



DEPARTMENT OF HEALTH & HUMAN SERVICES

Lic. No. 34-00400-01
03002649
Health Care Financing
Administration

Refer to: CO9

Region V
105 West Adams Street
15th Floor
Chicago, Illinois 60603-6201

DEC 20 1990

Charles E. Norelius, Director
Division of Radiation Safety and Safeguards
U.S. Nuclear Regulatory Commission
Region III
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Dear Mr. Norelius:

I am replying to your letter of November 30, 1990 to Associate Regional Administrator Dorothy Collins regarding the allegation of improper care at Cleveland Clinic Hospital. Staff at the HCFA Regional Office have reviewed the materials enclosed with the letter, including the results of your investigations of the incidents.

Our investigations of allegations against hospitals participating in the Medicare program are limited to determining if the hospital is out of the compliance with the Medicare Conditions of Participation. These Conditions do not cover the practice of medicine by a physician while in the hospital. It is evident that your investigations thoroughly explored the policies and practices of Cleveland Clinic Hospital as they relate to possession and use of radioactive material. The Health Care Financing Administration certainly has no reason to question your findings in this area. ✓

Allegations of medical malpractice in Ohio are investigated by the Ohio State Medical Board. I suggest that you refer this complaint to them. The address is:

Ray Bumgarner, Executive Director
Ohio State Medical Board
77 South High Street
17th Floor
Columbus, Ohio 43266

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Mr. Norelius
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Since the name of the complainant is exempt from disclosure under your agency's regulations, we are not forwarding the complaint to the Board. If you have any questions, please contact me at (312) 886-9599 or have your staff contact Robert P. Daly, Program Representative, at (312) 886-5214.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles F. Bennett".

Charles F. Bennett
Acting Associate Regional
Administrator
Division of Health Standards
and Quality