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Beaumont Internal Medicine & Geriatric Associates

755 N. 11th Street, Suite P- 5200

Beaumont, TX 77702

Phone (409) 898-2994

Fax (409) 899-5542

George E. Thomas, M.D.

Board Certified in Internal Medicine & Geriatric Medicine

Santos M. Soberon, M.D.

Board Certified in Internal Medicine & Geriatric Medicine & Hospice & Palliative Care

Girish B. Kansara, M.D.

Board Certified in Internal Medicine

Mustafa I. Must M.D.

Board Certified in Internal Medicine & Sleep Medicine & Hospice & Palliative Care

John T. Fowler, M.D.

Board Certified in Internal Medicine & Hospice & Palliative Care

Maria S. Blahney, M.D.

Board Certified in Family Medicine & Hospice & Palliative Care

Jeremy Huff, D.O.

Board Certified in Internal Medicine

June 16, 2014

Anita Trost
Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711

Re: Response to Texas Department of Aging and Disability Staff Report

Dear Ms. Trost:

Please timely provide this letter to the members of the Sunset Advisory Commission as I understand review of the Texas Department of Aging and Disability is imminent.

As the function of this committee is to review the effectiveness and function of the Texas Department of Aging I endeavor here to relate my concerns with this agency, as members of this agency have caused serious problems for my patients and my ability to practice medicine in their best interest. The unfettered power of this agency continues to expand to the point it over-rides physician authority over medical care, when it is not authorized or qualified to do so.

I serve as an attending physician for many residents of nursing facilities in the Jefferson, Orange and Hardin County areas. I have personal experience with surveyors of this agency who admittedly are not qualified to practice medicine, or even nursing, but who threaten nursing facilities for not over-riding physicians' orders. As example, recently a team of surveyors from North Texas entered a facility where many of my patients reside. These surveyors had no regard for the complex procedures used by me and the staff to insure my patients' safety and prevent injuries. They made no effort to contact me or consider my documentation of the medical conditions that were the basis of orders I issued for use assistive devices. None of them even asked for this documentation, and when it was offered, refused it. They merely ordered the nursing home to remove all devices, including side rails, and then told my patients and their family members, that my orders have to be disregarded because patients "have a right to fall". This is preposterous medical ignorance.

Years ago this nursing facility instituted detailed procedures for evaluating every patient for safety, and policies that prohibit use of restraints unless the resident has a medical need for a device, and the risk of use of the device is less than the risk of a resident's potential for injury without it – as determined by the physician in conjunction with therapists and a multi-disciplinary committee. Every resident is evaluated on admission and at minimum every 60 – 90 days thereafter for changes in cognition, mobility, strength and safety risks; and then for consideration and use no devices, or the least restrictive measures to ensure the patients' safety - short of restraints. Patient monitoring and observation procedures are virtually continual and the staff are well educated about them and the measures for each resident. All of this is documented in detail. The DADS surveyors refused to consider any of this, and authoritatively demanded that all devices be removed from my patients.

This is just one example, of how DADS employees, without any medical qualifications, are allowed to interfere with a physician – patient relationship and treatment that has not only been ordered, but fully explained and authorized by the patient. My patients were put in jeopardy and injured. As example, one of my patients who had been a resident of this facility for 2 years without any incident, fall or injury, had 2 falls days after the surveyors removed them, despite increased monitoring by staff during that time. This resident needed the safety measures and the surveyors had no right to over-ride my orders. This is dangerous and un acceptable. These surveyors violated the law of medical practice, and caused injuries to my patients. Yet, we have no recourse against this Agency, or ability to stop them.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Huff", with a stylized flourish at the end.

Dr. Jeremy Huff