



CREIGHTON
UNIVERSITY

School of Medicine
Department of Pathology

JUN 19 2001

Roger A. Brumback, M.D.
Professor and Chair

Date: June 18, 2001

To: GME Office

From: Roger A. Brumback, MD
Chairman and Professor

Re: Response to Appeal of Termination by Dr. Anthony Garcia

On May 17, 2001 the following incident took place in the Pathology Department: Two first year Pathology residents, Drs. Anthony Garcia and Brian Nguyen conspired to and did harass Dr. Hisham Hashish, a second year resident. Dr. Hashish was taking 2 days of leave in order to complete the USMLE Step 3 examination.

About 3 PM, May 17, 2001, Dr. Garcia, from a phone in the St. Joseph Hospital resident's room (449-4918), with Dr. Brian Nguyen at his side, called the home of Dr. Hashish. Dr. Garcia did not identify himself except to say he was from the Pathology Department and asked to speak to Dr. Hashish. The phone was answered by Mrs. Hashish, who said that Dr. Hashish was not at home. The caller told Mrs. Hashish that she had better find Dr. Hashish and tell him that he was to be at a mandatory meeting. This greatly upset Mrs. Hashish because she hated to interrupt him while taking the USMLE Step 3 exam at the Sylvan Learning Center in West Omaha. She also knew it would mean forfeiting the fee and delaying his possible certification. Mrs. Hashish called the Pathology Department to get more information and talked to Ms. Karen Fisher. Ms. Fisher told Mrs. Hashish that as far as she knew there was no such meeting. Ms. Fisher also called the Pathology Residency Program Director (Dr. William Hunter) who verified that Dr. Hashish was excused from all responsibilities while taking the USMLE exam on May 17 and 18, 2001. Mrs. Hashish paged her husband while he was taking the exam and he returned the call during a break and was informed of the incident.

This incident represents unwarranted and unacceptable harassment and as such represents unethical conduct that damages and undermines the Pathology program and hurts Creighton University and St. Joseph Hospital.

- The incident caused considerable stress to Dr. Hashish and his family. (See exhibit #1) It caused him to worry during the remainder of the first day, that night, and was in the back of his mind during the final day of the examination. This was a high stakes exam for Dr. Hashish. He is nearing the end of his PG2 year and must pass this examination to continue in the Pathology Residency Program.
- This mean spirited harassment is contrary to Creighton University's non-harassment policy and cannot be tolerated. To excuse this type of behavior would harm morale and irreparably damage the Pathology Residency Program.

Because of the seriousness of this incident, the Chairman of the Pathology Department, the Pathology Residency Program Director, and the Pathology Faculty agreed that Dr. Garcia and Dr. Nguyen should be immediately dismissed from the program.

Although Dr. Garcia denies calling Dr. Hashish's home, the charge is substantiated by:

- Kari Larson, who works in the surgical pathology gross room, overheard the conversation between Dr. Garcia and Dr. Nguyen when they were discussing such a phone call. (See exhibit #2 & #3)
- The admission of Dr. Nguyen: when confronted about the incident, Dr. Nguyen admitted being present when Dr. Garcia made the call from the resident's room. (See exhibit #4.)
- Phone records that show a call to Dr. Hashish's house from 449-4918 at 2:48 PM. (See exhibit #5.)

Exhibit 1

Hisham A. Hashish, M.D.
Resident, Pathology department
Creighton University School of Medicine
2500 California Plaza
Omaha, NE 68131

Monday, May 21, 2001

William J. Hunter, M.D.
Director, Pathology Residency Program
Associate Dean for Medical Education
Creighton University School of Medicine
2500 California Plaza
Omaha, NE 68131

Dear Dr. Hunter,

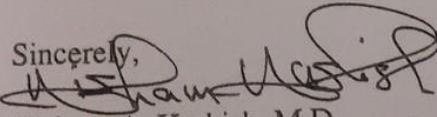
On Thursday, May 27, 2001, I was off taking day one of the step 3 USMLE. Around 2:50 pm someone called my home and told my wife, who answered the phone, the following "this is the pathology department and I am calling to tell you that Dr. Hashish has not met the educational requirements for his residency and he has to come in immediately" and before my wife could ask about the identity of the caller, he hang up. My wife got extremely worried and paged me. On a short break during the exam, I called home and my wife told me what happened. She also told me that she called St. Joseph Hospital and told Karen Fisher about the phone call and that Mrs. Fisher told my wife she will ask Dr. Hunter and other staff if they would know anything about that call. My wife also said that Mrs. Fisher called her back to say that nobody knew anything or any issue that relates to the phone call and Dr. Hunter said that there was nothing to worry about and have me call him after the exam.

On Friday May 18, I came into the department around 4:30 pm. Mrs. Fisher told me what happened regarding that phone call. I've also found out that Kari Larson and Douglas Lagemann, Pathology Assistants, heard two residents, Anthony Garcia and Brian Nguyen, discussing making that phone call to my house.

I've been ignoring other forms of harassment from those two residents, on the account of being immature acts. On the other hand, calling my home and harassing my family is a very serious issue that cannot be ignored.

I request immediate actions to insure that this type of harassment cannot be tolerated and will not be repeated.

Sincerely,

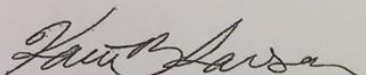


Hisham A. Hashish, M.D.

CC: Roger Brumback, M.D.
Walter O'Donohue, M.D.

5/17/01

Anthony J. Garcia and Brian Nguyen were talking in the gross room about calling the home of H. Hashish and saying the he was unauthorized to take a vacation. It was also said that he knew how to "work the system" because Dr. Hunter was on vacation.



Kari B. Larson

5/17/01

5/17/2001

I received a phone call between 3:00 & 3:30 p.m. from Niveen Hashish (Dr. Hashish's wife) asking me if I could help her find out if Dr. Hashish was missing something important today. I told her I see that he is designated out on 5/17 and 5/18, so it seemed unlikely, but I would check with Peggy Helms. She then told me of a phone call she had just received that said that this was the Pathology Department and that Dr. Hashish had a requirement that was not met and he needs to come in today. Niveen responded that, "You know he's taking his test today." She was told that the caller was, "Just delivering the message."

I asked her specifically about the caller, it was a man with no accent. I talked to Peggy and she knew of no requirement or of anyone calling. I also asked Dr. Adickes, he also said no. I informed Niveen that there was nothing that Dr. Hashish was missing and I would follow-up and see what I could find out. Niveen was very taken back with this call and unsure at the time if she needed to contact Dr. Hashish during testing.

In doing some investigating I found out about a conversation that went on between Dr. Garcia and Dr. Nguyen in the gross room (attached).

Other things I have been told all fall into place in pointing to Drs. Garcia & Nguyen, such as a resident receiving pages every ½ hour during a night when on call, things overhead when these two pass by in the hallway—conspiring type of conversations. This is very immature for not only adults but "Professionals". It could also be a potentially dangerous situation.



Karen Fisher

5/17/01

Notes prepared by
Morag Nairn, Administrator, Dept of Pathology
Tuesday, May 22, 2001

Morag Nairn

Re: Interviews with Dr. Anthony Garcia and Dr. Brian Nguyen

Present: Dr. William Hunter, Residency Director
Dr. Roger Brumback, Professor and Chair, Dept of Pathology

At approx. 2 p.m. Dr. Garcia was asked to come to Dr. Brumback's office. Dr. Hunter went over the details related to the harassment call to Dr. Hashish's wife on Thursday of last week (5/17/00). Dr. Garcia said he knew nothing about it. Dr. Hunter said that laboratory personnel had overheard the conversations between Dr. Nguyen and Dr. Garcia about placing a call to Dr. Hashish's home to tell Dr. Hashish that his absence was not approved and that he needed to come back to the hospital to work. Dr. Hashish's wife received such a call shortly thereafter.

Dr. Garcia still denied knowing anything about it.

Dr. Garcia was given the letter of termination with an option to resign instead. Whether he resigned or not he would be escorted to clear out his desk and would not be allowed back to practice medicine in the Department. He refused to resign, said he would appeal, and left the office immediately. I did not notice the time the interview was over but it probably did not last more than 15 minutes.

Dr. Hunter followed Dr. Garcia out of the office to escort him to his desk. However, Dr. Garcia went immediately to the GME office and filed an appeal.

Dr. Nguyen was then asked to report to Dr. Brumback's office. On entering the office Dr. Nguyen said he wanted to say right away that he didn't do anything that it was 'him' who did it. He was just doing some Microbiology studying. Dr. Nguyen explained that Tony had been very upset that Dr. Hashish was absent and had left work for him to do. He wanted to call Hashish at home and get him to come back to the hospital to do his work. Dr. Nguyen said that this was done jokingly. Then Dr. Garcia had come into the residency room and said, "let's do it." Dr. Nguyen said he didn't want to do it but felt he couldn't stop Tony from making the call. Tony made the call from the phone at the front of the residency room while Dr. Nguyen was present. Dr. Brumback asked him if he told Tony not to make the call. Bryan said he did not. Dr. Nguyen kept repeating that he didn't do anything that it was all Tony. Apparently they had heard that Dr. Hashish had been absent before with the reason being that he was going to take an exam (same as this absence) when in fact he was at home. And that time someone had called him at home and Dr. Hashish had come in.

Dr. Brumback went over the seriousness of the event in that it violated the University's harassment policy and that being an accomplice was the same as doing the action. At no time did Dr. Nguyen tell Dr. Hunter that he was concerned about the action or that he thought that the action was inappropriate. Dr. Brumback said that it was important for physicians and leaders to know right from wrong.

Dr. Nguyen said that there was other times when he was concerned about something that Tony had did. Again he did not bring these concerns to anyone.

As Dr. Nguyen went over the story a couple of times it changed slightly to be that he asked Dr. Garcia not to do it.

Dr. Nguyen was told that he was going to be terminated and that he would be escorted to clear out his desk and off the premises. He was given the option to resign with no impact on his credit for the year of residency training and that he would be paid through to June. Also if he resigned, Dr. Hunter would assist him to find another position but that no positive letter of reference would be written. However, no negative letter would be written either (just a neutral one).

Dr. Nguyen asked to have this in writing and Dr. Brumback said that a document of agreement would be prepared containing this information.

Dr. Nguyen repeated how sorry he was and signed the letter of resignation. The meeting was over at approx. 2:50 p.m. Dr. Nguyen handed me his key, pager, ID badge for SJH and his ID badge for the VA. Dr. Hunter escorted him to his desk area to collect his belongings.

Dr. Brumback asked me to prepare a written summary of what I witnessed.