

**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](mailto: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

**SIXTH 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.

On February 15, 2024, the Court issued an order (*Doc. 238, Order Authorizing Disposal and Destruction of Business and Medical Records*) stating that on or before 30 days from signing 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.

Since the Interim Report filed on April 15, 2024, the PCO continues to receive complaints from patients that requests for their medical records made to SMG have been unanswered. The PCO is not aware of any medical records that have been made available by SMG since it received custody of them,

The PCO and his Counsel has made multiple attempts to connect with executives at SMG and their Counsel without success. The PCO has had several calls with the Trustee and

his Counsel, who both report they have not been given any additional information by SMG on record availability. The PCO had a call with Assistant Attorney General Michael Wong in response to the complaint the PCO made and provided additional information. The PCO has not yet received a response from the Department of Public Health. In response to the complaint filed with the United States Office of Civil Rights, the PCO received communication back that the PCO complaint is being merged with a larger investigation already underway.

To further complicate matters, as this Court is likely aware, on May 6, 2024, Steward Health Care System LLC and 166 of its affiliates filed voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Texas. As of the date hereof, a patient care ombudsman has not been appointed in those cases. The deadline to appoint an ombudsman is currently June 6, 2024. The PCO intends on discussing these issues with the SMC ombudsman, once appointed, and is also making an attempt to contact the US Trustee assigned to the case in order to urge the appointment of a patient care ombudsman as soon as possible.

The PCO receives calls at a rate of two to three a day from patients who are desperate to obtain their records. They relate stories of their providers needing access to the records to avoid repeating unnecessary tests or trying medications which were previously given but proved ineffective. Parents need immunization records for children. Attorneys need records for litigation and are in some cases coming up against time limits.

#### *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 continues to be at 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, 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: May 14, 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