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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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**THIRD 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 second 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. Compass is under a custodian agreement with Steward Medical stemming from their joint venture which ended in January 2023, and since Compass will no longer be able to fulfill that function, the Trustee is negotiating with Steward Medical to take custody of the record of the patients who were under care during the period of joint venture.

The Trustee also asked for Court permission to destroy records at each of the prior Compass practice locations as these records are duplicative of the clinical records archived in the electronic medical record system. The PCO has no objection to this as long as reasonable assurances can be obtained from former Compass leadership that it was the standard course of business to archive all medical information in the electronic medical record which would survive destruction of any paper records in storage.

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.
- 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 high level. The situation is in fact critical and requires an immediate response. The PCO supports the Trustee's proposal that clinical records be returned to the custody of Steward Medical as soon as possible so patients can have access to them.

Monitoring Plan

The PCO will continue to pursue the information requested and will continue to communicate with patients who call. 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: December 14, 2023
Manhattan, New York

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

/s/ Joseph J. Tomaino
JOSEPH J. TOMAINO