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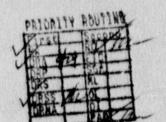
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September 20, 1990

Ned Hornback, M.D. Chairman, Department of Radiation Oncology Indiana University Medical Center 926 W. Michigan Street Indianapolis, Indiana 46202-5262

Re: St. Mary Medical Center-Hobart and Gary

Dear Dr. Hornback:

TIMOTHY C. LAWSON TIMOTHY W. KENNEDY

WILLIAM H. THOMPSON JOHN C. MCCOLLEY

STEVEN H. PRATT ROBERT A. HICKS JOHN H. FISHER, III

MARY C. GAUGHAN

FRED J. BACHMANN KEVIN P. SPEER GRETA E. GERBERDING

DOREEN DENESAGE

N. KENT SMITH GARY P. GOODIN

We recently discussed the possibility of you conducting an audit of the brachytherapy program at St. Mary Medical Center-Hobart and Gary. You stated that you would be willing to conduct such an audit, but that you would need additional information. We have proposed your name to the Nuclear Regulatory Commission ("NRC") as an expert qualified to conduct the audit. The NRC requested that we formally submit your name, along with a description of your qualifications, on or before Tuesday, September 25, 1990. Therefore, I need to obtain certain additional information from you. In addition, I need to obtain from you the name of a qualified physicist who could work with you to conduct the audit.

A brief history of the situation might be helpful to you. In early 1989, the Indiana State Board of Health conducted an inspection of the Diagnostic Outpatient Center, a facility located near St. Mary Medical Center-Hobart. As a result of that inspection, certain matters were referred to the attention of the NRC. The NRC thereafter conducted a brief investigation of the brachytherapy program at St. Mary Medical Center-Hobart, and St. Mary Medical Center-Gary. As a result of the NRC's inspections, the NRC has ordered the hospitals to conduct an audit of the brachytheraphy programs at each hospital. The Order also sets forth a brief history of this case. If you review Paragraph V(B) of the Order, the scope of the audit is loosely defined. In

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Ned Hornback, M.D. September 20, 1990 Page 2

general terms, the audit is to include a determination of whether brachytherapy misadministrations have occurred, and the auditor is to provide recommendations for improvement of the program.

Because we have nominated you as the auditor, I need to obtain from you certain information. Specifically, I would like to obtain a copy of your curriculum vitae, a brief written statement of your experience with brachytheraphy, a statement of your board certifications, (if those are not set forth in your curriculum vitae), and a statement by you that you are willing to conduct the audit. I need to receive this information from you as soon as possible, but no later than Monday, September 24, 1990. I can arrange to have the information picked up at your office if you, or your secretary, will notify me that the information is available.

In addition, and consistent with our telephone conversation several days ago, we also would like for you to nominate a physicist to work with you during the audit. The physicist should be qualified as a medical physicist, and as a health physicist. The NRC has insisted that the physicist be qualified as a health physicist, and as a medical physicist. We would like to receive the same information about the physicist as we have requested from you. Specifically, we need to know the proposed physicist's name, his training as a physicist, his experience as a physicist, and his willingness to participate in the audit. We also need to receive this information on or before Monday, September 24, 1990.

I realize we have not yet discussed your compensation or the compensation of the physicist for your services during the audit. I suggest that you contact me at your convenience, and we can discuss your compensation.

I apologize for giving you such short notice that we need the information requested in this letter. However, the hospitals, the physicians involved, and the NRC, are anxious to have this matter moved forward. Therefore, we committed to provide the NRC with information about you and the physicist on or before Tuesday, September 25, 1990.

I realize that you probably have many questions. Please feel free to contact me to discuss your questions. Please understand that any conversation we have will be confirmed by letter so that the NRC is informed about what I have told you. The NRC requested this in an effort to ensure that the audit is impartial and is not unduly influenced by the hospital or the physicians.

Ned Hornback, M.D. September 20, 1990 Page 3

Thank you for your attention to these matters. Also, thank you for your willingness to serve as an auditor. We look forward to working with you.

Very truly yours,

HALL, RENDER, KILLIAN, HEATH & LYMAN

Steven H. Pratt

SHP/mm

cc: Elizabeth Kaminski Milton Triana Stephen W. Lyman A. Bert Davis J. Paige Clousson