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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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**NINTH 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 ninth 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.

PCO was responding to calls from former Compass patients and providing them with information on how to obtain their records from Steward. The PCO was able to obtain a phone number to share with patients who have questions from Steward about the processing of their requests. Patients are reporting back that they are receiving their records in 3 to 6 weeks. The PCO has also received calls from elderly patients who do not have computer access to print out the record request form. In these cases, PCO has been mailing copies of the form to these

patients along with a letter outlining the procedure to mail it in.

On November 4, 2024, the PCO was contacted by a patient who had been provided with the SMG web address for requesting medical records who advised that the site had been taken down. The PCO attempted to call the SMG phone number for medical records and received a recorded message that it was disconnected. Since SMG has been transitioning patients to Revere Health Choice, the PCO contacted the member services number at Revere who said that the records were still in the possession of SMG. He directed me to call the number at SMG that was disconnected.

Calls to the Chapter 7 Trustee's counsel were not productive in finding an answer to the new process, so on November 8, 2024, the PCO reached out to Suzanne Koenig, PCO for the Steward bankruptcy for assistance and she asked for details to see what assistance she may be able to provide.

The PCO has not yet received communication from Steward that the physical medical record issue has been resolved. On November 13, 2024, the PCO reached out to Tim Walsh, attorney for SMG, for a status report on the physical records as well as to get new contact information for patients to request copies of their medical records.

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 increased to high level based on the interruption of the medical records request process, and the open status of the physical medical records.

Monitoring Plan

The PCO will continue to pursue the information requested and will continue to

communicate with patients who call. The PCO will update the Court on the status of these open items at the upcoming conference.

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. Additionally, as SMG is in bankruptcy, a copy will be forwarded to the relevant PCO in that case.

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

Dated: November 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