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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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**TENTH 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 tenth 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.

There are two sets of medical records- electronic and paper. The electronic records were those used by Compass Medical to manage their patients and contain both historical and contemporaneous information. These records were transferred under order of the Court to Steward Medical Group (“SMG”) who resumed permanent custody of the records as Compass was not in a position to function under its temporary custody agreement with Steward Medical Group dating from when the two groups ceased to operate together before the filing. The PCO had several calls with the System Medical Director for Steward Medical Group and related to him that since November 4, 2024, the SMG web site providing patients with information on how to obtain their records had gone down. He related that because of the bankruptcy filing of SMG, there was an interruption of payments to the third party that was handling these requests from former Compass patients. He related that at least part of SMG had been sold to Revere Health Group and discussions for them to assume responsibility for the records were underway.

On January 22, 2025, the PCO was advised by a patient who was assisted by SMG that Revere Medical Group has established a link on its website for former Compass patients to download a form to request their records. This site is <http://www.reveremedical.com>. Under the patient resources tab there is a selector for former Compass patients to download a records request form to be completed and mailed in.

The second group of records are paper records that are stored in various locations, including former office space, attic storage of a landlord, and Iron Mountain. There appears to be no reliable inventory of these paper records, making them impractical to locate. Since the last report, there have been no complaints to the PCO related to access to any of this material.

The continued existence of the paper records, which do not seem to be needed by providers or patients given the lack of demand, and which would be nearly impossible to access due to lack of organization, creates a bigger risk for inadvertent breach than for lack of availability. The PCO reasserts his support given in prior reports for the Trustees' proposal to destroy these 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 is reduced to medium-level based on the resumption of the medical records request process, however the open status of the physical medical records which could be breached remains a risk.**

### *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 PCO is also providing updates to an investigator from the United States Office of Civil Rights who is following the record access issues.

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

Dated: January 22, 2025  
Manhattan, New York

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

/s/ Joseph J. Tomaino  
JOSEPH J. TOMAINO