

EXHIBIT IX.

RN Falua Board of Nursing
Complaint

August 08, 2003

EXHIBIT FACTS/INFO. SHEET



*Due to time constraints, the page herein has not been fully constructed. The “Facts/Info. Sheet” was designed to assist the Finder of Fact when considering exculpatory /substantive information extracted from the following exhibit.

*See Exhibit IV. for a completed “Facts/Info. Sheet”

COMPLAINT FORM

3. ***Who are you (all fields must be completed)?**

Name: Michael Anton Kapneck
 *First Middle *Last

Full Address: 8450 Dorsey Run Rd - Jessup, Md 20794

Phone: (410) 724 - [REDACTED] email (optional): [REDACTED]

Employers Only: *Agency or facility name: _____

*Title of Complainant: _____ email: _____

*Business Address: _____

City: _____ State: _____ Zip Code: _____ Work Phone: () - _____

Employer's Fax Number: () - _____

Was the employee terminated? ☐ YES ☐ NO If yes, date of termination: ____/____/____

4. ***What is your relationship to the licensee or certificate holder?**

Patient	☒ YES ☐ NO	Relative of a Patient	☐ YES ☐ NO
Supervisor/Administrator	☐ YES ☐ NO	Co-Worker	☐ YES ☐ NO
Physician	☐ YES ☐ NO	Regulatory agency	☐ YES ☐ NO
Law Enforcement	☐ YES ☐ NO	Concerned citizen	☐ YES ☐ NO

5. ***Does the licensee/certificate holder know you are making this complaint?** ☒ YES ☐ NO

If no, state reason _____

6. ***Provide the date and location of the incident?**

Date: 12/18/20 Place: Clifton T. Perkins - Ward 2 West

7. ***Who witnessed the incident you are complaining about?**

Provide the name, address and telephone number of any witnesses, including physicians, co-workers or other employees. If no witnesses, indicate "No witnesses" on first line.

Name	Address	Phone
<u>Mr. [REDACTED] (CTP Security officer)</u>	<u>8450 Dorsey Run Rd. Jessup, Md 20794</u>	<u>(410) 724 - [REDACTED]</u>
<u>Ms. [REDACTED]</u>	<u>8450 Dorsey Run Rd. Jessup, Md 20794</u>	<u>(410) 724 - [REDACTED]</u>
<u>Dr. F [REDACTED]</u>	<u>8450 Dorsey Run Rd Jessup, Md 20794</u>	<u>(410) 724 - [REDACTED]</u>
_____	_____	() - _____
_____	_____	() - _____

8. *Have you made this complaint to any other person or organization?

☒ YES ☐ NO

If yes, to whom

410-767- [REDACTED] - Resident Grievance System @ For Clifton T. Perkins

9. *What is the complaint? PRINT clearly the details of the incident you are reporting. Use additional pages as necessary. Number, date and sign each additional page at the end of each page.

On 12-18-20 @ approx. 5:50AM I got into a congenial debate with charge nurse O. [REDACTED] about the distribution of patients eye glasses. Explaining to her that there didn't seem to be a "set time", as some nurses give them out at 5am. Some 5:30. And yet, some at 6:00 AM. She quickly became disproportionately angry at my questioning her and snapped, "if you don't get away from the nurses station window I'm gonna call the on-call doctor." Greatly offended, I said, "for what"? She responded "for harassing me!". I said, "you've got to be kidding me! For questioning your answer because I've never dealt with you before and I'm simply sharing with you how other nurses do things here on 2 west." With that, she jumped from her chair and grabbed the phone. I literally thought she was kidding at first until she gave the order to her medication nurse and Nigerian countryman Mr. R. [REDACTED] to "get the needle"! In shock and dismay I demanded to speak with the on-call doctor. at no avail. Instead Mr. F. [REDACTED] called security and told them that I was going to get a needle. In protest and without any choice (instead of taking a needle) I took the emergency medication which made me so sick I had to be taken to the clinic after I threw up my breakfast, couldn't eat lunch and was doubled over in pain. The effects of which didn't subside until nearly 36 hours after the medication was forced under collusive/false pretense.

Per my attached grievance and the investigative summary/finding by the director of The Residence Grievance

System - [REDACTED] 410-767-[REDACTED] The ^{security} video as well as the 2 west Security Officer statement clearly refute charge nurse O. Fa [REDACTED] empirical information called into (on-call) Dr. F [REDACTED] that this writer was "totally out of control, going around threatening everyone of the staff working that shift." Yet Security officer Miller who was sitting less than 10 feet away from the conversation had a wildly different account. And his statement was the key piece of evidence in deciding my resident grievance thus far. (Please see attached "VALID" finding by RGS [REDACTED] C [REDACTED] based upon Ofc. [REDACTED] statement.

What nurse Re [REDACTED] and Fa ^{did} is criminal and needs to be investigated 100%! And if culpable, punished accordingly.

10. *What evidence are you including with this complaint? Do not redact or black out any names or information.

Witness statements	☐ YES	☐ NO	☐ N/A
Medical records including physician orders	☐ YES	☐ NO	☐ N/A
Medication administration records	☐ YES	☐ NO	☐ N/A
Nursing and physician/provider progress notes	☐ YES	☐ NO	☐ N/A
Nursing flow sheets	☐ YES	☐ NO	☐ N/A
Controlled substance logs	☐ YES	☐ NO	☐ N/A
Employee personnel records	☐ YES	☐ NO	☐ N/A
Facility policies	☐ YES	☐ NO	☐ N/A
Photographs	☐ YES	☐ NO	☐ N/A
Duty rosters, time cards, assignment sheet	☐ YES	☐ NO	☐ N/A
Facility incident/occurrence reports	☐ YES	☐ NO	☐ N/A
Toxicology reports	☐ YES	☐ NO	☐ N/A
Other (specify) <u>My original grievance</u>	☐ YES	☐ NO	☐ N/A
Other (specify) <u>The RGS Findings</u>	☐ YES	☐ NO	☐ N/A
Other (specify) <u>Page 2 of Dept of Health Care Quality</u>	☐ YES	☐ NO	☐ N/A
Other (specify) _____	☐ YES	☐ NO	☐ N/A

I HEREBY DECLARE AND AFFIRM under the penalties of perjury that the foregoing information is true and correct, to the best of my knowledge, information and belief.

Date

Michael A. Kapneck
Your Name (Print)

Your Signature (Signature is required)

6. Briefly describe the incident or your concerns (use additional paper if necessary):

Include dates and times, persons involved, and description of what happened. Include attachments, if appropriate. Note: If this is an anonymous report, be complete since we will not be able to contact you to obtain missing information.

On 12/18/20 @ approx. 5:50AM - after a civil, yet heated conversation over the distribution of patients "eye glasses" in the A.M. Hour, then charge nurse convoluted the entire basis and series of events ^{Dialogue} going as far as contacting the on-call doctor - Dr. F. and reporting that this writer was "yelling, screaming and going around threatening everyone". Based upon the total distortion of facts, charge nurse O. was able to convince on-call Doctor F. that "emergency medication was required to address the dangerous/threatening behavior of this writer." Yet there in hence lies the issue. CTP security officer - Cfc. who was sitting less than 6' away from ^{the} verbal exchange, (hidden from view by a structural pillar on the ward) reported an entirely different series of events i.e. - stating in his report/delineation that this writer never threatened anyone, nor did nursing ever ask for his assistance.!! The facts of which did ^{not} come out until after this writer was forced to take a disproportionate amount of forced medication @ 6:10AM, on an empty stomach, for an alleged act/behavior that didn't even occur!

*- See attached copy of original grievance for further details. It should also be noted that since this writer's 1st admission (in approx. 2004) - actual time in-patient - approx 4+ yrs - this writer has never been placed in seclusion/restraint, or been forced to take ER medication - yet since 10-09-20 this writer has been forced to take ER Meds x2 times, x1 seclusion, x1 restraint!?! This writer has also now been moved to 4 different wards in the past 85 days!! The basis which have been just as unethical and convoluted as the complaint above. Plainly said, how can a patient establish any type of therapeutic alliance with his/her doctor or TX Team. The answer is, "YOU CAN'T." Which supports my over-all complaint that this writer is being mentally and physically abused while in the care of the above mentioned service provider. Respectfully - Mr. Michael Kapneck 01/01/21

[illegible]

Resident Grievance System

**Maryland Department of Health
201 West Preston Street, Room 546
Baltimore, Maryland 21201
1-800-747-7454**

To: Michael Kapneck

From: Da [REDACTED] Rights Advisor

Date: January 5, 2021

**RE: RGS Grievance Number 031504CP2021
Stage 1 Decision and Investigation Report**

This is your copy of the Resident Grievance System Report Stage 1 report on the complaint filed with this office. Please carefully review the Rights Advisor's Stage 1 investigation and the decision below, and advise your decision by checking the appropriate option on the first page. Sign and date the top form and return to the Rights Advisor. You may keep this page for your record.

**Rights Advisor's Stage 1 Decision: VALID
Summary of Investigation Findings:**

Patient stated in his grievance that he was forced (without cause) to take PRN medication with a threat to give him IM if he refused the oral medication.

The Director of RGS spoke to MK regarding this grievance Monday, 12/21/20, prior to receiving the written grievance. MK stated that he was given emergency medication on Friday, 12/18/20 at approximately 5:50am. MK stated that he approached the nurse's station and requested his reading glasses and was denied his request. MK stated he conducted a non-violent, non-aggressive conversation with the charge nurse regarding this issue, when (according to MK) the Charge Nurse called the on-call doctor, Dr. F [REDACTED] and informed the doctor that "Mr. Kapneck is yelling, screaming, geaturng, intimidating and most relevant, going around threatening EVERYONE!" MK denied behaving in a manner that would warrant emergency medication and he further stated that Officer [REDACTED] was sitting down 6 feet from the interaction between MK and the charge nurse. MK also stated that he requested several times to see the doctor prior to the emergency medication and his request was repeatedly denied. In protest MK agreed to take the PRN orally instead of a needle.

Statements were requested from the Charge Nurse, Nurse R [REDACTED], the on-call Doctor, Dr. F [REDACTED] and the 4 Officers named by MK in his grievance as witnesses - Officer [REDACTED], Officer [REDACTED], Officer [REDACTED] and Officer [REDACTED]. A request to review the video of the incident was submitted to security and was viewed on 12/30/20.

Officer [REDACTED] verified MK's allegation stating that Patient MK walked to the Nurse's station to ask for his glasses but his request was denied. Patient then walked to the

bathroom via his room. Patient came out of his room with some books in his hands and sat down in the milieu. Minutes later, patient walked back to the Nurse's Station for his glasses. Officer [REDACTED] added, "P.S., the conversation was a little elevated but not to the point that security had to intervene nor did nursing ask for some assistance.

Dr. Fu [REDACTED] stated that she received a call from the Charge Nurse reporting that patient, MK, was "threatening Everybody" and as a result of the Charge Nurse's reporting, she approved the use of IM medication because, as the doctor explained in her statement, threatening is a sign of imminent danger. She further stated that at the time of the call, she was not told that MK requested to speak to her.

Captain [REDACTED] stated that he was not present during the incident.

Officer [REDACTED], Officer [REDACTED] and Nurse R [REDACTED] did not submit statements.

As a result of Officer [REDACTED]'s statement that emphasized that MK voice may have been a "little" elevated but not enough to warrant intervention nor did nursing ask for assistance, I find this grievance Valid. The description of MK's behavior by Officer [REDACTED] does not indicate that he was threatening everyone nor was he exhibiting any signs of imminent danger since nursing did not ask for security assistance.



RA's Signature

1/5/21

Date