



Joint Commission
on Accreditation of Healthcare Organizations

November 3, 1999

Safaa Hakim, M.D.
15 Abel Crossing
Norwich, CT 06360

Regarding: The William W. Backus Hospital
Case #2122

Dear Doctor Hakim:

This is to advise you of action taken on the complaint you forwarded to us about the above organization.

The Joint Commission gives serious consideration to all issues that may reflect noncompliance with Joint Commission standards and we appreciate your providing us this information. We have updated our database for this organization to reflect your concerns. Some of the concerns which you expressed were those that we were previously made aware of and have been investigated. While no immediate action is being taken on your complaint at this time, we will monitor the organization for patterns of care over time in the area of your concerns.

If you are interested in receiving a copy of the organization's last Performance Report, please contact our Customer Service Center at (630) 792-5800 or write to the Customer Service Center at the address indicated at the bottom of this page. Performance reports are also available at the Joint Commission website on Internet in Directory "Quality Check" at <http://www.jcaho.org>. That report will reflect the organization's performance based on the Joint Commission's last triennial survey for which survey findings have been finalized.

Thank you for bringing your concerns to our attention. Please identify the above case number on any inquiry relating to this subject.

Sincerely,

Mary Carol Mooney, RN, MSN
Office of Quality Monitoring



Joint Commission
on Accreditation of Healthcare Organizations

November 2, 1999

Safaa S. Hakim, M.D.
15 Abel Crossing
Norwich, CT 06360

Regarding: William Backus Hospital
Case # 2122

Dear Doctor Hakim:

This is to confirm receipt of your correspondence regarding the above organization. Your concerns will be reviewed and a determination will be made as to the appropriate action by the Joint Commission.

The Joint Commission gives serious consideration to all issues that may reflect noncompliance with Joint Commission standards and we appreciate your providing us this information. We do not, however, perform individual case investigations and are thus unable to pursue review of this specific case on your behalf. Rather, we will evaluate the potential standards implications and will use the information in conjunction with the accreditation process.

At the close of our review, a letter indicating action taken will be forwarded to you. Thank you for bringing your concerns to our attention. Please identify the above case number on any inquiry relating to this matter.

Sincerely,

Mary Carol Mooney, RN, MSN
Office of Quality Monitoring



U.S. Department of Justice

United States Attorney
District of Connecticut

Abraham A. Ribicoff Federal Building
450 Main Street, Room 328
Hartford, Connecticut 06103

(860) 947-1101
Fax (860) 240-3291
www.usdoj.gov/usao/ct

October 8, 2003

Dr. Safaa Hakim
15 Able Crossing
Norwich, CT 06360

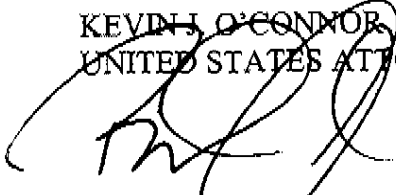
Re: Citizen's Complaint

Dear Dr. Hakim:

As I previously discussed with you, I have carefully reviewed the complaint and accompanying documents that you submitted to the United States Attorney's Office on September 24th of this year, and have determined that there is an insufficient basis for initiating a federal criminal investigation or for bringing a civil lawsuit at this time. I wish you the best of luck in obtaining the redress you seek through the pursuit of your private lawsuit.

Very truly yours,

KEVIN J. O'CONNOR
UNITED STATES ATTORNEY



RONALD S. APTER
SUPERVISORY ASSISTANT
UNITED STATES ATTORNEY

RICHARD BLUMENTHAL
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06144-0120

(800) 808-5318

Office of The Attorney General
State of Connecticut

March 14, 2000

Safaa S. Hakim, M.D.
15 Abel Crossing
Norwich, CT 06360

RE: Your letter dated February 24, 2000

Dear Dr. Hakim:

I have received your letter and accompanying material dated February 24, 2000. The situation you have encountered at Backus Hospital seems very serious and difficult. Assistant Attorney General Charles Hulin tells me that he has spoken with you and with your attorney Phillip Walker of Day, Berry and Howard in Norwich, Connecticut. Mr. Hulin tells me that your complaint to the Connecticut Department of Health is now pending. Your federal lawsuit is also active. Under the circumstances, I do not believe it is appropriate for me to intervene in your case. You appear to be vigorously protecting your rights and you are ably represented.

I commend you on your determination to ensure that patients in the Norwich area receive the highest possible quality of medical care. I wish you well in the future.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Blumenthal".

RICHARD BLUMENTHAL

RB/CCH/ll

SAFAA S. HAKIM, M.D.
15 ABEL CROSSING
NORWICH, CT 06360

OFFICE TEL. (860) 886-9114
HOME TEL. (860) 886-7856
FACSIMILE (860) 204-0297

February 24, 2000

VIA OVERNIGHT DELIVERY

RICHARD BLUMENTHAL
ATTORNEY GENERAL
55 ELM STREET
HARTFORD, CT 06106

Dear Mr. Attorney General:

Thank you for taking the time to talk to me on February 10th, 2000 at Quinnipiac College after the educational forum "HMOs Playing Doctor". As per your advice I am writing my complaint to your personal attention.

I am a 49 years old female physician affiliated with the Department of Psychiatric services at the William Backus Hospital, Norwich CT. A department that fosters an atmosphere of pervasive pattern of sexual discrimination, medical malpractice and mismanagement.

Employed as a staff psychiatrist at the Backus Hospital from 1992- 1997, I had the opportunity to supervise and closely work with Dr. Irwin August for 18 month as a psychiatric resident rotating from Norwich State Hospital and then for additional 12 month as an employed staff psychiatrist at the Backus Hospital. Dr. August a 69 year old physician currently in active practice at Colombia Mental Health, has changed almost 15 jobs in CT within the last few years, the reason given by Dr. August himself at all times" they fired me". From working closely with Dr. August, from patient's care records, patient's complaints and the testimony of other physicians, Dr. August represents harm to patients and is unabel to practice safely and skillfully.

Throughout his residency rotation at the William W. Backus Hospital, I had tried constantly to bring the issue of Dr. August's gross incompetence which had frequently and repeatedly led to negative patients outcome to the attention of Dr. Brian Benton the primary supervisor of Dr. August and the then chief of the department. My efforts were met with retaliation, intimidation and harassment. When Dr. August was later hired by Dr. Benton as a staff psychiatrist I had to reach out to the Hospital Administration and then to the Chief Executive officer. My efforts were met with further harassment and ultimately to my firing. It all came to a point after a Morbidity and Mortality meeting held to review in one month 4 cases, 2 completed suicides and 2 serious suicidal attempts. I then expressed great concern for the number of patients who had died by suicide as the result of the ongoing gross negligent incompetent and unethical medical practice in the department. Because of Dr. Benton's continued indifferent and careless response, again I had to reach out to management. A week later Dr. Benton at one of his rages had me thrown out by the security at 10pm after he ordered the lock to my office to be changed.

After I was fired, I brought my complaint to the Medical Staff in accordance with the Bylaws. The 4 cases in question were reviewed by members of the Department of Psychiatry at 2 Peer Review meetings attended by the Quality Assurance Director and members of the MEC. At these -meetings I was brutally berated and harassed by Dr. Benton and the patients presented were

labeled as "the prostitute, the junky, the I.V. pusher, the drunk...etc", by him. A common behaviour and language of Dr. Benton even at departmental and staff meetings until today. After that ordeal was completed, I was told by the Medical Staff that Dr. August was fired and sent back to retraining however, they could not help me because "this is an employment related issue". Since my firing additional patients had died under Dr. Benton's care due to unconscionable and unethical medical practice. Again charts and records were altered, a known habit of Dr. Benton

As I have endured severe abuse and discrimination throughout my employment at the Backus hospital, an issue that was brought to the attention of the administration on many occasions verbally and in writing and was ignored without investigation, I had no choice but to bring my complaint to the Commission on Human Rights & Opportunities. After 2 years of extensive investigation and 6 recorded audiotapes, the CHRO ruled in my favor. Immediately after the CHRO ruling Dr. Benton again was reappointed to the Medical staff and continues to be the Medical Director of Psychiatric services in spite of the fact that I myself have provided the Draft Summary of Reasonable Cause Finding prepared by the State Of CT., CHRO accompanied by a letter of approval of its merits to the Credentialing Committee. Also Dr. August, 4 months after he was fired his new application for membership to the Medical Staff was accepted by all members of the MEC unanimously to a status that does not even exist in the Bylaws. My medical staff privileges were and continues to be restricted.

For almost a year after I was fired, while I continued to take calls, Dr. Benton continued to intimidate, harass and retaliate against me and in the process compromising my patients' care. With incredible exhaustion I continued to attempt to address these issues with the Medical Staff, the Chief of the Department and at the monthly departmental meetings. All my efforts were sabotaged and I finally had to refrain from taking calls to spare my patients pain and suffering and to salvage the remains of my medical career. Instead of addressing the issues of patient's health and wellbeing, the Medical Staff then joined Dr. Benton in harassing and intimidating me with continuous threats ranging from summary suspension to revoking my medical staff privileges. After 21 months and about 50 letters exchanged with the Medical Staff, under duress I had to succumb to an evaluation of the whole situation and my mental status by a psychiatrist assigned by the hospital.

Although I have provided the assigned psychiatrist with large number of documentations including the CHRO reports and copies of patients records before alterations, the report he issued was more devastating. He totally ignored all issues pertaining to patients' health and safety, the severe abuse, discrimination and harassment I endured and provided a misleading report which is without a doubt pretextual and self serving. In fact that report would compose a danger to my safety, bearing in mind the already proven Dr. Benton's lack of regard to the worth and dignity of any human being.

Few months after my termination a nurse was fired because she rushed to aid a patient when Dr. Benton ordered his discharge in a medically compromised condition immediately after he found out that he is not a provider of that patient's insurance. In spite of all efforts by many employees verbally and in writing to make management aware of the facts of the incident, the nurse was mercilessly terminated after being an exemplary employee at the hospital for 12 years. Another emergency room clinician was also fired because he frequently had advocated for patients' rights to be admitted to the psychiatric ward when beds were available regardless of their insurance status. He also was an employee for 15 years with excellent evaluations. Others had quit because of the turmoil and the unbearable atmosphere in the department. In October, 1999 there

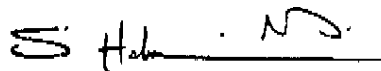
was a double suicide of 2 patients found dead 24 hours after their discharge from the psychiatric ward of the William Backus Hospital. Both patients were uninsured.

In spite of the seriousness of the issues involved in my case and the compelling evidence, it was difficult to find an attorney to represent me. Many have refused for fear of losing business with other hospitals and one attorney was paid off by the hospital to alter the merits of the case at the CHRO and the court of law. I was finally referred to attorney Philip S. Walker of Day, Berry & Howard who graciously accepted to take on the challenge. However in spite of all possible accommodations and interventions, it has been 3 years and yet we have not been able to obtain one document or conduct one deposition. Requests for production of documents were repeatedly denied and depositions were postponed many times although we responded to defendants' request for production of documents and interrogatories to the best of our ability.

Your leadership, the high integrity of your office and the diversity of the legal issues you have addressed throughout the years to protect the civil rights of the state's citizens regardless of any factor or anyone have encouraged me to reach out to seek your help. The issues of my case are widely spread and hardly addressed. Please help me as I am also afraid for my safety.

I greatly appreciate your time and consideration and I look forward to hearing from You.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Hakim, M.D.", written over a horizontal line.

Safaa S. Hakim, M.D.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 16, 1999

Safaa S. Hakim, MD
12 Case Street, Suite 311
Norwich, CT 06360

Dear Dr. Hakim:

Your petition concerning Drs. Irwin August, DO and Brian Benton, MD has been received by the Division of Health Systems Regulation and will be reviewed.

The Division of Health Systems Regulation of the Department of Public Health is responsible for investigating complaints regarding care and service issues for individuals and/or entities which we regulate pursuant to Connecticut General Statutes, the Public Health Code of the State of Connecticut and/or the Code of Federal Regulations.

If the Department pursues an investigation, you will be contacted by the Investigator assigned to your petition.

Thank you for bringing these issues to the attention of the Department.

Respectfully,

A handwritten signature in cursive script that reads "Kathleen Boulware, R.N.".

Kathleen W. Boulware, R.N.
Supervising Nurse Consultant
Division of Health Systems Regulation

KWB:dh



Phone: (860) 509-7552
Telephone Device for the Deaf (860) 509-7191
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P.O. Box 340308 Hartford, CT 06134
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

December 28, 2000

Safaa S. Hakim, MD
12 Case Street, Suite 311
Norwich, CT 06360

Re: Irwin August, MD
Petition No. 2000-0105-001-006

Dear Dr. Hakim:

Pursuant to Connecticut General Statutes §19a-14, this Department is responsible for handling petitions against regulated health professionals.

The investigation of the petition, referenced above, has been concluded. After a thorough investigation the Department has concluded that the care provided by the licensee met acceptable standards of practice.

Respectfully,

[Handwritten signature: Kathleen W. Boulware, R.N.]

Kathleen W. Boulware, R.N.
Supervising Nurse Consultant
Division of Health Systems Regulation

KWB:dh



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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

December 28, 2000

Safaa S. Hakim, MD
12 Case Street, Suite 311
Norwich, CT 06360

Re: Brian Benton, MD
Petition No. 2000-0105-001-005

Dear Dr. Hakim:

Pursuant to Connecticut General Statutes §19a-14, this Department is responsible for handling petitions against regulated health professionals.

The investigation of the petition, referenced above, has been concluded. After a thorough investigation the Department has concluded that the care provided by the licensee met acceptable standards of practice.

Respectfully,

Kathleen W Boulware, RN

Kathleen W. Boulware, R N.
Supervising Nurse Consultant
Division of Health Systems Regulation

KWB:dh

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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

January 5, 2000

Safaa S. Hakim, MD
12 Case Street, Suite 311
Norwich, CT 06360

Re: Brian Benton, MD and Irwin August, MD
Petition Nos. 20000105-001-005 and 20000105-001-006

Dear Dr. Hakim:

Your petition concerning care and services provided by Drs. Benton and August, MD has been received by the Division of Health Systems Regulation and has been reviewed.

The Division of Health Systems Regulation of the Department of Public Health is responsible for investigating complaints regarding care and service issues for individuals /entities which we regulate pursuant to Connecticut General Statutes, the Public Health Code of the State of Connecticut and/or the Code of Federal Regulations.

Nurse Consultant Joan Dulberger has been assigned to investigate the allegations. Should you have any further questions, please direct them to his attention at the number stated below.

Respectfully,

A handwritten signature in cursive script that reads "Kathleen W. Boulware, R.N." with a stylized flourish at the end.

Kathleen W. Boulware, R.N.
Supervising Nurse Consultant
Division of Health Systems Regulation

KWB:dh

c: Joan Dulberger, Nurse Consultant



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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Certified Mail Receipt Requested 2320 232 401

January 11, 2000

Safaa S. Hakim, MD
12 Case Street, Suite 311
Norwich, CT 06360

RE: Petition No.: 20000105-001-004

Dear Dr. Hakim:

This office recently received a complaint regarding care provided by you as a licensee. In accordance with Connecticut General Statutes §19a-14(10) and 19a-14(11), the Department of Public Health, Division of Health Systems Regulation is required to investigate such complaints.

I am writing to advise you of the receipt of the complaint.

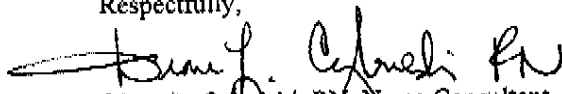
Upon receipt of this letter, you are requested to contact me, the assigned investigator, Diane L. Cybulski, RN, Nurse Consultant, at the number listed below, between the hours of 8:30 a.m. - 4:00 p.m.; Monday through Friday. The purpose of this call is to make arrangements to discuss the allegations presented to the Department. If for some reason I am unable to speak with you directly, please leave your name and number on my voice mail, so that I may return your call.

While we understand your concerns and interest in learning the specific details of this complaint early in the investigative process, we cannot disclose this information to you at this time, since to do so may jeopardize the integrity of our investigation. As soon as it is possible to disclose the specific allegations to you, we will do so.

If you are a physician seeking privileges at a hospital or applying to participate in managed health care plans, the pendency of this investigation may impact adversely on decisions regarding your application process. The Department does everything possible to complete investigations in a timely manner to minimize any economic hardship therefore, your immediate response will expedite the Department's investigation.

Please also be aware that you are entitled to an attorney throughout this process, if you choose. If you have any questions, please contact this office.

Respectfully,


Diane L. Cybulski, RN, Nurse Consultant
Division of Health Systems Regulation



Phone: (860) 509-7552
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
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SAFAA S. HAKIM, M.D.
15 ABEL CROSSING
NORWICH, CT 06360

PHONE (860-886-7856)
FAX (860-2040297)

August 19, 2004

VIA OVERNIGHT DELIVERY:

Tommy Thomson, Secretary of U.S.
Department of Health and Human Services
National Practitioner Data Bank
Healthcare Integrity and protection Data Bank
ATTN: DISPUTES FOR SECRETARIAL REVIEW
P.O. Box 10832
Chantilly, VA 20153-0832

Re: **Report Number 5500000023780236**

Dear Mr. Secretary of the U.S. Department of Health and Human Services:

I am writing to respectfully request a review of the adverse action report that has been filed concerning me by the William Backus Hospital. As I mentioned in my statement submitted on January 24, 2002 to the NPDB, the information in the report of the Backus Hospital is factually inaccurate. The Backus Hospital's actions of terminating my Medical Staff privileges and my employment were in retaliation for reporting ongoing unethical conduct and grave intentional medical malpractice at the Hospital. In support of my Statement, I enclose the following Documents:

1. New London Day newspaper articles of October 30 and December 14, 2003:
 - **Backus Guilty Of 'Dumping' Some Patients, Lawsuit Charges.**
 - **Psychiatric Care Criticized In State Reviews.**
 - **Suicidal And Uninsured, Jeffrey Judd Was Turned Away.**
 - **'Patient # 28' Kills Himself Three Days After Backus Discharge.**
 - **Response From The William W. Backus Hospital.**
2. Expert Witness Report of Howard G. Iger, M.D. dated July 21, 1998.
3. Complaint dated October 23, 1999 from Safaa Hakim, M.D. to Neil J. Grey, M.D., Medical Director Physician Health Program of CT State Medical Society.
4. Complaint dated October 26, 1999 from Safaa Hakim, M.D. to Department of Public Health.
5. Letter dated October 28, 1999 from Neil Grey, M.D. to Safaa Hakim, M.D.
6. Letter dated November 16, 1999 from DPH to Safaa Hakim, M.D.
7. Copy of a check of a donation of \$5,000.00 from the Medical Staff of the William Backus Hospital to CT State Medical Society Physician Health Program dated **November 22, 1999.**

U.S. Department of Health and Human Services
August 19, 2004
Page 2 of 4

8. Letter dated **November 23, 1999** from Neil Grey, M.D. to Safaa Hakim, M.D.
9. Letter dated December 1, 1999 from Safaa Hakim, M.D. to Neil Grey, M.D.
10. Letter dated December 2, 1999 from Neil Grey, M.D. to Safaa Hakim, M.D.
11. Letter dated January 5, 2000 from DPH to Safaa Hakim, M.D.
12. Letter dated January 11, 2000 from Safaa Hakim, M.D.
13. Three (3) letters dated December 28, 2000 from DPH to Safaa Hakim, M.D.
14. Letter dated February 8, 2002 from DPH to Safaa Hakim, M.D.
15. Letter dated March 28, 2002 from DPH to Safaa Hakim, M.D.

Contrary to the Backus Hospital's false claim that I refused to submit to a follow-up health examination to provide information in regards to my ability to care for patients, I provided the following letters, all confirming my competence and my ability to practice with skill and safety at all times:

1. Letter from David London, M.D. dated March 2, 2001.
2. Letter from CT Department of Public Health dated December 28, 2000.
3. Letter from Michael O'Brien, M.D. dated November 9, 2000.
4. Letter from M. S. Okasha, M.D. dated January 31, 2000.
5. Letter from Michael O'Brien, M.D. dated April 16, 1999.
6. Letter from Howard G. Iger, M.D. dated July 21, 1998 (previously attached).
7. Letter from Michael O'Brien, M.D. dated March 6, 1998.

Also, contrary to the Backus Hospital's false claim, I submitted the enclosed completed application for reappointment.

Please, find enclosed a copy of the chart of patient Sean Mecouch with his father, Mr. Jay M. Mecouch's authorization (pt# 28 in the New London Day newspaper) which I provided to the Department of Public Health with my complaint dated October 26, 1997 and also to CT State Medical Society with my complaint dated October 23, 1997. The Peer Review of the chart by the members of the Department of Psychiatry of Backus Hospital rated the incident of suicide **level 1** (met standard of care) as per the enclosed Minutes of the Department of Psychiatry dated November 3, 1997. The Department of Public Health by letter dated December 28, 2000, concluded after thorough investigation that the care provided by Dr. Brian Benton met acceptable standards of care as well. CT State Medical Society concluded that I am impaired and insisted that I sign up to be treated by the impaired physician Health program as an impaired physician which I refused. I was then reported to the CT DPH for investigation and later to the NPDB and again to the DPH.

In regards to Dr. Brian Benton, please find enclosed:

U.S. Department of Health and Human Services
August 19, 2004
Page 3 of 4

- Complaint dated July 18, 2001 from Safaa Hakim, M.D. to Jan Akus, M.D., President, Medical Staff and to all members of the Medical Executive Committee of the William Backus Hospital.
- Response dated September 7, 2001 from Jan Akus, M.D. to Safaa Hakim.
- Article VII: "Corrective Action" of the Medical Staff Bylaws of The William Backus Hospital, pages 32, 33 & 34.

Dr. Brian Benton continues to be the Medical Director of Psychiatric Services and the Chairman of the Department of Psychiatry at the William Backus Hospital. After my complaint to the DPH and the ruling of the Commission of Human Rights and Opportunities in my favor, he was also voted to be the President of CT Psychiatric Society.

In regards to Dr. August, I enclose the following documents:

1. Department of Psychiatry Quality Improvement/Peer Review minutes, dated June 16 & 19, 1997.
2. Transcribed voice message from Dr. Bridburg to Attorney Pollack dated June 15, 1998.
3. Letter from Mahmoud Okasha, M.D. to Irwin August, D.O. dated September 18, 1998.
4. Letter from Irwin August, D.O. to Brian Benton dated June 19, 2002.
5. Reference Form from Rhode Island Board of Medical Licensure and Discipline filled out and signed by Dr. Benton on June 28, 2002, recommending Dr. August as qualified and competent in regards to his character and professional abilities. The form is stamped by the Backus Hospital.

Finally, I enclose a copy of the

- **PRINCIPLES OF MEDICAL ETHICS, AMERICAN MEDICAL ASSOCIATION.**
- From the Backus Hospital Medical Staff Bylaws, Article XIV: Immunity from Liability, pages # 67 & 68.

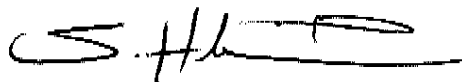
The enclosed documents confirm that the Backus Hospital's report is only in retaliation for reporting ongoing unethical conduct and grave intentional medical malpractice to outside agencies and in accordance with the reporting regulations it should not have been filled. Therefore, I respectfully request your investigation of this case. Your investigation will confirm beyond any doubt that the medical establishment and the judicial system in Connecticut are collaborating to make Connecticut unsafe place for patients and ethical physicians who are committed to practice in abidance by the law and the ethics of their

U.S. Department of Health and Human Services
August 19, 2004
Page 4 of 4

profession. The reporting to the NPDB is being misused in the State of CT to retaliate against and to silence healthcare providers who dare to insist on abiding by the Oath they have taken. I can provide more concrete evidence and even witnesses. Please find enclosed my Affidavit dated August 12, 2004 confirming and attesting that I will donate to charitable organizations all monetary gains I obtain from my pending lawsuit against the Backus Hospital.

I do beg you to investigate my claims. Thank you and I look forward to hearing from you.

Respectfully submitted,



Safaa S. Hakim, M.D.

Enclosures

**Privileged and Confidential**

Safaa Hakim, M.D.
15 Abel Crossing
Norwich, CT 06360

AUG 27 2004

Dear Dr. Hakim:

Your request for Secretarial Review of report Databank Control Number (DCN) 5500000023780236 the National Practitioner Data Bank (NPDB) and/or the Healthcare Integrity and Protection Data Bank (HIPDB) has been forwarded for processing to the Secretarial Review staff of the Division of Practitioner Data Banks. The Secretary of the Department of Health and Human Services has delegated to the Director of the Division of Practitioner Data Banks the authority to conduct these reviews.

Your case has been assigned to a Disputes Resolution Manager who will review your case and prepare a recommended Secretarial Review decision for the Director. If we need additional information, the assigned Disputes Resolution Manager may contact you and/or the entity that filed the report under review. All cases are decided in accordance with applicable law, regulation, and written policy guidance. Determination of fact is based solely on the written record available to us. The record includes the report itself and all correspondence and documents submitted to us by you and your legal counsel, if any, and by the reporting entity and the entity's legal counsel, if any. We do not hold hearings or gather information orally.

Our policy is to keep all parties fully informed as a case is processed. We do not engage in *ex parte* discussion; you, the reporting entity, and its attorney will receive copies of any future correspondence involving the substance of the case. If you have retained an attorney and authorize us in writing to share information about your case with your attorney, we also will send copies of future correspondence to your attorney.

It is your responsibility to inform us in writing or by e-mail if you change your mailing address while your review is pending. You should send this notification to us at the address shown near the end of this letter. Your case will be processed and a decision will be entered into the NPDB-HIPDB even if the Postal Service returns to us as undeliverable correspondence we sent to you, including your copy of the decision letter.

We will not provide information about your case to anyone other than you, your attorney, the reporting entity, and its attorney. However, the NPDB-HIPDB will inform authorized queriers that the report is disputed and under Secretarial Review. Authorized queriers include only those who previously queried and received a copy of the report or who may query and receive one while this matter is pending. No other information about the case will be provided to queriers until the review is completed.

All requests for Secretarial Review are assigned and processed in the order in which they are received. Secretarial Review decisions are made as quickly as possible consistent with a thorough and fair review. It may take several months to review your case, especially if your case raises complex or new issues, if additional information is needed from you or the reporting entity, or if we need to obtain a legal interpretation from the Department of Health and Human Services Office of General Counsel.

Please also bear in mind that the law strictly limits the Secretary's jurisdiction in these cases. The Secretary cannot determine whether a reporter's decision to take an action concerning licensure, privileges, exclusion, etc., was correct or fair. The Secretary can *only* determine (1) if the report is legally required or permitted to be filed and (2) if the report accurately depicts the action taken and the reporter's basis for the action *as reflected in the written record*. Similarly, for malpractice payment reports the Secretary can only determine if the report accurately depicts a payment made on your behalf and the claimant's allegations, not whether malpractice was actually committed or the payment was justified.

If we determine that your request for Secretarial Review involves only your contention that the reporting entity was wrong to take action against you, that it acted unfairly, or that you did not commit malpractice and no payment should have been made, a decision to retain the report will be entered, and a Secretary's Statement will be added to the report noting the Secretary's limited jurisdiction and explaining that the issues you raised were "outside the scope of review." If your case involves only these issues, you may wish to withdraw your request for Secretarial Review to avoid having the Secretary's Statement added to the report. You may withdraw your request at any time before we make a decision in your case. However, once a decision letter has been signed, you are no longer permitted to withdraw your request for review, and the Secretary's Statement will be added.

If your case involves issues within the scope of our review, a full review of those issues will be conducted. Reports found to be neither required nor permitted will be removed ("voided"). Reports found to be properly filed and accurate will be retained. A statement will be added to the report noting that the report was reviewed and stating the Secretary's findings. Reporting entities will be requested to correct reports which are required but are found to be inaccurate under the guidelines discussed above. If the reporting entity fails to make a requested correction, the Secretary will make necessary changes or explain the nature of the error as part of the Secretary's Statement.

If a reporting entity files a Correction report while your Secretarial Review is pending, you will receive a copy of the corrected report. If the correction resolves the matter to your satisfaction, you need do nothing further. If you continue to want Secretarial Review despite the correction, you must notify the NPDB-HIPDB. The copy of the Correction report you receive will include instructions on how to notify the NPDB-HIPDB via the Internet.

When we have completed our review, the Director of the Division of Practitioner Data Banks will mail a copy of the decision letter to you, to the reporting entity, and to the attorneys representing you or the reporting entity. If your report is voided and removed, the NPDB-HIPDB will also separately notify you as well as the reporting entity and all queriers who received a copy of the report. If the report is retained, we will give you the opportunity to submit a new Subject Statement for inclusion in the report along with the Secretary's Statement concerning the review and the decision. The NPDB-HIPDB will send the new version of the report including your Subject Statement (if any) and the Secretary's Statement to you, the reporting entity, and all queriers who received a copy of the report.

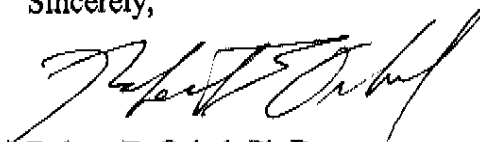
You do not need to respond to this letter for us to process your case. However, if you have questions about the processing of your case, need to change in your address, or want to withdraw your Secretarial Review request, you may write us at the following address:

Secretarial Review
Division of Practitioner Data Banks
7519 Standish Place, Suite 300
Rockville, MD 20857
[Material not sent through the U.S. Postal Service (e.g., by FedEx, UPS, etc.) should specify 20855 as the ZIP Code.]

Faxes may be sent to 301-443-6725. E-mail may be sent to SecReview@HRSA.GOV. We cannot guarantee the confidentiality of e-mail while in transit. *In any correspondence, please refer to the Databank Control Number (DCN) of the report in question.* The DCN is found at the top of the box in the upper right corner of all pages of the report. Our telephone number is 301-443-2300, but we strongly discourage calls because of our policy prohibiting *ex parte* discussions. Please understand we cannot discuss the facts or issues in your case on the telephone.

I hope this information is helpful as you participate in the Secretarial Review process.

Sincerely,



Robert E. Oshel, Ph.D.
Associate Director
Division of Practitioner Data Banks

cc: Reporting Entity



JAN 11 2005

PRIVILEGED AND CONFIDENTIAL

Safaa Hakim, M.D.
15 Abel Crossing
Norwich, CT 06360

RE: **National Practitioner Data Bank**
SECRETARIAL REVIEW DECISION
Practitioner: **Safaa Hakim, M.D.**
Type of Report: **Adverse Action Report**
Date of Report: **December 20, 2001**
DCN: **5500000023780236**

Dear Dr. Hakim:

This letter is regarding your request that the Secretary of the Department of Health and Human Services (the Secretary) review the above-referenced Adverse Action Report (the report) submitted to the National Practitioner Data Bank (the NPDB) by the William W. Backus Hospital (William Backus) on December 20, 2001.

According to the record, William Backus reported you to the NPDB because your clinical privileges were terminated. The record indicates that the Board of Trustees of William Backus took a professional review action and terminated your medical staff membership and clinical privileges because you "(1) refused to timely provide adequate information to update [your] application for reappointment and (2) refused to submit to a follow-up health examination as to [your] current mental health and therefore [your] ability to care for patients."

You dispute the report claiming that:

- You "most certainly timely submitted a completed application for reappointment."

- You “also provided several reports by different experts, all asserting [your] ability to practice with skill and safety at all times.”
- You “can support [your] statements with documents and concrete evidence.”
- “The hospital’s action of terminating [your] medical staff privileges and your employment is in retaliation for reporting ongoing unethical conduct and grave intentional medical malpractice to outside agencies including the DPH and JCAHO.”

As you are aware, we wrote to William Backus on October 15, 2004 to request documentation that shows they took a professional review action and terminated your privileges based on the reasons indicated in the report. William Backus responded to our request by submitting (1) minutes of the Credentials Committee meeting dated July 27, 2000; (2) an undated Final Board decision document - appellate review; and (3) Board of Directors/Board of Trustees meeting minutes of November 5, 2001. Upon review of these documents, we have determined that they indeed show William Backus took a professional review action when they deemed your reappointment application incomplete and therefore your appointment to have lapsed.

Since it is documented in William Backus’ July 27, 2000 Credentials Committee meeting minutes that they never received from you either an updated Request for Reappointment or a follow-up health examination and since the Final Board decision states that you refused to submit a new application and results of a follow-up health examination, we have determined that the *Description of Act(s) or Omission(s)* in Section C of the report accurately reflects the documentation. Your contention that William Backus’ termination of your employment and clinical privileges was in retaliation for reporting ongoing unethical conduct and grave medical malpractice are outside the scope of Secretarial Review. We have no legal authority to investigate alleged reasons why William Backus may have taken action against you beyond the reasons shown in official documentation. The information you submitted via facsimile in response to William Backus’ November 19, 2004 correspondence are also outside the scope of Secretarial Review. Your assertion and the documentation you sent to us to show that you did timely submit a completed application and that you provided reports by different experts attesting to your ability to practice with skill and safety relate to whether or not William Backus was justified in its decision. We have no authority to review whether William Backus was justified in terminating your medical staff membership and clinical privileges or whether it provided due process in accordance with its bylaws in taking its action. Those issues must be resolved between you and William Backus.

According to the *NPDB Guidebook*, adverse clinical privileges actions are reportable if they are based on a physician’s professional competence or conduct that adversely affects, or could adversely affect, the health or welfare of a patient. Hospitals must report professional review actions that adversely

Safaa Hakim, M.D.

Page 3

affect a physician's clinical privileges for a period of more than 30 days. Therefore, when William Backus took a professional review action and terminated your clinical privileges, they were required to report you to the NPDB.

Since the Secretary is denying your dispute, the report will remain in the NPDB. The Secretary will order the report removed from "Elevated for Decision by the Secretary" status and placed in "Reviewed by the Secretary" status. The Secretary will also insert the following statement into the report:

The practitioner requested Secretarial Review of this report. The Secretary can review only (1) whether the action is reportable under applicable law and regulations and (2) whether the report accurately describes the reporter's action and reasons for action as stated in the reporter's decision documents. The Secretary cannot conduct an independent review of the merits of the action taken by the reporting entity, review the "due process" provided by the entity, or substitute his judgment for that of the entity. After review of the available information, the Secretary determined that the issues raised by the practitioner are beyond the scope of the Secretary's review authority. Accordingly, there is no basis to conclude that the report should not have been filed or that it is inaccurate; the report shall be maintained as submitted by the reporting entity.

You may also submit a brief statement for inclusion in the report. If you already have a statement in the report, any new statement you submit will replace it. Your statement must not exceed 2,000 total characters, including punctuation and spaces. Please do not include in the statement names, addresses, or telephone numbers other than your own or your attorney. If you include such information, it will be removed from your statement before it is entered into the NPDB. If your statement reaches us within 30 days of the date of this letter, it will be included in the report at the same time the Secretary's decision and statement are added.

Please send your statement to the following address:

Disputes Resolution Manager (SV)
Practitioner Data Banks Branch
Office of Workforce Evaluation and Quality Assurance
7519 Standish Place, Suite 300
Rockville, Maryland 20857

After the 30 day period, you may submit a new statement directly to the NPDB. For information on how to do so, please visit the NPDB-HIPDB Web site at www.npdb-hipdb.com or call the NPDB-HIPDB Customer Service Center at 1-800-767-6732.

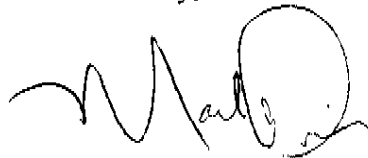
Safaa Hakim, M.D.

Page 4

The NPDB will send a copy of the report with the Secretary's decision and statement along with your statement (if applicable) to you and any entity which has queried and received a copy of the report within the past three years as well as future entities which query you.

Please send any correspondence regarding this manner to the Disputes Resolution Manager at the above address.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mark S. Pincus', written in a cursive style.

Mark S. Pincus, M.H.S.

Chief

Practitioner Data Banks Branch

Office of Workforce Evaluation and Quality Assurance

cc: Amy Marshall
William W. Backus Hospital

National Practitioner Data Bank
Healthcare Integrity and Protection Data Bank
P.O. Box 10832
Chantilly, VA 20153-0832

DCN: 5500000036547954
Process Date: 02/17/2005
Page: 1 of 1

<http://www.npdb-hipdb.com>

To: HAKIM, SAFAA

15 ABEL CROSSING
NORWICH, CT 06360

From: The National Practitioner Data Bank

Re: Report Revised, Voided, or Status Changed

SENSITIVE INFORMATION ENCLOSED

You previously received a copy of report #5500000023780236 (on SAFAA HAKIM) from the Data Bank(s). The content or status of this report has changed as indicated below. Please disregard and destroy the previous report and any copies of it, and replace it with the enclosed, current version. You are receiving this updated copy of the report for the following reason:

The Secretary of the U.S. Department of Health and Human Services has reviewed the facts of the dispute and has made a determination (see Section E of the referenced report).

All information from the NPDB is considered confidential and must be used solely for the purpose for which it was disclosed. ANY PERSON WHO VIOLATES THE CONFIDENTIALITY PROVISIONS AS SPECIFIED IN TITLE IV OF PUBLIC LAW 99-660, AS AMENDED, IS SUBJECT TO A CIVIL MONEY PENALTY OF UP TO \$11,000 FOR EACH VIOLATION. Subjects of reports who obtain information about themselves from the NPDB are permitted to share that information with anyone they choose.

If you require additional assistance, visit the NPDB-HIPDB web site (<http://www.npdb-hipdb.com>) or contact the NPDB-HIPDB Customer Service Center at 1-800-767-6732 (TDD: 1-703-802-9395). Information Specialists are available to speak with you weekdays from 8:30 a.m. to 6:00 p.m. (5:30 p.m. on Fridays) Eastern Time. The NPDB-HIPDB Customer Service Center is closed on all Federal holidays.

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http://www.npdb-hipdb.com

ADVERSE ACTION REPORT

TITLE IV CLINICAL PRIVILEGES ACTION

Report Number 550000023780236

This report is maintained in:

The National Practitioner Data Bank

The Healthcare Integrity and Protection Data Bank

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Title IV of Public Law 99-660, as amended, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. For additional information or clarification, contact the reporting entity identified in Section A.

A. REPORTING ENTITY

Entity Name: THE WILLIAM W. BACKUS HOSPITAL
Address: 326 WASHINGTON STREET

City, State, ZIP: NORWICH, CT 06360

Entity Internal Report Reference
(e.g., claim number):

Name or Office: AMY MARSHALL
Title or Department: CREDENTIALING COORDINATOR
Telephone: (860) 823-6399

Type of Report: INITIAL REPORT

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: HAKIM, SAFAA

Other Name(s) Used:

Gender: FEMALE

Date of Birth: [REDACTED]

Home Address: [REDACTED]

City, State, ZIP: [REDACTED]

Country:

Organization Name:

Work Address: 12 CASE STREET, SUITE 311

City, State, ZIP: NORWICH, CT 06360

Country:

Deceased: NO

Date of Death:

Social Security Numbers (SSN): [REDACTED]

Individual Taxpayer Identification Numbers (ITIN):

Professional School(s) & Year(s) of Graduation: AIN SHAMS U. MED. SCHOOL 1977

Occupation/Field of Licensure (Code): PHYSICIAN (MD) (010)

State License Number, State of Licensure: 28583, CT

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Other, as Specified:

Drug Enforcement Administration (DEA) Numbers: BH1644512

**C. INFORMATION
REPORTED**

Type of Adverse Action: TITLE IV CLINICAL PRIVILEGES

Adverse Action Classification Code(s): OTHER RESTRICTION/LIMITATION OF CLINICAL PRIVILEGES,

Other, as Specified: SPECIFY (1645)

TERMINATION OF CLINICAL PRIVILEGES

Date Action Was Taken: 11/05/2001

Date Action Became Effective: 11/05/2001

Length of Action: INDEFINITE

Years:

Months:

Days:

Description of Act(s) or Omission(s) or Other

Reasons for Action Taken:

THE BOARD OF TRUSTEES OF THE HOSPITAL DEEMED PHYSICIAN'S APPLICATION FOR REAPPOINTMENT TO BE INCOMPLETE AND DEEMED HER MEDICAL STAFF MEMBERSHIP AND CLINICAL PRIVILEGES TO HAVE LAPSED, THE RESULT OF WHICH WAS TERMINATION OF HER MEDICAL STAFF MEMBERSHIP AND CLINICAL PRIVILEGES. THE BOARD TOOK THIS PROFESSIONAL REVIEW ACTION BECAUSE PHYSICIAN (1) REFUSED TO TIMELY PROVIDE ADEQUATE INFORMATION TO UPDATE HER APPLICATION FOR REAPPOINTMENT AND (2) REFUSED TO SUBMIT TO A FOLLOW-UP HEALTH EXAMINATION AS TO HER CURRENT MENTAL HEALTH AND THEREFORE HER ABILITY TO CARE FOR PATIENTS. THE PHYSICIAN'S PROFESSIONAL CONDUCT IN FAILING TO PROVIDE SUFFICIENT INFORMATION TO RESOLVE THE HOSPITAL'S LEGITIMATE QUESTIONS CONCERNING HER CURRENT COMPETENCE AND MENTAL HEALTH BY (1) REFUSING TO TIMELY PROVIDE ADEQUATE INFORMATION TO UPDATE HER APPLICATION FOR REAPPOINTMENT AND (2) FAILING TO SUBMIT TO A FOLLOW-UP HEALTH EXAMINATION COULD ADVERSELY AFFECT THE HEALTH OR WELFARE OF PATIENT.

Basis for Action: UNPROFESSIONAL CONDUCT (10)

Other, as Specified:

**D. SUBJECT
STATEMENT**

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

Date Submitted: 01/24/2002

THE INFORMATION IN THE REPORT IS FACTUALLY INACCURATE. I MOST CERTAINLY TIMELY SUBMITTED A COMPLETED APPLICATION FOR REAPPOINTMENT. I ALSO PROVIDED SEVERAL

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<http://www.npdb-hipdb.com>

REPORTS BY DIFFERENT EXPERTS, ALL ASSERTING MY ABILITY TO PRACTICE WITH SKILL AND SAFETY AT ALL TIMES. I FULFILLED ALL REQUIREMENTS FOR REAPPOINTMENT. I CAN SUPPORT MY STATEMENT WITH DOCUMENTS AND CONCRETE EVIDENCE. THE HOSPITAL'S ACTION OF TERMINATING MY MEDICAL STAFF PRIVILEGES AND MY EMPLOYMENT, IS IN RETALIATION FOR REPORTING ONGOING UNETHICAL CONDUCT AND GRAVE INTENTIONAL MEDICAL MALPRACTICE TO OUTSIDE AGENCIES INCLUDING THE DPH AND JCAHO. I CAN SUPPORT ALL MY ALLEGATIONS INCLUDING THOSE OF MEDICAL MALPRACTICE WITH CONCRETE EVIDENCE AND EXPERT REPORTS. EFFORTS TO RESOLVE THE DISAGREEMENT WITH THE REPORTING ENTITY WAS UNSUCCESSFUL.

REPORT STATUS

Unless one or more boxes below are checked, the subject of this report identified in Section B has not contested this report.

- If box is checked, this report has been disputed by the subject identified in Section B.
- If box is checked, at the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- If box is checked, at the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date Submitted: 02/17/2005

The practitioner requested Secretarial Review of this report. The Secretary can only review (1) whether the action is reportable under applicable law and regulations and (2) whether the report accurately describes the reporter's action and reasons for action as stated in the reporter's decision documents. The Secretary cannot conduct an independent review of the merits of the action taken by the reporting entity, review the "due process" provided by the entity, or substitute his judgment for that of the entity. After review of the available information, the Secretary determined that the issues raised by the practitioner are beyond the scope of the Secretary's review authority. Accordingly, there is no basis to conclude that the report should not have been filed or that it is inaccurate; the report shall be maintained as submitted by the reporting entity.

Date of Original Submission: 12/20/2001
Date of Most Recent Change: 12/20/2001

END OF REPORT

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Rob Simmons

U.S. House of Representatives

215 Cannon House Office Building
Washington, DC 20515
(202) 225-2076
Fax: (202) 225-4977

FAX TRANSMISSION COVER SHEET

DATE: **7/27**

TO: **Dr. Hakim** 860-204-0297

- FROM:
- | | |
|--|---|
| <input type="checkbox"/> Congressman Rob Simmons | <input type="checkbox"/> Todd Mitchell |
| <input type="checkbox"/> Jennifer Diggins | <input type="checkbox"/> Lise Lynam |
| <input checked="" type="checkbox"/> Amy Pellegrino | <input type="checkbox"/> Michael Dillon |
| <input type="checkbox"/> Jonathan Martin | <input type="checkbox"/> Meghan Curran |
| <input type="checkbox"/> Leigh Hightower | <input type="checkbox"/> Dan Hartnett |

COMMENTS:

Dr. Hakim - Here is the cover letter the Congressman is sending to Atty. Gen. Blumenthal

YOU SHOULD RECEIVE _____ PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (202) 225-2076.

SPEAKER'S PRESCRIPTION DRUG ACTION TEAM
LONG ISLAND SOUND CAUCUS
NATIONAL GUARD AND RESERVE COMPONENTS CAUCUS
CONGRESSIONAL SPORTSMEN'S CAUCUS
CONGRESSIONAL TRAVEL AND TOURISM CAUCUS
PORT SECURITY CAUCUS
CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES



CONGRESSMAN ROB SIMMONS
HOUSE OF REPRESENTATIVES
SECOND DISTRICT, CONNECTICUT

ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON PROJECTION FORCES
SUBCOMMITTEE ON TACTICAL AIR AND LAND FORCES
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
SUBCOMMITTEE ON RAILROADS
SUBCOMMITTEE ON HIGHWAYS AND TRANSPORT
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION
VETERANS' AFFAIRS COMMITTEE
SUBCOMMITTEE ON HEALTH
CHAIRMAN

July 26, 2004

The Honorable Richard Blumenthal
Attorney General, State of Connecticut
P.O. Box 120
Hartford, CT 06141-0120

Dear Attorney General Blumenthal:

On June 24th, members of our staff met with Dr. Eric Gluck, Dr. Safaa Hakim, and Dr. David DuBois regarding their concerns over safe patient care and complaints of improper conduct at the William W. Backus Hospital in Norwich, Connecticut

Attached, please find information provided to us from Drs. Gluck, Hakim and DuBois.

As the chief civil legal officer of the State of Connecticut, we ask for your assistance in looking into this matter and keeping us abreast of any developments.

All the best,

Joseph I. Lieberman
U.S. Senator

Rob Simmons
Member of Congress

215 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5716

2 COURTHOUSE SQUARE
NORWICH, CT 06860
(860) 886-0130

37-38 POPEL STREET
ENFIELD, CT 06032
(860) 741-4055

TOLL FREE IN CONNECTICUT: (800) 822-4319

** TOTAL PAGE.02 **

SAFAA S. HAKIM, M.D.
15 ABEL CROSSING
NORWICH, CT 06360

PHONE (860-886-7856)
FAX (860-204-0297)

July 3, 2004

VIA OVERNIGHT DELIVERY:

Senator Joseph I. Lieberman
Attention: Clarine Nardi Riddle, Chief of Staff
706 Hart Senate Office Building
Washington, DC 20510

RE: Request of investigation to protect patients from further wrongful loss of lives in the State of Connecticut and to restore my losses from unlawful whistleblower retaliation & also request of General Accounting Office investigation

Dear Ms. Riddle:

Thank you for taking the time to meet with Dr. Smith, Dr. Gluck, Mr. Dubois, Captain Donlon, Lieutenant Cockerham and my self on June 21, 2004. I also thank you for your empathy and your understanding that were quite evident through out the meeting.

For your review, I enclose the following documents:

1. My C.V.
2. New London Day news paper Articles of October 30 and December 14, 2003:
 - **Backus Guilty of "Dumping Some Patients, Lawsuit Charges.**
 - **Psychiatric Care Criticized In State Reviews.**
 - **Suicidal And Uninsured, Jeffrey Judd Was Turned Away.**
 - **Patient #28' Killed Himself Three Days After Backus Discharge.**
 - **Response from The William Backus Hospital.**
3. Judgment file dated October 27, 2003, signed by Judge Hurley.
4. Expert witness reports of:
 - Michael P. O'Brien, M.D.
 - Howard G. Iger, M.D., and his C.V.
 - Prudence Baxter, M.D., and her C.V.
5. Documents pertinent to Commission on Human Rights & Opportunities:
 - Letter from Attorney Parenteau to CHRO dated November 24, 1997.
 - Draft reasonable Cause Finding by CHRO dated December 16, 1998.
 - Letter from CHRO of Approval of Reasonable Cause Finding dated March 5, 1999.

Senator Joseph I. Lieberman

July 3, 2004

Page 2 of 5

6. Amended Complaint dated March 9, 1998, Docket # CV- 98-0545338 S filed at The New London Superior Court, J.D. of New London (dismissed without Prejudice).
7. Complaint dated June 16, 1999, Docket # 399CV-1143 (JDS), filed at the Federal Court in Hartford.
8. Court Order by The Honorable Thomas Parker dated July 28, 1998 to depose Mr. Pipicelli, CEO of Backus Hospital and Dr. Shea, Quality Assurance Director.
9. Second Amended Complaint dated January 28, 2000 (currently effective).
10. Amended Complaint dated August 9, 2002 (never filed).
11. Document by Attorney Michael D. Neubert titled "**Legal implications of addressing or not addressing the disruptive physician from the perspectives of the medical Staff and the disruptive physician**".
12. Complaint of Safaa Hakim, M.D. to Neil J. Grey, M.D., Medical Director Physician Health Program of CT State Medical Society dated October 23, 1999.
13. Complaint of Safaa Hakim, M.D. to Department of Public Health dated October 26, 1999.
14. Letter dated November 16, 1999 from the Department of Public Health to Safaa Hakim, M.D.
15. Letter dated October 28, 1999 from Neil Grey, M.D. to Safaa Hakim, M.D.
16. Copy of a check of a donation of \$5,000.00 from the Medical Staff of the William Backus Hospital to CT State Medical Society Health Program dated **November 22**, 1999.
17. Letter dated **November 23**, 1999 from Neil Grey, M.D. to Safaa Hakim, M.D.
18. Letter dated December 1, 1999 from Safaa Hakim, M.D. to Neil Grey, M.D.
19. Letter dated December 2, 1999 from Neil Grey, M.D. to Safaa Hakim, M.D.
20. Letter dated January 5, 2000 from the DPH to Safaa Hakim, M.D.
21. Letter dated January 11, 2000 from the DPH to Safaa Hakim, M.D.
22. Three (3) letters dated December 28, 2000 from DPH to Safaa Hakim.
23. Adverse Report to the National Practitioner Data Bank by Backus Hospital against Safaa Hakim, M.D., dated December 20, 2001.
24. Letter dated February 8, 2002 from DPH to Safaa Hakim.
25. Letter dated March 28, 2002 from DPH to Safaa Hakim
26. Public Docket for Second Circuit Court of Appeals, Docket # 03-9069-cv.
27. Statement of Safaa Hakim in Response to Attorney Mary Alice Leonhardt's **FIFTH** motion for permission to withdraw dated August 21, 2003, filed at the United States Courts of Appeal, Second Circuit in New York. (with all attachments).
28. Motion to Reargue (with all attachments) dated May 9, 2003 in connection with case of Backus v. Hakim.
29. Motion to Disqualify Judge D. Michael Hurley (with all attachments) dated September 18, 2003 filed in connection with case of Backus v. Hakim.
30. Motion for Review (with all attachments) dated August 27, 2003 filed in connection

Senator Joseph I. Lieberman

July 3, 2004

Page 3 of 5

with case of Backus v. Hakim.

31. Public Docket of case of Backus v. Hakim.
32. Public Docket of case of Dubois v. Backus (dismissed by Judge Hurley).
33. Civil lawsuit of Backus v. Hakim filed January 22, 2003.
34. Application by Amicus Curiae the Association of American Physicians and Surgeons to file a Brief.

After the termination of my employment by Backus Hospital, Attorney Jim Parenteau of then Suisman, Shapiro, Wool, Brennan & Greenberg filed the Complaint dated March 9, 1998 at the New London Superior Court and also filed a complaint at the CHRO. When the Medical Staff and their Attorney Michael Eisner of Wiggin & Dana threatened to terminate my Medical Staff privileges, I retained Attorney Philip Walker (health care Attorney) of Day, Berry & Howard, to defend me regarding the Medical Staff issues. He refused unless I agreed to have him represent me against both the Backus Hospital and the Medical Staff (please note that the Medical Staff and the Backus Hospital are two separate entities). After the CHRO ruled in my favor, Attorney Alexandra Mease-White of Day Berry & Howard filed the Complaint at the Federal Court dated June 16, 1999, addressing the gender based discrimination issues. My agreement with Attorney Phillip Walker was then to amend the complaint combining both the whistle blower and the patients' care issues and also the gender based discrimination issues as per Attorney Michael Neubert's enclosed documents. Instead, Attorney Phillip Walker filed the second amended complaint (currently effective) dated January 28, 2000, altering the merits of my case, and the State Court Complaint was dismissed without prejudice. Although I was under care of Dr. Michael O'Brien and Dr. Baxter was my Expert Witness, Attorney Phillip Walker insisted that I be evaluated by a psychiatrist arranged between him and Dr. Neil Grey of the Impaired Physician Health Program of CT State Medical Society and then insisted that I sign up for the impaired physician health Program to be treated as impaired physician. I refused, terminated his service and filed a complaint against him at the State Wide Grievance Committee. I proved my case **beyond any doubt** and he waived his fees, yet the report of the State Wide Grievance Committee stated "No probable Cause Determination", after two panel members recused themselves from the consideration of my complaint. The Backus Hospital did not only fail to address the disruptive behavior of Dr. Benton, but also tried to defend their position by building a case against me being a "Disruptive Physician". False complaints back dated and signed by Backus Hospital employees and physicians were inserted in my personnel file after I was terminated, and my credentialing file of Day Kimball Hospital my former employer, was tampered with to support their strategy. I have concrete evidence and copies of original documents to support my statement and to defend my position against their claims (Attorney Michael Eisner of Wiggin & Dana is the Health Care Attorney for Both Backus Hospital's and Day Kimball Hospital's Medical Staff). I then retained Attorney Mary Alice Leonhardt who is a skilled attorney and an expert in both health

Senator Joseph I. Lieberman
July 3, 2004
Page 4 of 5

care and employment law. Attorney Leonhardt agreed to amend the complaint as per Attorney Michael Neubert's Documents and to protect my Medical Staff privileges. Dr. Prudence Baxter, my expert witness, at a written request by Attorney Leonhardt, spent 70 hours at \$300/hour (which I paid), evaluating me and reviewing documents so that she can address all issue of my case including those of the "Disruptive Physician". Yet later Attorney Leonhardt adamantly refused to allow her to issue her report threatening to withdraw her appearance if I insisted. Contrary to our agreement, Attorney Leonhardt forced me to a "shammed board hearing" for my medical staff privileges, sabotaged all my efforts to a fair hearing and when I was reported to the National Practitioner Data Bank and asked her to defend me, she refused. When I responded to the NPDB addressing the patients' care issues, she again threatened to withdraw her appearance. For no apparent need whatsoever and without my consent, Attorney Leonhardt involved more attorneys in my case who later withdrew their appearances and wrote letters supporting the Hospital's position. I only learned in January, 2004 that the enclosed "Third Amended Complaint" which addresses the report against me to the NPDB was never filed and the Medical Staff were never added as defendants, after an extensive amount of work spent by both Attorney Leonhardt and my self in preparing it. At a Status Conference with Judge Squatrito, the subject of the adverse report against me at the NPDB and its detrimental effect on my career was explained to me by both Judge Squatrito and Attorney Leonhardt. I was told that the Statutes of limitation to address the Report to the NPDB and the Medical Staff issues are three years (December 20, 2004).

Every Health Care Attorney got involved to defend me, made all efforts to alter the merits of my case in support of the Backus Hospital and the Medical Staff to the detriment of patients and safety of the public. Even the Department of Public Health denied in writing any wrong doing by the Hospital. I learned about the details of the Department's findings of Backus Hospital for the first time from the enclosed New London Day news paper articles released in October and December, 2003. In fact, unsuccessfully the Department of Public Health and the CT State Medical Society joined the Backus Hospital in the process of harassment and retaliation against me by claiming that there was no wrong doing by Backus or by Drs. Benton and August and that I was paranoid and out of touch with reality and unable to practice medicine with skill and safety for making such false claims. A review of my claims and the documents in question was conducted by Dr. Howard G. Iger, a well respected forensic Expert who is also well known to the Department of Public Health. Dr. Iger concluded that my complaints were correct and described the negligence to my attorneys and to my self as "murders". For that reason the Hospital's lawsuit against me to collect all documents of my communications with the DPH, CT State Medical Society and others as detailed in the enclosed Judgment file, is only to erase every trace of the unlawful cover up for "murders" by all involved. Attorney Leonhardt after the first Status Conference with Judge Squatrito (former Health Care Attorney) stated that "CT is a political State" and I will never get justice. She stated that her x-husband worked for Governor Wicker as a

Senator Joseph I. Lieberman

July 3, 2004

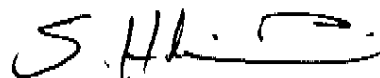
Page 5 of 5

Chief Utility Attorney blew the whistle on something serious as I did and now "he is a cheap attorney". It has been 7 years since the termination of my employment and although Attorney Parenteau was granted a court order (enclosed) to depose both Mr. Pipicilli the CEO of Backus Hospital and the Quality Assurance Director in 1998, Judge Squatrito (former Health Care Attorney), the residing Federal Judge did not allow one deposition to be taken and not one document in discovery has been permitted as of yet. I enclose a copy of "Motion to Re-argue" which I filed in connection with the case of Backus Hospital v. Safaa Hakim, M.D. for the purpose of showing you some of the evidence I have and the major injustice inflicted on us by Judge Hurley. both the Federal and State Judges, every health Care Attorney and every state agency got involved or was made aware of the situation at Backus Hospital, all made all efforts to cover up for the Backus Hospital and their Medical Staff. It has been absolutely nothing but delaying tactics and wasteful procedures and obstruction of justice, to the detriment of patients and the safety of the public. I have extensive concrete evidence in support of every single statement I made and also in support of all my claims against Backus Hospital and all involved.

I do plead for your help and for your well known fearless efforts to bring justice. Please take the time to review my complaint and concerns. I do beg you, help us, and help the citizens of the State of Connecticut. Help honest and ethical individuals who are committed to serve the public in abidance by the law and the ethics of their professions.

Thank you and I look forward to hearing from you to provide more information and evidence in support of my claims.

Respectfully,



Safaa S. Hakim

Attachments

SAFAA S. HAKIM, M.D.
15 ABEL CROSSING
NORWICH, CT 06360

PHONE (860-886-7856)
FAX (860-204-0297)

May 18, 2004.

**VIA FACSIMILE (860-886-2974) &
VIA HAND DELIVERY WITH ATTACHMENTS:**

Congressman Robert Simmons
2 Courthouse Square
Norwich, CT 06360
Attention: Ms. Betty Wagner

RE: Complaint of May 1, 2004, requesting to protect patients from further wrongful loss of lives in the State of Connecticut and restoring my losses from unlawful whistleblower retaliation & also requesting General Accounting Office investigation.

Dear Ms. Wagner:

This is to follow up on my complaint of May 1, 2004 and our telephone conversation of May 13, 2004.

For your review, please find enclosed the following documents:

1. Letter from Congressman Christopher Shays to Safaa Hakim dated May 13, 2004.
2. My C.V.
3. New London Day news paper Articles of October 30 and December 14, 2003.
4. Judgment file dated October 27, 2003, signed by Judge Hurley.
5. Expert witness reports of:
 - Michael P. O'Brien, M.D.
 - Howard G. Iger, M.D., and his C.V.
 - Prudence Baxter, M.D., and her C.V.
6. Documents pertinent to Commission on Human Rights & Opportunities:
 - Letter from Attorney Parenteau to CHRO dated November 24, 1997.
 - Draft reasonable Cause Finding by CHRO dated December 16, 1998.
 - Letter from CHRO of Approval of Reasonable Cause Finding dated March 5, 1999.
7. Second Amended Complaint dated March 9, 1998, Docket # CV- 98-0545338 S, filed at the New London Superior Court, J.D. of New London (dismissed without prejudice).
8. Complaint dated June 16, 1999, Docket # 399CV-1143 (JDS), filed at the Federal Court in Hartford.

Congressman Robert Simmons

May 18, 2004

Page 2 of 4

9. Second Amended Complaint dated January 28, 2000(currently effective).
10. Third Amended Complaint dated August 9, 2002(never filed).
11. Document by Attorney Michael D. Neubert titled "**Legal implications of addressing or not addressing the disruptive physician from the perspectives of the medical Staff and the disruptive physician**".
12. Complaint of Safaa Hakim, M.D. to Neil J. Grey, M.D., Medical Director Physician Health Program of CT State Medical Society dated October 23, 1999.
13. Complaint of Safaa Hakim, M.D. to Department of Public Health dated October 26, 1999.
14. Letter dated November 16, 1999 from the Department of Public Health to Safaa Hakim, M.D.
15. Letter dated October 28, 1999 from Neil Grey, M.D. to Safaa Hakim, M.D.
16. Copy of a check of a donation of \$5,000.00 from the Medical Staff of the William Backus Hospital to CT State Medical Society Health Program dated November 22, 1999.
17. Letter dated November 23, 1999 from Neil Grey, M.D. to Safaa Hakim, M.D.
18. Letter dated December 1, 1999 from Safaa Hakim, M.D. to Neil Grey, M.D.
19. Letter dated December 2, 1999 from Neil Grey, M.D. to Safaa Hakim, M.D.
20. Letter dated January 5, 2000 from the DPH to Safaa Hakim, M.D.
21. Letter dated January 11, 2000 from the DPH to Safaa Hakim, M.D.
22. Two (2) letters dated December 28, 2000 from DPH to Safaa Hakim.
23. Adverse Report to the National Practitioner Data Bank by Backus Hospital against Safaa Hakim, M.D., dated December 20, 2001.
24. Public Docket for Second Circuit Court of Appeals, Docket # 03-9069-cv.
25. "Statement of Safaa Hakim in Response to Attorney Mary Alice Leonhardt's Fifth Motion for Permission to Withdraw Dated August 21, 2003" with all attachments, filed at the United States Courts of Appeal, Second Circuit in New York.
26. Motion to Reargue dated May 9, 2003 in connection with case of Backus v. Hakim.

After the termination of my employment by Backus Hospital, Attorney Jim Parenteau filed the Complaint dated March 9, 1998 at the New London Superior Court and also filed a complaint at the CHRO. When the Medical Staff and their Attorney Michael Eisner of Wiggin & Dana threatened to terminate my Medical Staff privileges, I retained Attorney Philip Walker (health care Attorney) of Day, Berry & Howard to defend me regarding the Medical Staff issues. He refused unless I agreed to have him represent me against both the Backus Hospital and the Medical Staff (please note that the Medical Staff and the Backus Hospital are two separate entities). Attorney Philip Walker filed the Complaint at the Federal Court dated June 16, 1999, addressing the gender based discrimination issues. Our agreement was then to amend the complaint combining both the whistle blower and the patients' care issues and also the gender based discrimination issues as per Attorney Michael Neubert attached documents. Instead, Attorney Phillip Walker filed the second amended complaint dated January 28, 2000, altering the merits

Congressman Robert Simmons

May 18, 2004

Page 3 of 4

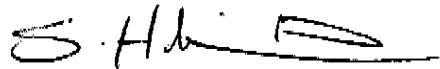
of my case, and the State Court Complaint was dismissed without prejudice. Although I was under care of Dr. Michael O'Brien and Dr. Baxter was my Expert Witness, Attorney Phillip Walker insisted that I be evaluated by a psychiatrist arranged between him and Dr. Neil Grey of the Impaired Physician Health Program of CT State Medical Society and then insisted that I sign up for the impaired physician health Program to be treated as impaired physician. I refused, terminated his service and filed a complaint against him at the State Wide Grievance Committee. I proved my case beyond any doubt and he waved his fees, yet the report of the State Wide Grievance committee stated "No probable Cause Determination". The Backus Hospital did not only fail to address the disruptive behavior of Dr. Benton, but also tried to defend their position by building a case against me being a "Disruptive Physician". False complaints were back dated and signed by Backus Hospital employees and inserted in my personnel file after I was terminated, and my credentialing file of Day Kimball Hospital was tampered with to support their strategy. I have concrete evidence and copies of original documents to support my statement and to defend my position against their claims. I then retained Attorney Mary Alice Leonhardt who is an expert in both health care and employment law. She agreed to amend the complaint as per Attorney Michael Neubert's Documents and to protect my Medical Staff privileges. Dr. Prudence Baxter, my expert witness, at a written request by Attorney Leonhardt, spent 70 hours at \$300/hour (which I paid), evaluating me and reviewing documents so that she can address all issue of my case including that of the "Disruptive Physician". Yet later Attorney Leonhardt adamantly refused to allow her to issue her report threatening to withdraw her appearance if I insisted. Contrary to our agreement, Attorney Leonhardt forced me to a shammed Peer Review for my medical staff privileges, sabotaged all my efforts to a fair hearing and when I was reported to the National Practitioner Data Bank and asked her to defend me, she refused. When I responded to the NPDB addressing the patients' care issues she again threatened to withdraw her appearance. For no apparent reason whatsoever and without my consent, Attorney Leonhardt involved more attorneys in my case who later withdrew their appearances and wrote letters supporting the Hospital's position. I only learned in January, 2004 that the enclosed "Third Amended Complaint" was never filed and the Medical Staff were never added as defendants after an extensive amount of work by both Attorney Leonhardt and my self spent in preparing it. I was told that the Statutes of limitation to address the Report to the NPDB and the Medical Staff issues are three years (December 20, 2004).

Attorney Parenteau was the only Attorney who represented the issues as it happened. Every Health care Attorney got involved to defend me, made all efforts to alter the merits of my case in support of the Backus Hospital and the Medical Staff. Even the Department of Public Health denied in writing any wrong doing by the Hospital. I learned about the details of the Department's findings of Backus Hospital's investigation for the first time from the enclosed New London Day news paper articles released in October and December, 2003. In fact, unsuccessfully the Department of Public Health and the CT

Congressman Robert Simmons
May 18, 2004
Page 4 of 4

state Medical Society joined in retaliating against me claiming that there was no wrong doing by Backus or by Drs. Benton and August and that I was paranoid and out of touch with reality and unable to practice medicine with skill and safety for making such false claims. For that reason the Hospital's law suit against me is to collect documents of my communications with the DPH, CT State Medical Society and others as detailed in the enclosed Judgment file, which support this statement. Attorney Leonhardt after the first Status Conference with Judge Squatrito (former Health Care Attorney) stated that "CT is a political State" and I will never get justice. She stated that her x-husband worked for Governor Wicker as a Chief Utility Attorney, blew the whistle on something serious as I did and now "he is a cheap attorney". I can make my statement under oath and I have concrete evidence in support of every statement I made and also in support of all my claims against Backus Hospital. I also enclose a copy of "Motion to Re-argue" which I filed in connection with the case of "Backus v. Hakim" for the purpose of showing you some of the evidence I have and the major injustice inflicted on me by Judge Hurley. I greatly appreciate your help and I look forward to hearing from you. If you need further information, please let me know.

Respectfully,



Safaa S. Hakim

Attachments

SAFAA S. HAKIM, M.D.
15 ABEL CROSSING
NORWICH, CT 06360

PHONE (860-886-9114)
FAX (860-204-0297)
shakim@sbcglobal.net

May 1, 2004

VIA FACSIMILE (202-225-3974):

Representative Henry Waxman,
House Government Reform Committee
Attention: Staffer **David Rapallo**
TEL: (202-225-5420) & (202-225-5074)

SUBJECT: Request for protecting patients from further wrongful loss of lives in Connecticut and restoring my losses from unlawful whistleblower retaliation & also request for General Accounting Office investigation.

Dear Representative Waxman:

I am writing to respectfully request that measures are taken in the State of Connecticut to protect patients against further wrongful loss of life.

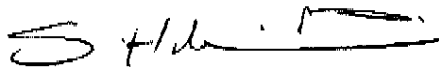
I am a physician practicing psychiatry in the State of CT. My employment at the William Backus Hospital was terminated because of my reporting of unlawful actions which was and is, continually taking place at the Backus Hospital. Also my Medical Staff privileges at the Hospital were terminated and I was reported to the National Practitioner Data Bank. The specific unlawful actions include the furnishing of substandard, inadequate and improper care to psychiatric patients and discriminating against patients based upon their ability to pay for health care services, in violation of Title XVIII of the Social Security Act, as amended, 42 U.S.C. § 1395 *et seq.*; violations of the anti-discrimination, quality of care and Medical Staff Credentialing Provisions of the conditions of participation in the Medicare and Medicaid programs, 42 C.F.R. § 482.1-482.66; violations of the prohibitions against illegal "dumping" of and denial of adequate care to patients who did not have medical insurance proscribed by the anti-dumping provisions of the Emergency Medical Treatment and Labor Act, 42 U.S.C. §1395 (dd) and Code of Federal Regulations, Title 42, § 489.24. As the result of the Backus Hospital's wrongdoing patients lost their lives and the incidents were described by a well respected Expert Witness as "murders". The case was released in the New London Day news paper of October 30 and December 14, 2003. Also I have been informed that journalists from national media organizations are currently conducting interviews.

Representative Henry Waxman
May 1, 2004
Page 2 of 2

My actions are protected under statutory Federal and Connecticut State whistleblower protections. Yet the Backus Hospital continues to retaliate against me utilizing the Connecticut State Judiciary system including my attorneys.

Therefore, I am writing to respectfully request that my whistleblower protections be enforced and my losses from unlawful whistleblower retaliation be restored. I have been told that this restoration could be performed as a qui tam action under the whistleblower provisions of the False Claims Act .I also believe that General Accounting Office investigation is in order in this critical matter. I have concrete evidence and witnesses to all my claims.

Respectfully,



Safaa S. Hakim, M.D.

cc:
Senator Joseph Lieberman (D-CT), Armed Services
Attention: Mr. Frank Roe
Fax: 860-549-8478

Representative Robert Simmons (R-CT 2nd), armed Services & Veterans Affairs
Attention: Mr. K. Robert Lewis
Fax: 860-240-0207

Connecticut Attorney General Richard Blumenthal (D-CT)
Attention: Health Care Attorney Richard Lynch
Fax: 860-808-5387

Representative Lenny Winkler (R-CT 41st), Judiciary & Public Health
Fax: 860-240-0207

Representative Steven Rothman (D-NJ 9th), Appropriations
Attention: Mr. Scott Reddin
Fax: 201-646-1944

Henry E. Butler III, M.D.