



January 26, 2017

EVIDENCE of KAISER Malpractice Submitted On Behalf of 74 Year-Old KAISER Member

Contact Information

Removed from Public View

Letter No. 2
OVERVIEW of Claim Against KAISER
January 26, 2017

From: Jamaal W. Thomas, Esq.
Principal Claims Examiner
KAISER Permanente, et al

It was a pleasure speaking with you recently and discussing the particulars of your claims. As promised, the foregoing letter will serve as a summary of our conversation. If I misstate anything, please contact me.

No.1 During our conversation, you set forth your allegations of medical negligence against Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. in general and Margaret Kopelman, M.D. in particular. In summary, you allege that, in August, 2015, Dr. Kopelman performed a punch biopsy and wound culture of a blister on your lower extremity negligently and without your consent. You allege that as a result of the biopsy you developed neurological deficits, various infections and vasculitis. Moreover, you allege that the August, 2015 biopsy caused damage to your hearing, eyesight and cognitive function. You advised that only alternative therapies such as the use of acupuncture provided you with relief of these symptoms.

No.2 You allege that physicians negligently and improperly terminated your in-network acupuncture treatment and, as a result, you were forced to seek continued therapy from a provider external to Kaiser Permanente. Unfortunately, on the way from one of these therapy appointments you were involved in a serious automobile collision and suffered significant injuries including a broken neck. You allege that Kaiser Permanente is responsible for these injuries.

No.3 You described that your current physical condition is poor due to vasculitis and fractured neck. You stated that your neck injury and vasculitis makes it impossible for you to engage in any activities of daily living such as dressing yourself, cleaning your home, driving or walking. You related to me that as a result of the vasculitis you could "die at any time."

No.4 You stated that Kaiser Permanente should compensate you for the injuries which you relate to the care that you received from Dr. Kopleman and the broken neck you suffered during an automobile collision. I asked that you provide me with a detailed list of any and all damages that you claim are related to the alleged negligence and supply

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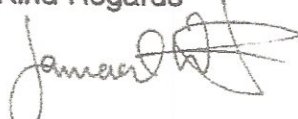
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In re: Summary of January 24, 2017 telephone conversation

(*) me with a monetary demand. You agreed to do so and I await your future communication.

Again, if I have misstated any of the foregoing, please do not hesitate to contact me. I can be reached at 301-816-6413 or at jamaal.w.thomas@kp.org.

Kind Regards

A handwritten signature in black ink, appearing to read "Jamaal W. Thomas", with a stylized flourish at the end.

Jamaal W. Thomas

January 26, 2017

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<p>Letter No. 2 OVERVIEW of Claim Against KAISER January 26, 2017</p> <p>“Duplicate Copy”</p>	<p>Inserted Corrections in “RED” to clarify important facts that were either misstated, misunderstood, misquoted, or erroneous statements injected by Jamaal W. Thomas, Esq. Principle Claims Examiner, KAISER Permanente, et. al</p>

It was a pleasure speaking with you recently and discussing the particulars of your claims. As promised, the foregoing letter will serve as a summary of our conversation. If I misstate anything, please contact me.

During our conversation, you set forth your allegations of medical negligence against Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. in general.

In summary, you allege that, in August, 2015, Dr. Kopelman performed a punch biopsy and wound culture of a blister on your lower extremity negligently and without your consent.

Exhibit: Book I entitled "Vasculitis" The Dossier contains photographs of the cyst before the wound culture and the open wound on me heal after Dr. Kopelman's cruel / violent / brutal and inhumane removal of my skin on August 6, 2015. You can clearly see the cyst was oozing a clear liquid which could have been simply extracted and sent to the lab for analysis without her cutting away 1/3 of the skin from my ankle. The photos further validate Dr. Kopelman's indifference in the manner in which she applied the dressings to both areas of my body before dismissing me; and when I told her that the wound on my thigh was still bleeding she told her medical assistant to "just put a piece of cotton on it". Notwithstanding, even had Dr. Kopelman had my consent to perform the culture [which she did not] there was no medical or logical rationale for her to have removed any portion of my skin in the manner in which she did, and certainly not in an unsterile environment in the Reston Medical Center, which was not prep for surgery. As stated is where and when I caught the infection that ultimately germinated into Vasculitis. And, to further illustrate her negligence. Whereas, Dr. Kopelman NEVER entered the unauthorized surgical procedure that you refer to as a "wound culture", into my medical records, she only notated the punch biopsy that she performed on my thigh as her only entry on August 6, 2015.

You allege that as a result of the biopsy you developed neurological deficits, various infections and vasculitis. Moreover, you allege that the August, 2015 biopsy caused damage to your hearing, eyesight and cognitive function.

Please allow me to correct the inaccuracy of your assessment of the facts as stated above: Over the months that followed the two surgical procedures performed by Dr. Kopelman, my body began to gradually exhibit a series of alarming physical and emotional symptoms that neither I or any of the Kaiser specialists that tested me were able to medically explain why I was having all of the unrelated symptoms particularly since all of my tests and Labs continued to come back negative and/or normal, including but not limited to having experienced neuropathy where I was unable to feel the pressure of the gas pedal under my foot, as well as having been unable to adequately hear and/or distinguish the clarity of words -- at which time I purchased a \$7000 pair of hearing aids with an external mic [which were lost in the car accident d.07.28.2016]; blurred vision; and a general feeling of being physically and emotionally drained, my balance was unstable and felt overwhelmed and the cause of losing a \$5000 consulting assignment.

You advised that only alternative therapies such as the use of acupuncture provided you with relief of these symptoms.

No, that is not what I said, I believe that is an assumption on your part concluded from the telephone conversation that we had on **d.09.23.2015** when I asked you to inquire if Kaiser would please replace the 5 out of my 20 Acupuncture visits that I was forced to use to clear up the infection that I caught from Dr. Kopelman's negligence, and explained that 20 sessions were allotted per year under my OPM medical plan and all of my Acupuncture treatments had been carefully designated and spread throughout the year for the maintenance to relieve pain and stabilize the symptoms from other diagnosed conditions, **"and you told me that you would not because that is not the way we do things around here"**

Diagnosis in case: Hypertension; low back pain; Spondyloarthritis; Polymyalgia Rheumatic [PMR]; Osteoarthritis of the bilateral hips; right Rotator cuff syndrome; impaired mobility; Atherosclerosis of the Aorta; Osteoarthritis of bilateral shoulders, and Gait abnormality [See Section 1-6, Exhibit A, Book IV] all of the symptoms were being controlled and eliminated the associated pain in my body for the past 3 years with Acupuncture; and the statement above was taken out of context to conclude that "alternative therapies such as the use of acupuncture provided you with relief of these symptoms. You however were referring to my loss of hearing, vision problems related to the initial Vasculitis infections," **However, with respect to the Vasculitis infection I also added soft music, massage / manicure to my wellness, stress management and relaxation regime.** Please see Exhibit A, No. 1-6 in the Dossier that I will be forwarding on Tuesday, d.01.07.2017 through Karen Tillerson, Member Service Coordinator, Tysons Medical Center.

Consequently, I continued to seek alternative therapies to mitigate the negative effects of what my body was going through, and continued to deplete my meager 401K life savings to pursue therapies that would stabilize my Vasculitis condition and contribute to my healing. Therefore, in December 2015, I began a series of non-invasive Bio Energy treatments which proved to be very successful. Consequently, in April and May 2016 I depleted my 401K portfolio even further and withdrew another \$5000 distribution to pay for the Level I and Level II Bio Energy Training to become a Bio Energy Therapist. However, the following month in June 2016 I was diagnosed with full blown Vasculitis which we discovered then was the cause of my CRP/ESR escalating to 118.5 and 68 respectively when the norm is 5.0 and 0-30 respectively.

You allege that physicians negligently and improperly terminated your in-network acupuncture treatment and, as a result, you were forced to seek continued therapy from a provider external to Kaiser Permanente. Unfortunately, on the way from one of these therapy appointments you were involved in a serious automobile collision and suffered significant injuries including a broken neck. You allege that Kaiser Permanente is responsible for these injuries.

Subsequently, per the copy of the Email below on d.04.29.2016 Dr. Millea denied me any further Acupuncture treatments and withheld my Acupuncture benefits under my OPM Medicare Plus Medical Plan until my CRP/ESR was normal [and as you will see if you review my Kaiser Acupuncture treatments, against the attached record of my CRP/ESR levels, Acupuncture is the means that I used to lower my CRP/ESR without drugs and/or medication; and to further exacerbate this horrific ordeal, Dr. Mehta said that Kaiser had denied my request for treatment at the John Hopkins Center for Vasculitis, and that Kaiser wanted a second opinion to confirm my Vasculitis diagnosis; when in fact my Pet-Scan on d.06.07.2016 was the definitive confirmation that my entire bloodstream and all of my arteries and the **Aorta** were clogged with inflammation [which if untreated can emerge as **Giant Cell Arthritis** in my head and cause me to instantly go blind, and if the inflammation moves slightly down in my Aorta it will cut off the oxygen to my heart that would cause me to have a heart attack, a stroke or **"just drop dead"**; and John Hopkins Center for Vasculitis in Baltimore MD is the only facility other than the Mayo Clinic that have a center for the study and treatment of Vasculitis. Therefore, without an examination, tests or Labs to confirm my condition, Dr. Millea misdiagnosed the raise in my CRP/ ESR as my having a PMR relapse and Dr. Mehta concurred, which under both circumstances treatment was critical. Since there are no physicians [Rheumatologists] in Kaiser who have the knowledge, skills or practical experience treating Vasculitis I volunteered to take part in a **Vasculitis Study at the National Institute of Health, Bethesda, MD** so I would at least be in an environment that was experienced with treating Vasculitis; and have been working with Dr. Deepak Gupta, to support his efforts and interest in becoming the first and only Vasculitis Subject Matter Expert [SME] and point of contact in Kaiser that other Rheumatology doctors can refer to for guidance.

Additionally, as a Kaiser Member, since I do not have any knowledge of how the Kaiser Permanente internal administrative infrastructure is designed I am perplexed as to why you continue to contend that "I allege" the blame for Dr. Kopelman's negligence and medical malpractice and the poor "standard of care" against Kaiser Permanente, when I have identified the doctors who are at fault that are practicing under the abridgment of the Mid-Atlantic Permanente Medical Group, PC. Or is it safe to assume that they are protected under the legal and professional jurisdictions and are accountable to the conglomerate of Kaiser companies and its divisions. e.g. Kaiser Permanente; Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.; Kaiser Foundation Hospitals and Health Plan, Inc; The Mid-Atlantic Permanente Medical Group, PC.; The Permanente Medical Group; and The Permanente Foundation, LLC. Therefore, please explain why you continue to reference my claim being against Kaiser Permanente, when the infractions were in-fact committed by Dr. Margaret Kopelman, and Dr. Paul Millea, L.Ac, and conversely by Mala Mehta, M.D., Rheumatologist and Helcia Vanconsellos, L. Ac as collaborators, though they all work for Mid-Atlantic Permanente Medical Group, PC. Is that what makes Kaiser Permanente responsible for the medical malpractice and negligence that caused the injuries and permanent disabilities that I am suffering, though it is the doctors who I have named above who practice under the abridgment of the Mid-Atlantic Permanente Medical Group, PC. who are directly responsible for my injuries as stated in their Emails below:

----- Emails corroborating my allegations -----

From:
MALA B MEHTA MD. M.D.
Received:
5/2/2016 5:41 PM EDT

I understand your frustration, however, I did discuss with Dr Millea and completely understand his point of view as well which is that though it has helped in the past, this time, the inflammation markers have stayed high for a long time and without prednisone to bring them down, he is very concerned about acupuncture hurting you, rather than helping you. There are things about complementary medicine, in this case, acupuncture, that are unknown in this setting -therefore his withdrawal of acupuncture for the time being. I am still has concerned about the high esr, crp, and still recommend the prednisone, please re-consider. I am not sure when/if something dangerous will happen and would recommend the prednisone to bring the inflammation down. The dangerous things that concern me are the headaches, loss of vision from giant cell arteritis, inflammation in the arteries from that disease (which 10-20% of patients with polymyalgia rheumatica can get) and so to prevent these things, prednisone is what we use to bring the inflammation markers down. Please let me know if you have questions. Thank you.

Mala Mehta, MD
201 North Washington St
Falls Church, VA
Rheumatology
703-536-1450

Sent: 5/2/2016 3:35 PM EDT
To: MALA B MEHTA MD

Acupuncture Benefits Unlawfully Withheld and Denied under my KAISER Contract

(*) Please see Acupuncture 101 . Universal Acupuncture Standards

Submitted On Behalf of 74 Year-Old KAISER Member

As you will see from Dr. Millea's message below, it completely contradicts the last three years of treatment, since the reason I began Acupuncture was to reduce and lower my CRP from 118-119 to a normal range of 5.0. Therefore, between Acupuncture with Dr. Millea and Helcia, together with the supplements that Mr. Millea prescribed, all of which were intended to reduce the inflammation in my body, lower my CRP / ESR, and relieve the associated pain associated with the other diagnosis, e.g. Right Rotator Cuff Syndrome; Low Back Pain; Neck Pain; Osteoarthritis of Bilateral Hips, etc. without taking steroids or other drugs, because he refuses to continue to treat me for what ails me, I am forced to pursue Alternative treatment outside of Kaiser, because I will not be forced to pursue drug therapy against my wishes and/or better judgement.

From: PAUL J MILLEA MD

Received: 4/29/2016 11:19 AM EDT

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In consultation with Helcia I've come to the conclusion that acupuncture is contraindicated in the setting of uncontrolled inflammation. I see from your chart that the ESR and CRP are coming down. I will continue to monitor them and once there near or close to the normal range I will send you an email and discuss resuming further acupuncture treatments. Regards Dr. Millea

Sent: 4/28/2016 8:42 AM EDT

To: PAUL J MILLEA MD

Subject: Upcoming Appointment Question

Good Morning Dr. Paul Millea and Helcia H. Vasconcellos,

Please advise what your position is on continuing Acupuncture Treatments for the four diagnosed medical conditions that I have opt to pursue Alternative management that you have been treating me for over the past three years? e.g. Right Rotator Cuff Syndrome; Polymyalgia Rheumatica; Low Back Pain; Neck Pain; Osteoarthritis of the Bilateral Hips; and moving forward, when should I make an appointment?

Please advise. Thank you

cc: Dr. Suma Doppalapudi, Dr. Mala Mehta"

----- End of Emails Corroborating my allegations -----

You described that your current physical condition is poor due to vasculitis and fractured neck. You stated that your neck injury and vasculitis makes it *impossible* for you to engage in *any* activities of daily living such as dressing yourself, cleaning your home, driving or walking. You related to me that as a result of the vasculitis you could "die at any time."

The neck is *broken* not *fractured* You injected the word "*any*" which I believe to mean all-encompassing. However, of what I am suffering with my broken neck and age that statement is *mostly true*. However, I can still go to the bathroom on my own, and feed myself. Therefore, I think the word "*any*" should be changed to *most*, and instead of *impossible* it should be changed to read "*very difficult, if at all*"

Because the Vasculitis Claim is separate from the "broken neck" Claim each has presented its own existing, present, long term, and future liabilities, and the automobile accident is a second Claim; both of which separately have had, and will continue to have significant and permanent consequences on every area, and have diminished the quality of my life and my ability to live a normal vibrant and unencumbered active productive, professional, personal, community, and personal life for however long or short that may be. And for that reason, I am in the process of compiling a separate comprehensive Dossier that will document and illustrate all of the details including reports from the Acupuncture association at-large to validate the erroneous assumption that both Dr. Millea and Dr. Mehta used to deny me further Acupuncture treatments under my medical benefits plan within Kaiser, when my Kaiser medical records will prove that Acupuncture has been beneficial throughout the past 3-4 years with not only aiding my body to lower my CRP/ESR levels, it also aided my body to eliminate the pain associated with other medical conditions with which I was diagnosed – the pain from all of those conditions returned.

Even after my PCP, Dr. Doppalapudi and my Kaiser Rheumatologist, Dr. Gupta pleaded and put in referrals on my behalf, Dr. Millea continued to refuse to reinstate my benefits that he unlawfully withheld and denied to me on a regular basis. As you will see in the forthcoming Dossier, no one in the Acupuncture community supported and/or agreed with Drs. Millea and Mehta's contention that Acupuncture would hurt me. Notwithstanding, the enormous health benefits I have derived from Acupuncture over the past 4 years to not only help my body to become pain free, but also in helping to lower my CRP/ESR levels.

Therefore, moving forward with a Settlement for the broken neck, even though you stated in our telephone conversation on January 24, 2017 that "you could not see the correlation between my being denied further Acupuncture treatments under my medical plan within Kaiser being responsible for my being in the automobile accident where I sustained a broken neck?" The fact is I would have NEVER been coming from an alternative medicine treatment where I sustained a broken neck if I had my Kaiser benefits, which has its own physical limitation with respect to my comfort, and well-being and the impact it has on my "Activities of Daily Living", all of which are separate and have their own consequences and liabilities the facts of which you have confused in having skimmed the documents and made pre-assessed judgements without having any of the facts that would support your making fair and decision on my behalf.

You stated that Kaiser Permanente should compensate you for the injuries which you relate to the care that you received from Dr. Kopleman and the broken neck you suffered during an automobile collision. I asked that you provide me with a detailed list of any and all damages that you claim are related to the alleged negligence and supply

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Esther Price-Johnson
January 26, 2017

PDI Doc #:
1010939v1

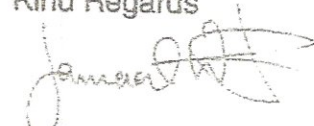
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Kind Regards

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Jamaal W. Thomas