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*Patient Care Ombudsman*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION

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In re:

Compass Medical PC

Chapter 7  
Case No. 23-10886 (CJP)

Debtor.

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**FOURTH 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. Most clinical records are in the eClinical Works information system, and radiology records are stored at Jefferson Radiology. About 3500 boxes of records dating back to 2016 are in storage at Iron Mountain. Additionally, there are paper records in each of the former Compass locations.

Compass has been under a custodian agreement with Steward Medical stemming from their joint venture which ended in January 2023, and since Compass is no longer able to fulfill that function, the Trustee has negotiating with Steward Medical Group to take custody of the Compass Medical Records. Steward has agreed to maintain these records for the statutory time period and will make them available upon request to patients. Currently, the electronic transfer is underway. Steward has established a fax line and a dedicated email address for patients or their providers to request their Compass records.

Under the agreement, Steward will also review the non-electronic material in the offices and determine if any of it needs to be maintained. Faxes with clinical reports and other information that have continued to be sent to Compass are now going to be directed to Steward Medical Group for processing.

### *Complaints*

During the period since the last report, the PCO has continued to receive a steady stream of complaints from patients related to medical record access, and lack of access to diagnostic study media such as prior mammograms. PCO also continues to receive complaints from former employees whose claims for medical expenses were not being paid by the insurance plan that Compass provided them. In response to these complaints, the PCO has been advising callers:

- Medical providers who previously practiced at Compass, now principally at Atrius or Steward, still have access to the eClinical Works medical records for view only and are unable to transfer records. If they have critical issues requiring access to prior medical history, they should consider making appointments with their prior Compass providers in new locations.
- The Chapter 11 Trustee has negotiated an arrangement with Steward Medical Group to become the permanent custodian of records and this has been approved by the Court. Patients will be receiving notification by email of the dedicated fax and email addresses that can be used to request their records. The Trustee is also arranging for this information to be posted on the Compass website.
- Patients who need access to prior radiology studies have been directed to Jefferson Radiology.

### *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 is determined to be medium level. The situation has improved significantly since the last report given the agreement on custody of records by Steward Medical Group.**

*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, Steward Medical Group. 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: February 23, 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