICE WAS CALLED PRIOR TO MEETING WITH SON. MESSAGE LEFT WITH OFFICE FOR DR. WEINER TO CONTACT DR. REILLY ON HER PAGER. DR. REILLY QUESTIONED SON ABOUT SUPPORT SYSTEM FOR HIM & SUGGESTED PALLIATIVE CARECONSULT. SON AGREED. DR. REILLY SAID SHE WOULD GET AN ORDER FOR THE CONSULT.

Patient still alive. Son states there was a misunderstanding and urgently requests clarification of his father's status, of Dr. Weiner's refusal to intubate the previous night and of the options still available. Son has plainly not signed off on "plan of care" to withhold treatment and to allow his full-code, non-terminal father to die.

Hospital fails to offer intubation pending resolution of status, fails to locate Weiner or covering doctor, "questions son about support system" and finally "suggests a palliative consult" one hour before death.

INTERVIEW DATA

| Date | Time | Person Interviewed | Location |
|-----------|-------|----------------------|---------------------|
| 3/26/2003 | 8:30A | CHRIS CAMFIELD, R.N. | UNABLE TO DETERMINE |

Notes: CHRIS CALLED THE CUSTOMER RELATIONS OFFICE TO F/U A DISCUSSION REGARDING MR. AL NEUSTADTER'S BEHAVIOR ON 3/25/03. SHE SAID MR. NEUSTADTER HAD GIVEN HIS FATHER ICE CHIPS, APPLE JUICE & H2O. CHRIS OBSERVED HIM PUSHING ICE CHIPS DOWN HIS FATHER'S THROAT* DAD HAS A FEEDING TUBE. SON WAS ALSO NOTED ADJUSTING HIS DAD'S OXYGEN.

Falsified record
Implausible next-day phone call from Nurse Canfield to inform Patient Relations that she witnessed son "pushing ice chips down his father's throat" the previous day.

This was likely inserted to demonstrate contributory negligence for legal purposes. My father was never given ice at any time.

Can a hospital falsify records with impunity?

3/25/03 CRC PRESENT DURING DISCUSSION BTWN CHRIS & AL NEUSTADTER. CHRIS ASKED SON, FROM THIS POINT FORWARD NOT TO TOUCH THE EQUIPMENT AT HIS FATHER'S BEDSIDE OR TO FEED HIS FATHER ANYTHING. CHRIS PROMISED THE SON THAT THE STAFF WOULD PROMPTLY RESPOND TO ANY REQUESTS HE MADE FOR HELP WITH HIS DAD & THE SON PROMISED CHRIS HE WOULD NOT

*Nurse Canfield testified that she did not recall the incident or the patient, but that if she had witnessed such behavior she would have documented it contemporaneously rather than calling to report it the following day.

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Date Time Person Interviewed Location (Continued)
ATTEMPT TO CARE FOR HIS DAD, BUT WOULD RATHER WAIT FOR THE
NURSE TO RESPOND.

| Date | Time | Person Interviewed | Location |
|-----------|--------|-------------------------------|------------------------------|
| 3/27/2003 | 11:30A | REV. Y. LOUISE HICKS, CHAPLIN | IMC - INTERMEDIATE CARE UNIT |

Notes: MET WITH SON TO LISTEN TO HIS CONCERNS REGARDING
CONVERSATION WITH DR. WEINER, DNR/DNRI ORDER* & DESIRE NOT
TO HAVE FATHER RESUSCITATED & INTUBATED.

Patient still alive. No action taken on son's concerns regarding conversation with Dr. Weiner and the purported decisions that were made.

* No such order ever written.

| Date | Time | Person Interviewed | Location |
|-----------|--------|-------------------------------|------------------------------|
| 3/27/2003 | 12:00P | DENISE JOHNSTON, R.N., CHARGE | IMC - INTERMEDIATE CARE UNIT |

Notes: DENISE JOHNSTON & ELAINE THE PATIENT'S NURSE FROM THE
NIGHT SHIFT MET WITH SON TO VERIFY HIS REQUEST MADE TO DR.
WEINER OF NO FURTHER TREATMENT. DENISE STATED THAT THE
SON TOLD THEM HE WANTED NO FURTHER TREATMENT.