



VETERANS ADMINISTRATION
HOSPITAL
KERRVILLE, TEXAS 78028

July 26, 1966

YOUR FILE REFERENCE:

The Honorable
Ralph Yarborough
United States Senate
Washington, D. C. 20510

IN REPLY REFER TO: 00
C-20 839 724
GUERRA, Jose S.

Dear Senator Yarborough:

Your letter of July 11, 1966, addressed to Mr. Percy J. Mims, Manager of the VA Regional Office, Houston, Texas, regarding the communication which your office received from Dr. Hector P. Garcia, 3024 Morgan, Corpus Christi, Texas, in the interest of Mr. Jose S. Guerra, was referred to this office for reply.

Our records disclose that Mr. Jose S. Guerra was transferred to this hospital as a patient from the U. S. Naval Hospital, Corpus Christi, Texas, on April 15, 1966. The examination history discloses that he sustained a stroke on or about March 8, 1966. His admission diagnoses were: cerebral thrombosis of middle cerebral artery with right hemiplegia due to arteriosclerosis; and hypertensive cardiovascular disease. He is a chronic brain syndrome case and at times has been confused, irrational and irresponsible. Fortunately Mr. Guerra has improved considerably and is approaching the status of maximum hospital benefit.

Dr. Henry W. Poetter, the physician referred to in the letter of complaint, is a most capable Chief of Pulmonary Disease Service, who saw Mr. Guerra in his official capacity of Officer of the Day on June 16, 1966, and June 19, 1966. Dr. Poetter is not Mr. Guerra's regular attending physician. During the period that he was seen by Dr. Poetter, Mr. Guerra was a most difficult nursing problem from the standpoint of furnishing good nursing care and at the same time protecting the life and limb of the patient through the use of professionally accepted restraint devices. Because of the patient's confused and irresponsible state, it had become necessary to utilize a restraint device known as a Posey vest jacket and on June 16, it became medically indicated to supplement the Posey vest jacket with a Posey wrist restraint device as the patient had learned to unfasten the vest jacket and had previously climbed out of bed, fortunately without any resulting injury.

On the evening of June 16, 1966, attending nursing personnel discovered insignificant abrasions on Mr. Guerra's left forearm, which were caused by the patient straining on the Posey cloth wrist restraint device. These findings were timely reported to Dr. Poetter who in his capacity as Officer of the Day promptly saw and examined the patient. An antibiotic ointment and suitable dressing were applied and the abrasions subsequently healed.

On the morning of June 19, 1966, the patient's daughter, Mrs. Mary Tellez, and her brother apparently became very upset because they believed that the patient had been mistreated in that Mr. Guerra allegedly told them that a nursing assistant had bruised his arm because he did not speak English. They refused to accept the explanation for the bruises given by the nurse on duty, so that nursing supervisor accompanied the two visitors to the Officer of the Day, who happened to be again Dr. Henry Poetter. The visitors complained to Dr. Poetter of the alleged mistreatment by nursing personnel, whereupon they were advised by Dr. Poetter that he had personally investigated, examined and treated the patient for the bruises sustained on the evening of June 16, 1966, from wearing the Posey cloth wrist restraint devices.

The records disclose that Mrs. Tellez informed our Dr. Poetter that she knew that her father had been abused and she wished "that personnel be reprimanded and punished." Mrs. Tellez further stated that she had recently been a patient in a civilian hospital, had seen patients abused there and her brother stated that he knew patients were abused in military hospitals. She and her brother were assured by Dr. Poetter that he had thoroughly investigated the incident at the time and had found no evidence whatsoever of mistreatment of the patient in our Veterans Administration Hospital.

I would be less than honest if I did not state that neither Mrs. Tellez nor her brother were satisfied with Dr. Poetter's explanation. In fact, both were quite angry and abusive toward the Veterans Administration despite efforts by the ward nurse, nursing service supervisor, and Dr. Poetter to explain conditions giving rise to the father's bruised wrist.

The complaints referred to in Dr. Garcia's letter were thoroughly investigated at the time of the incident and following receipt of your communication. You are assured that there is no evidence whatsoever of any mistreatment of this patient in this hospital and that the abrasions resulted from the professionally indicated use of protective restraints. I can further assure you that the welfare of the veteran is always of paramount importance and that the mission of this hospital is to render the highest standards of medical care to eligible veterans. I think you will find here a team of highly dedicated personnel who are rendering the best available service. Abuse or mistreatment of patients or beneficiaries will not be condoned.

This information is furnished to you confidentially in your official capacity and should be so treated by you.

Your interest in this matter is appreciated and I trust that you will find the factual information furnished adequate for preparing your reply to Dr. Garcia. Likewise, Dr. Garcia may feel free to contact this office directly for any additional information he may desire.

Very truly yours,


JOHN B. BYRD
Hospital Director

Encl.-1
Ltr.