

Alphonse Mourad
P.O. Box 882, Watertown, MA 02471
(508) 668-7992
Mourad200@hotmail.com
www.alphonsemourad.com

June 23, 2008

Ms. Joan M. Jacobsen, RN
Hospital Complaint Unit,
Executive Office
of Health and Human Services,
Division of Health Care Quality
99 Chauncy Street, 2nd Floor
Boston, MA 02111

Re: Reference # 07-1400
Investigation Report
Date of Investigation 12/18/07
Facility: Beth Israel Deaconess Medical Center
Patient: Michael Mourad

Dear Ms. Jacobsen,

I write to request that the Hospital Complaint Unit reconsider, and revisit, its December 18, 2007 investigation and to investigate a subsequent incident surrounding Beth Israel's (BI) delayed re-admission of Michael Mourad on December 21, 2007, when Michael was hemorrhaging blood – a hemoptosys and COPD. I further request that an investigation be undertaken to review the BI's medical treatment of Mike particularly from March 14th to March 20th, 2008 when he died. The records will show that poor ICU practices that failed to read Michael's medical records before transferring him out of ICU, doctor negligence which includes the team's inability to agree upon a treatment plan

and complete disregard for Alphonse Mourad's power of attorney, led to Michael Mourad's long, painful, and premature death.

In the original investigation report, the investigation was left open and was unable to determine the issue of negligent care surrounding Michael's fall. Because of this open and undecided investigation, BI took the position not to treat, readmit or deal with Michael again.

As you may recall, on November 1, 2007, Michael Mourad was first taken to the BI emergency room for leg pain and was admitted for a lytic lesion in the intertrochanteric region. On November 8, 2007, Michael fell and fractured his hip while an inpatient at the BI. Michael's oncologist, Dr. Sanjay R. Jain, emphasized and assured the Mourads that BI would take Michael back if the medical need arose. See his November 30, 2007 Progress Note. ("If pt [Michael] needs hospitalization, he will return to the BI"). Because of this statement, Michael felt comfortable leaving the Beth Israel for rehabilitation at Youville Hospital. Michael was transferred to Youville Hospital in Cambridge, where he stayed until December 21, 2007, when he was taken back to BI.

On December 18, 2007, while at Youville, Michael was spitting blood more than usual and was monitored around the clock at Youville. On December 19th, Youville's resident, Dr. Kyereme -Tuah, sought a second opinion from a lung specialist.

On December 20, 2007, Dr. Kyereme -Tuah explained to Alphonse Mourad, Michael's brother, that the lung specialist stated that Michael needed to be admitted immediately to BI, due to hemorrhaging of the lungs, which could cause death.

Dr. Kyereme-Tuah, the doctor on call at Youville, spoke to the BI about admitting Michael immediately on December 20, 2007. The BI explained to Dr. Kyereme-Tuah that

BI could not take Michael back due to a complaint filed by his brother, Alphonse Mourad, against BI. This is an incorrect statement, as Alphonse Mourad did not file a complaint. Alphonse Mourad requested an investigation into Michael's file and care, but BI should not have refused Michael's re-admission based upon a "request for an investigation." Dr. Kyereme-Tuah informed Alphonse that there were only two hospitals able to treat Michael's condition, BI and the Lahey Clinic.

Dr Kyereme-Tuah also advised Alphonse Mourad that the BI investigation started on December 7, 2007. At that time, Alphonse Mourad was unaware that an investigation had been commenced. Alphonse did not know about the investigation until he received a December 12, 2007 letter from the Department of Public Health/Commonwealth of Massachusetts. Alphonse Mourad told Dr. Kyereme-Tuah that Michael should be taken back to the BI, due to a life or death circumstance, independent of any permissible request for an investigation. A request for an investigation should not impact a hospital's decision to admit or treat a patient.

On December 20, 2007, Michael was supposed to be transferred to BI around 10:00 PM. The transfer did not take place. Alphonse Mourad called the BI Dispatcher, who advised Alphonse that BI had no record of Michael that evening, and that BI could not help the situation, because Michael was not in the BI system. (see tab 8 entitled, 'Youville Hospital PCDoc).

The same evening of December 20, 2007, Dr. Kyereme-Tuah informed Alphonse that Michael will be transferred to either hospital (BI or Lahey) by the following morning. Dr. Kyereme-Tuah did not want to risk Michael's potential hemorrhaging and possible death under his care. Alphonse responded to Dr. Kyereme-Tuah that he needed

Youville definite answer from the BI that the hospital would take Michael back, and wanted Dr. Kyereme-Tuah as a witness. If Michael could not be taken back to BI, Michael would be forced to the Lahey Clinic. Transferring Michael to Lahey would be traumatic, because Michael, with his anxiety, had trouble accepting change. The doctors at BI knew this as Michael's psychiatrist was also on staff at the BI and he made sure that the medical records were noted. Also, Michael was familiar and comfortable with BI and his doctor's there. Please see the attached discharge summary for full details.

On December 21, 2007, a Youville nurse informed the family that Michael would be going back to the BI at 6:00pm that evening. The resident doctor at Youville was told earlier that day by Alphonse Mourad that he was going to defy the 11/16/98 order by federal judge Carol Kenner which barred him from entering the 11th floor of the Tip O'Neil building as a protest to the BI's treatment of his brother Michael. The BI knew that this transfer was potentially life or death for Michael and they had no intention of transferring him back to BI until Alphonse Mourad stated that he was going to be arrested in protest of his brother's negligent treatment by BI. Alphonse Mourad told the doctor on call at Youville that he wanted to know if his brother was going to be transferred by 3:00pm as the courthouse closed at 5:00pm and he wanted to appear there and be arrested in protest of the BI's false promises if necessary. Once this was communicated to the BI, Michael was suddenly set-up for transfer. The BI and in particular, his oncologist at BI, Dr. Jain, were retaliating against the complaint filed by Alphonse Mourad calling into question their medical practices. This is not the way a world renowned hospital should be administering healthcare. (Mourad has protested policies in the past, and feels it is necessary for him to protest on behalf of his poor dieing brother who was yet another

victim in the Mourad family. Please type Alphonse Mourad Protest on Google for more information regarding previous protests).

Michael was transferred to BI at approximately 6:00pm on the evening of December 21, 2007. Alphonse Mourad spoke to the surgeon regarding Michael's upcoming procedure. The surgeon explained that Michael would need mild anesthesia and a tube down his lungs for about a twenty-minute procedure to evaluate Michael's lungs. Alphonse explained to the surgeon that Michael could not tolerate the anesthesia.

Alphonse Mourad informed the surgeon that anesthesia was a gamble and chose to proceed with a mild numbness of the throat without anesthesia, where Michael would be awake with his brother Alphonse in the room, supporting Michael and allaying Michael's anxiety.

On December 21, 2007, Michael was transferred back to BI for Hemoptysis and COPD flare. The test proved negative. At that point, Michael should have been sent back to Youville to continue his rehabilitation.

Michael stayed at BI until January 26, 2008, when Michael was allowed to return to Youville. Michael received care at Youville for several weeks. Michael was responding to physical therapy, and was able to transfer to the commode and wheelchair.

On February 21, 2008, Michael was sent home to be with his family, where he stayed for three weeks, enjoying his family, able to transfer to the commode and wheelchair on his own.

On March 14, 2008, Michael was rushed back to BI's ER, and was placed in ICU for four units of blood. BI informed the family of the immediate risk of death. Alphonse Mourad met with the Director of the ICU Unit on the 4th Floor Farr building. It was

agreed that Michael needed a private room, due to Michael's state of mental health.

Alphonse advised the ICU Director and nurses that Michael needed a private room, and needed to have a family member present at any transfer to minimize Michael's anxiety during the transitions.

Contrary to earlier instructions, on March 16, 2008, at 2:00AM, Michael was transferred out of ICU to the 11th Floor, without a family member present. Not a single family was notified about this sudden transfer. The transfer caused great mental and physical stress to Michael. Instead, Michael was placed in a SHARED room with a complete stranger. Predictably, Michael was petrified about the move without his family present and the transfer to a non-private room caused Michael to experience an acute heart attack.

Michael remained in a shared room on Sunday, March 16th. The following day (March 17th), Alphonse Mourad asked the nurse why Michael was not transferred to a private room directly from ICU, because Michael always needed and received a private room. His nurse's response was that "Michael's need for a private room was not in the computer, and not on the record." Alphonse Mourad disagreed, and insisted that Michael's need for a private room was in the record and that it was hazardous for Michael to share a room with someone else, and asked to speak with a Supervisor. An hour later, the Clerical Assistant found the information about Michael's need for a private room in Michael's medical/hospital record. The Clerk said BI would transfer Michael when a room became available. Alphonse insisted upon a private room immediately. That evening, Michael was transferred to a private room.

On Tuesday, March 18, 2008, Michael's daughter, Mary, spent the day with her father. Michael was extremely agitated, fidgety and kept complaining about being in extreme discomfort. His daughter, informed Dr. Martinez and the nursing staff of Michael's discomfort. Around 3:00pm, Mary telephoned her family and conveyed that Michael was in chronic pain and to arrive at the hospital immediately. As the Mourad family arrived, the family was informed that Michael was bleeding internally, and had a fractured rib and heart failure.

On March 18, 2008, in the evening, around 6:00PM, a female doctor (name unknown) approached Alphonse Mourad and explained that Michael was hemorrhaging blood and needed three units of blood. The unknown doctor gave Michael the first unit and then started the second unit. Then, the doctor said she would discontinue the blood because Michael had already lost two units in the past hour.

Alphonse Mourad told the doctor that Michael would die without the blood. The doctor refused to continue the infusion, saying 'she would rather lose her medical license than continue the blood'. Alphonse Mourad asked for a second opinion. Another doctor from the ICU, who was familiar with Michael and Alphonse, told the female doctor that he had no problem with continuing the second unit of blood, and the blood was then continued.

On March 19, 2008, Dr. Fernando Martinez called Alphonse, saying that his supervisor made a decision to shut down the oxygen and blood and just give Michael morphine. Michael was in considerable pain. Alphonse told Dr. Martinez to give Michael enough morphine for pain, but to not shut down the IV's and oxygen and to keep Michael stable and alive.

When Alphonse arrived at 5:30PM on March 19, 2008, Michael was not conscious. A nurse walked into his room about 30 minutes later. Alphonse asked the nurse what Michael's blood pressure reading was. The nurse responded: "we are no longer treating," and therefore would not give a blood pressure reading. Alphonse asked what Michael was being treated with. The nurse responded: only morphine. The nurse was rude, uncooperative and not courteous. She gave no explanation of what was going on. Alphonse was shocked and appalled at the lack of treatment or explanation.

Having arrived at 5:30PM, on March 19, 2008, Alphonse noticed the IV and the oxygen being shut down. Alphonse realized that only morphine was being administered.

A new nurse (Diane) arrived for the evening (10PM) shift. Alphonse asked her for a blood pressure reading and wanted the IV turned on, to see if Michael would wake up, and Alphonse would monitor Michael for the evening. The nurse said that the blood pressure machine was removed from the room and she could not give a blood pressure reading.

Alphonse asked to have a doctor called in for an explanation. Almost an hour passed before the doctor arrived at the room. Alphonse told the female doctor that he (Alphonse) held Michael's Health Care Proxy and Durable Power of Attorney. Michael was unconscious and could not make a decision and Alphonse needed to be informed why he could not get a blood pressure reading. Alphonse told the doctor that he knew Michael was dying and wanted a blood pressure reading, wanted the IV open and the morphine to stop, to see if Michael would respond or wake up before he died. Alphonse wanted to be there for Michael to support him. Alphonse had a sister flying in from

Florida to see her brother Michael before he died and it was important for her to see her brother alive.

The female doctor did shut the morphine down, gave a blood pressure reading (60 over 45; pulse 87), and did turn the IV on. The nurse, Diane, told Alphonse that it might take several hours, if he responded, for Michael to wake up or open his eyes. Around 1:30AM, Alphonse spoke to Diane for about ten minutes and made it clear to her that he (Alphonse) had to get some rest, gave her his cell phone number, and asked her to please call him once Michael woke up, as it was important for Alphonse to be with Michael when he (Michael) woke up.

Diane assured Alphonse that she would call him (Alphonse). Alphonse said he was putting his trust in Diane to make that call. As Alphonse was leaving around 1:30AM, Michael's son, Michael Jr., came in to relieve Alphonse.

A half an hour after Alphonse left, Michael woke up around 2:00AM. His eyes were open. At Alphonse's request, he had no morphine. Michael was in pain, trying to reach out and touch his son's face, unable to speak or respond to his son's speech. The nurse asked if she could give more morphine and ease his pain. His son said yes. Michael received a morphine shot through his IV. An hour later, morphine was administered with his IV drip over the next two hours. Alphonse was never notified that Michael had awoken.

Michael had a bowel movement in his bed. The nurse upped the morphine dosage. Michael began to calm down from 2:00-4:00AM. Michael was awake, but then fell asleep as the morphine kicked in more. Michael was still breathing and then the nurse stayed for about a half hour from 2:30-3:00AM. Michael was then left alone with his son.

The nurse never called Alphonse Mourad, when Michael awoke. Alphonse Mourad did not get the promised call or chance to see his brother before he (Michael) died, and to make other decisions about the morphine and medical treatment. BI deliberately decided not to recognize Alphonse Mourad's durable power of attorney, and health care proxy, and did not call Alphonse Mourad so he could make the final decision respecting Michael Mourad's life and death. Alphonse Mourad had to fight with BI over the treatment, admission, and private room placement decisions effecting his brother Michael. With Mass Health as his insurer, there was little financial benefit to the BI in keeping him alive.

On the day Michael died, Dr. Jain did call Alphonse to say he was sorry BI could not do more for Michael, and asked to sit down with Alphonse to see what BI could do to see Michael's dream come through. Alphonse did call Dr. Jain back, agreeing to a meeting, but there has been no follow-up from Dr. Jain to discuss the issues addressed in this request for an investigation.

Very truly yours,

Alphonse Mourad

Cc: Local and National Media
The Associated Press
NBC, CBS, ABC
Ajazeera Network
Arab American News

November 30, 2007 Progress Note Re: Michael Mourad

November 30, 2007 Letter from Alphonse Mourad to Dr. Sangay R. Jain

December 1, 2007 Report of Michael Mourad's Discharge from BI

December 12, 2007 Letter from Lillian V. Jette, Manager, Hospital Complaint Unit, to Alphonse Mourad.

January 29, 2008 Letter from Joan Jacobsen, Hospital Complaint Unit.

Investigation Report of Negligent Care, Reference No. 07-1400, Date of Investigation 12/18/07

December 20 and 21, 2007 Youville Hospital Patient Notes (Michael Mourad)

Youville Hospital Discharge Summary, Re: Michael Mourad 12/01-12/21/07

January 2, 2008, Masspro Admission Re-review Determination

January 17, 2008 Alphonse Mourad's Fair Hearing Appeal Request

January 17, 2008 Michael Mourad letter to Board of Hearing

January 19, 2008 Affidavit of Michael Mourad

January 19, 2008 Affidavit of Alphonse Mourad

January 25, 2008 Masspro Continued Stay Determination from 1/26-2/25/08 (30 days)