

## The Faxes of December 08, 2003

There is one piece of evidence that needs to be considered when evaluating the possibilities. It is not to be found in the medical records.

This evidence is memorialized in the faxes of December 08, 2003, sent to Dr. Lawrence Layfer and Dr. Alan Harris.

Here is a copy of the fax:

**Michael Applebaum, MD**  
DIAGNOSTIC ULTRASOUND  
[www.drapplebaum.com](http://www.drapplebaum.com)

Water Tower Place  
Suite 935 East  
845 North Michigan Avenue  
Chicago, IL 60611

Tel: (312) 337-0732  
Fax: (312) 642-8383

Monday, December 08, 2003

Lawrence Layfer, MD  
Chairman of Medicine  
Rush North Shore Medical Center  
9600 Gross Point Road  
Skokie, IL 60076  
Fax: (847) 933-6012

Dear Dr. Layfer,

On Monday, December 01, 2003, my father, Joseph Applebaum, was admitted to Rush North Shore Medical Center.

I was informed that the MOD was a Chief Resident, Dr. Abraham (sp?).

At the time of his admission, my father's abdomen was plainly distended and tender.

I left my father's bedside for a while.

Upon my return, I spoke with the nursing staff. I was informed that he had been seen by the MOD and told the work-up that had been ordered. Conspicuously missing was any imaging of the abdomen.

I was lent a stethoscope and auscultated his abdomen. Bowel sounds were absent.

I asked the nursing staff to whom I could speak about this and was connected with the MOD. He informed me that he looked at my father's abdomen and was uncertain if it was distended as he had "not seen this patient before." When I asked him directly what he thought of my father's bowel sounds, he replied that he had not auscultated the abdomen, but did percuss it.

I am writing to inform you of this episode and express my opinions that:

1. Having to present one's self to a physician for serial examinations in order to be diagnosed with abdominal distention, especially when the initial presentation is obvious, seems too a high hurdle for a patient to overcome
2. It might be of benefit to teach this Resident the prudence in performing abdominal auscultation when he is not sure if abdominal distention is present.

Thank you.



Michael Applebaum, M.D.

CC: Alan Harris, MD: (312) 942-8200

These faxes were received.

Below you will find the confirmation messages generated by the fax program used to send the above letter:

Company :		Duration :	0 min 37 sec
Fax Number :	*70, *67,13129428200	Speed :	14400 bps
Subject :		Date :	12/8/2003
Type :	Fax Send	Time :	4:41:48 PM
Total Pages :	2	Billing :	
Pages S/R :	2	Keywords :	
Retries :	0	Priority :	
Resolution :	Fine	ECM :	On
Status :	Complete	Msg Length :	
Remote CSID :	3129428200		
Recipient :	Alan Harris, MD		

Company :		Duration :	0 min 37 sec
Fax Number :	*70, *67,1647-9336012	Speed :	14400 bps
Subject :		Date :	12/8/2003
Type :	Fax Send	Time :	4:38:32 PM
Total Pages :	2	Billing :	
Pages S/R :	2	Keywords :	
Retries :	0	Priority :	
Resolution :	Fine	ECM :	On
Status :	Complete	Msg Length :	
Remote CSID :	8479336012		
Recipient :	Lawrence Layfer, MD		

They are slightly grainy since I had to post-process them from a screen image. Still, you should be able to make out the following:

Recipients:	Alan Harris, MD and Lawrence Layfer, MD
Total Pages:	2
Pages S/R (sent/received):	2
Status:	Complete (for both. This means that they were received.)
Date:	12/8/2003

Let's go through the points that the fax evidence documents.

When Dr. Layfer and I spoke, he had pronounced the MOD's name in a way that sounded to me as if it could be "Abraham," but not quite. As you can see, I was

uncertain, so I placed the “(sp?)” in the body of the letter. (“Sp” is the abbreviation that stands for spelling in editor-ese.<sup>1</sup>)

Abdominal distention was plainly evident at the time of admission.

The nursing staff claimed that the MOD and Chief Resident had seen JA and that a work-up had been ordered.

Imaging of the abdomen was not included in the work-up.

Upon my request, I was provided a stethoscope and auscultated (this means “listened to”) JA’s abdomen. It was silent.

The nursing staff was informed of the condition of JA’s abdomen, asked to whom I could speak about the abdominal findings and connected me with the MOD.

The MOD claimed to have examined JA, admitted uncertainty as to the condition of his abdomen, i.e., was not sure if distention was present, and acknowledged that he had not auscultated JA’s abdomen.

This is the scope of my letter. As you can reasonably infer, and to this I will testify directly if the opportunity arises, I also informed the MOD of my findings on physical examination. (“Bowel sounds were absent. I asked the nursing staff to whom I could speak about this and was connected with the MOD. He informed me that he looked at my father’s abdomen and was uncertain if it was distended as he had ‘not seen this patient before.’ When I asked him directly what he thought of my father’s bowel sounds, he replied that he had not auscultated the abdomen, but did percuss it.”)

You will see, there is much of what was communicated to me by the nurses and the Chief Resident that is not supported by the medical record.

Next are the cover letters sent with the faxes.

# CONFIDENTIAL

Dear Dr. Layfer,

Here is the letter about which we spoke.

As we discussed, Dr. Harris will be cc'd.

Thank you.

Sincerely,

Michael Applebaum, MD

<b>To: MD Lawrence Layfer</b>
<b>From : Michael Applebaum, MD, JD, FCLM</b>
<b>Pages: 2</b>
<b>For Information Call: (312) 337-0732</b>
<b>Fax Number : (312) 642-8383</b>

# CONFIDENTIAL

**Dear Dr. Harris,**

**Per Dr. Layfer's suggestion, here is a CC of a letter I faxed to him.**

**Thank you.**

**Sincerely,**

**Michael Applebaum, MD**

**To: MD Alan Harris**

**From : Michael Applebaum, MD, JD, FCLM**

**Pages: 2**

**For Information Call: (312) 337-0732**

**Fax Number : (312) 642-8383**

WinFax PRO Cover Page

The cover letter to Dr. Layfer refers to the “letter about which we spoke.”

I called Dr. Layfer to remind him about this particular event, as he was notified on the day of its occurrence. I expressed to him my desire to inform someone in authority about

it. He suggested writing and sending the letter to him and Dr. Harris, who I was told was head of the residency program.

Thus, the faxes were sent at Dr. Layfer's suggestion.

There. Now you have it as regards the faxes of 08 December 2003.

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<sup>i</sup> [http://en.wikipedia.org/wiki/Wikipedia:Edit\\_summary\\_legend](http://en.wikipedia.org/wiki/Wikipedia:Edit_summary_legend)