

**Joseph J. Tomaino**  
**Chief Executive Officer**  
**Grassi Healthcare Advisors LLC**  
**750 Third Avenue, 28<sup>th</sup> Floor**  
**New York, NY 10017**  
**212-223-5020**  
**jtomaino@grassihealthcareadvisors.com**

*Patient Care Ombudsman*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION

-----X  
In re:

Compass Medical PC

Chapter 7  
Case No. 23-10886 (CJP)

Debtor.

-----X

**FIFTH REPORT OF**  
**JOSEPH J. TOMAINO**  
**AS PATIENT CARE OMBUDSMAN**

I, Joseph J. Tomaino, the duly appointed Patient Care Ombudsman (the “PCO”) appointed by the United States Trustee pursuant to an order of the United States Bankruptcy Court for the District of Massachusetts, Boston Division (the “Bankruptcy Court”) entered in the above-captioned bankruptcy case, file this fourth report pursuant to section 333(b)(2) of title 11, United States Code (the “Bankruptcy Code”). This case involves Compass Medical P.C., (the “Debtor”), a multi-site medical practice.

Since clinical activities ceased operation before filing, there is no need for PCO to visit clinical settings to interview patients and staff. On February 15, 2024, the Court issued its *Order Authorizing Disposal and Destruction of Business and Medical Records* (the “Medical Records Order”) [D.I. 238] stating that on or before 30 days of entry of the order, Steward Medical Group (“SMG”) “shall take possession of all Medical Records” of Compass Medical Group, including those of patients who were not patients of SMG under the previous joint venture with Compass Medical Group. Medical Records Order, para. 3. The Medical Records Order further provides that “To the extent the Medical Records contain medical records [] respecting individuals who have not been patients of SMG, SMG shall be deemed a custodian of such [records].” *Id.* at para. 7.

SMG provided the Trustee with email and fax numbers to provide patients so that patients can request their medical records. The Trustee shared those contact details with the PCO who has provided them to patients upon request. These patients are reporting back that there are no responses to inquiries at those contacts.

### *Complaints*

During the period since the last report, and since the entry of the Medical Records Order which was intended to resolve patient issues, the PCO has continued to receive a steady stream of complaints from patients related to medical record access. The PCO has had repeated calls with the counsel for the Trustee to inform him of the patient complaints. The Trustee's counsel has reported that SMG has not provided any substantive information on the status of the medical records. Counsel for PCO has contacted counsel to SMG to try to establish direct communication on this matter. Additionally, the PCO has contacted the Attorney General's office to further coordinate this matter with the Department of Public Health and the Office of Civil Rights.

### *Risk Assessment*

When evaluating a healthcare business in bankruptcy, based on the initial assessment of the PCO, the Debtor is categorized into a low, medium, or high-risk level based on data collected and interviews with management, patients, and staff. This initial determination of the level of risk may be adjusted as findings either improve or deteriorate. These levels are outlined below:

- Low-level risk evidenced by transparent reporting, and no observable staffing, supply or quality of care issues that are not readily resolved.
- Mid-level risk evidenced by transparent reporting with some significant observable staffing, supply, or quality issues, or lack of transparent reporting.
- High-level risk evidenced by significant staffing, supply, or quality issues observed, or risk of partial or full closing of services.

Healthcare debtors can move between levels of risk over the course of bankruptcy.

**Based on the observations made and outlined in this report, the current risk level for this case has been elevated to high level based on the lack of responsiveness by Steward Medical Group to patient requests for their records.**

### *Monitoring Plan*

The PCO will continue to pursue the information requested and will continue to communicate with patients who call. The PCO will monitor the noticing of patients on the arrangement for obtaining their medical records from the permanent custodian, SMG. The PCO will report to the Court and participate in any related status conferences.

Consistent with requirements outlined in Bankruptcy Rule 2015.1-1, notice of this report will be served on each entity that issues licenses or regulates the Debtor.

The Ombudsman will make his next report in sixty (60) days or sooner, if circumstances warrant.

Dated: April 2, 2024  
Manhattan, New York

JOSEPH J. TOMAINO, SOLELY IN HIS  
CAPACITY AS THE COURT APPOINTED  
PATIENT CARE OMBUDSMAN

*/s/ Joseph J. Tomaino*

\_\_\_\_\_  
JOSEPH J. TOMAINO