In the Supreme Court of Nevada

SIERRA HEALTH AND LIFE INSURANCE CO., INC. Jun 27 2023 01:21 PM Appellant,

Electronically Filed Elizabeth A. Brown Clerk of Supreme Court

v.

SANDRA L. ESKEW, as special administrator of the estate of William George Eskew, Respondent.

On Appeal from the Eighth Judicial District Court, Clark County, Case No. A-19-788630-C

RESPONDENT'S APPENDIX

MATTHEW L. SHARP (SBN 4746) MATTHEW L. SHARP, LTD. 432 Ridge Street Reno, NV 89501 (775) 324-1500 matt@mattsharplaw.com

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DEEPAK GUPTA (admitted pro hac vice) ROBERT D. FRIEDMAN (pro hac vice forthcoming) **GUPTA WESSLER PLLC** 2001 K Street NW, Suite 850 North Washington, DC 20006 (202) 888-1741 deepak@guptawessler.com robert@guptawessler.com

Counsel for Respondent

June 27, 2023

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OML 1 MATTHEW L. SHARP, ESQ. Nevada State Bar #4746 2 Matthew L. Sharp, Ltd. 432 Ridge St. 3 Reno, NV 89501 (775) 324-1500 4 matt@mattsharplaw.com 5 Douglas A. Terry, Esq. Admitted PHV 6 DOUG TERRY LAW, PLLC. 200 E. 10th St. Plaza, Ste. 200 Edmond, OK 73013 8 (405) 463-6362 doug@dougterrylaw.com 9

Attorney for Plaintiffs

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IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

SANDRA L. ESKEW, individually and Case No. as Special Administrator of the Estate of William George Eskew; TYLER Dept. No. 4 ESKEW; and WILLIAM G. ESKEW, JR.; Plaintiffs, VS. SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC., UNITED HEALTHCARE, INC.,

Defendants.

A-19-788630-C

OPPOSITION TO DEFENDANTS' MOTION IN LIMINE NO 6

Plaintiffs ("Eskews") oppose the Defendants' Motion in Limine No. 6 as the fact that UHC owns and operates its own proton center called the New York Proton Center is relevant.

MEMORANDUM OF POINTS AND AUTHORITIES

Sierra Health and Life Insurance Company ("SHL") and United Healthcare (collectively "UHC") sold William Eskew an individual health insurance policy, called an Agreement of Coverage ("AOC"). On February 5, 2016, UHC wrongfully denied a claim for a request for prior

authorization¹ to receive proton beam therapy from Texas MD Anderson Cancer Center ("MD Anderson"). UHC's conduct injured Mr. Eskew causing him pain and mental suffering, anguish, anxiety, and emotional distress until his death on March 12, 2017.

The Eskews have asserted a claim for insurance bad faith and seek punitive damages for fraud, malice, and oppression pursuant to NRS 42.005. The claim for insurance bad faith derives from the implied covenant of good faith and fair dealing that exists in any insurance policy. *Pemberton v. Farmers Ins. Exch.*, 109 Nev. 789, 792-93, 858 P.2d 380, 382 (1993). Since an insurer owes a fiduciary-like duty to its insured, an insurer's duty of good faith and fair dealing arise from and is defined by law. *Allstate Ins. Co. v. Miller*, 125 Nev. 300, 311, 212 P.3d 318, 325-26 (2009). When an insurer breaches the implied covenant of good faith and fair dealing, the insurer commits the tort of bad faith. *Pemberton v. Farmers Ins. Exch.*, 109 Nev. at 792-93. An insurer acts in bad faith where: (1) the insurer has no reasonable basis for its conduct; and (2) the insurer has acted with knowledge or in reckless disregard for the fact there is no reasonable basis for its conduct. *Guaranty Nat. Ins. Co. v. Potter*, 112 Nev. 199, 206, 912 P.2d 267, 272 (1996); Nevada Jury Instruction: Civil, 11.5.²

UHC has filed 21 motions in limine relying upon a quote from a Kentucky case to claim that an insurer in bad faith must be provided some sort of unspecified special protection from the application of the normal rules of evidence. Motion at 5. As this Court knows, this case is in Nevada and subject to Nevada law. In Nevada, all parties are subject to the same rules of evidence.

In this Motion, UHC seeks to exclude the fact that it operates its own proton center called the New York Proton Center ("NYPC"). This motion should be denied for three reasons. First, UHC's ownership and operation of the NYPC is relevant to the reasonableness of UHC's denial

¹ Prior authorization is a tool used in the insurance industry where, before the insured customer receives treatment, the insurer determines whether the treatment is "medically necessary" as that term is defined by the insurance policy or Nevada law.

² The Eskews have extensively briefed the facts in this case. They incorporate the facts set forth in the Consolidated Statement of Facts and facts and arguments set forth in the Oppositions to Motion for Summary Judgment Re: Claims and Motion for Summary Judgment Re: Damages. All of those pleadings assist in demonstrating why UHC's ownership of the New York Proton Center. See COSF at 123-133.

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of the request for prior authorization and the reasonableness of UHC's reliance upon the PBT policy it used to deny the request. Both of those issues are relevant to the claim of insurance bad faith and whether UHC acted with fraud, malice, and oppression for purposes of punitive damages. Second, UHC's ownership and operation of the NYPC is relevant to rebut positions UHC has taken with respect to MD Anderson and Dr. Liao. Third, UHC'S role in the NYPC is relevant to the credibility of UHC's positions that PBT is not a medically necessary or recognized treatment for lung cancer.

NRS 48.015 defines relevant evidence as "evidence having any tendency to make the existence of a fact that is of consequence to the determination of the action more or less probable than it would be without the evidence." NRS 48.025 provides that relevant evidence is admissible. NRS 48.035(1) provides that relevant evidence is not admissible "if its probative value is substantially outweighed by the danger of unfair prejudice, of confusion or of misleading the jury."

UHC is a partial owner and the primary operator of the New York Proton Center. On February 4, 2015, the New York State Department authorized the construction and development of the New York Proton Center. UHC was an investor in the New York Proton Center, in part, to use PBT to treat lung cancer. CSOF ¶¶ 125-126. UHC operates the New York Proton Center through Proton Health Center Management which is controlled by Optum. United Healthcare Services operates Optum and Sierra Health & Life. CSOF ¶¶ 3-4 and n. 10. UHC invested and developed the New York Proton Center to use PBT to treat patients with all kinds of lung cancer. *Id.* ¶¶ 126-132.

UHC has to concede that its investment, development, and operation of the New York Proton Center is relevant. For example, UHC now relies upon the New York State Department's evaluation of the feasibility of New York Proton Center to claim that its decision to deny Mr. Eskew's claim was reasonable. See Motion for Summary Judgment re: Claims at 15; see also Defense Ex. 32. Of course, the issue before the jury is what UHC reasonably believed about PBT for lung cancer.

UHC fails to disclose to this Court that New York conducted its evaluation as part of a feasibility study into the viability of the New York Proton Center. As part of that evaluation, New York reported that UHC was investing into and developing the New York Proton Center to use PBT to treat patients with lung cancer. CSOF ¶¶ 125-126. In 2014, UHC would not have invested into or taken the steps to open and operate the New York Proton Center to use PBT to treat lung cancer if it was not medically necessary or proven. Clearly, the facts relating to New York Proton Center are relevant to UHC's belief regarding whether PBT was a medically necessary procedure to treat lung cancer.

This Court cannot allow UHC to take two inherently inconsistent approaches to evidence. When it perceives the New York Proton Center to be helpful to the case, UHC decides it is relevant. When it perceives the New York Proton Center to be damaging to is case, UHC decides it is not relevant. UHC's reliance upon the New York feasibility study is an admission that the facts and circumstances relating to the New York Proton Center is relevant.

Indeed, the New York Proton Center is relevant to UHC's state of mind and its conscious disregard for the rights of its insureds including Mr. Eskew. On February 5, 2016, UHC denied Mr. Eskew's treatment for PBT for lung cancer on the basis of one sentence from its PBT policy that PBT treatment for virtually any cancer, including lung cancer, was not medically necessary. COSF ¶¶ 76, 93, 100, 106-110. At the same time it denied Mr. Eskew's claim for PBT to treat lung cancer, UHC was developing the NYPC to use PBT to treat lung cancer. *Id.* ¶¶ 126, 133.

In other words, UHC's claim denial and its investment, operation, and development into the NYPC are inherently inconsistent. More simply put, UHC is speaking out of both sides of its mouth about PBT for lung cancer when it (1) argues in this lawsuit that its denial of Mr. Eskew's claim was proper because treating lung cancer with PBT is not medically necessary; and (2) at the same time touts the superior benefits of using PBT to treat lung cancer at NYPC. Likewise, in February 2016, when UHC was acting as an insurer *paying* for care, it took the position PBT for lung cancer was bad and not medically proven. On the flip side of the coin, in February 2016, when UHC was acting as a provider and *collecting* money for providing care, PBT was an excellent and medically proven form of technology to treat lung cancer. The NYPC, UHC's role

in it, and the UHC/NYPC's public pronouncements about the superior benefits of PBT for lung cancer are all highly relevant to the reasonableness of UHC's conduct in denying the request for prior authorization including its reliance upon the PBT policy.

UHC has placed the reasonableness of its PBT policy at issue. In this regard, UHC has already admitted that the substance of the policy is based upon a business decision. COSF ¶¶ 123-124. Similarly, the evidence suggests both the substance and the use of the PBT policy is arbitrary. For example, UHC's decisions on PBT had more to do with the stages of operation of the NYPC, then they did with the science regarding the appropriateness of PBT. When the NYPC was close to opening, UHC miraculously changed its position on PBT and concluded that PBT could be medically necessary for all cancer. COSF ¶¶ 129-133. The jury should be allowed to consider that UHC's decisions related to PBT are financially motivated, not motivated by science as UHC would have them believe.

In addition, UHC intends to infer that MD Anderson and Dr. Liao had bad motives when it came to treating Mr. Eskew because MD Anderson's Proton Beam Therapy Center was operated for profit. Yet UHC, at all relevant times, was in the process of creating a proton center to operate for profit. Inside the courtroom, UHC wants to infer that operating a proton beam therapy center for profit is bad, but outside the courtroom, UHC does operate a proton beam center for profit. Thus, evidence of the NYPC is relevant to the credibility of UHC's position in this litigation.

At the same time, UHC intends to imply to the jury that only fringe doctors who do not appreciate science use PBT to treat lung cancer. For example, in its Motion for Summary Judgment Re: Claims, UHC cites to an article from Dr. Liao published in 2018 and a letter she wrote in 2018 to infer that using PBT to treat lung cancer is not medically necessary. Yet, outside the courtroom, UHC operates a proton center to use PBT to treat patients with lung cancer. Indeed, it advertises to the public the benefits of PBT to treat patients with lung cancer. The NYPC is relevant to rebut UHC's position regarding the reasonableness of its position on PBT. *Id.* ¶¶ 127, 133.

UHC's position on relevancy concerns how it owns the NYPC. Motion at 4. How UHC owns the NYPC goes to the weight of the evidence relating to the NYPC opposed its admissibility.

UHC holds itself out as a highly integrated company that provides services from paying for the services through its insurance arm to providing the services through its medical provider arm. UHC operates the NYPC through its subsidiary Proton Health Center Management which is controlled by Optum (UHC's medical arm). United Healthcare Services operates Optum and Sierra Health & Life. CSOF ¶¶ 1-8. SHL holds itself out as a United HealthCare Company. It operates at the direction of UHC, and the preauthorization request denial was based upon a UHC corporate medical policy. *Id.* ¶¶ 2-4,113. When he denied the claim, Dr. Ahmad was acting as the UHC medical director. *Id.* ¶ 115.

UHC is so highly integrated that SHL reports its financial condition based upon the entire operations of UHC including Optum which necessarily includes the NYPC. A jury can infer that SHL receives a direct financial benefit from the operation of the NYPC. In addition, SHL and the NYPC are owned by UHC through a common entity. It is highly relevant that at the time UHC was denying Mr. Eskew's request for prior authorization, UHC and SHL were intending to profit by using PBT to treat lung cancer through the NYPC.

The probative value of the evidence related to the NYPC is not substantially outweighed by its prejudicial effect. The fact that 1) UHC was investing into the NYPC to treat lung cancer while denying Mr. Eskew's claim; 2) the fact UHC's PBT policy was changed based upon the NYPC'S operation and business goals, not science; and 3) the fact UHC advertises the benefit of proton beam therapy to treat lung cancer at the NYPC, are highly relevant. While the evidence is damaging to UHC, the evidence does not create the prejudice envisioned by NRS 48.035(1). Rather it would be unfair to the Eskews to allow UHC to take one position in the courtroom that is inconsistent with how it operates its business outside the courtroom.

Further, the evidence of the NYPC is not hearsay. The evidence of ownership is set out in the financial statements of SHL and UHC. The ownership will be presented through the expert testimony of Mr. Flood. In a reasonable methodology to assess and establish that ownership and control, Mr. Flood reasonably relied upon the information contained within public filings made

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by UHC with the State of New York and the federal government. See NRS 50.285 (2) (facts of a type reasonably relied upon by an expert in forming an opinion need not be admissible). The evidence from the NYPC regarding its use of PBT to treat lung cancer and its belief in its medical efficacy goes to UHC's state of mind regarding PBT. It is not being offered for the truth of the matter asserted.

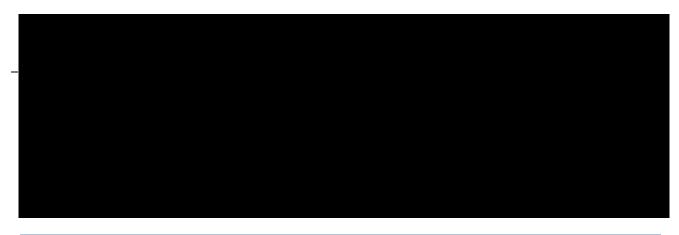
This Court should deny UHC's Motion in Limine No 6. The New York Proton Beam Center is relevant.

DATED this 14th day of January 2022.

MATTHEW L. SHARP, LTD.

/s/ Matthew L. Sharp
MATTHEW L. SHARP, ESQ.
Nevada Bar No. 4746
432 Ridge Street
Reno NV 89501
(775) 324-1500
matt@mattsharplaw.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE I hereby certify that I am an employee of Matthew L. Sharp, Ltd., and that on this date, a true and correct copy of the foregoing was electronically filed and served on counsel through the Court's electronic service system pursuant to Administrative Order 14-2 and NEFCR 9, via the electronic mail address noted below: D. Lee Roberts, Jr. Esq.; lroberts@wwhgd.com Marjan Hajimirzaee, Esq.; mhajimirzaee@wwhgd.com Ryan T. Gormley, Esq.; rgormley@wwhgd.com WEINBERG WHEELER HUDGINS GUNN & DIAL LLC 6385 S. Rainbow Blvd., Ste. 400 Las Vegas, NV 89118 Attorneys for Defendants DATED this 14th day of January 2022. /s/ Cristin B. Sharp An employee of Matthew L. Sharp, Ltd.



From: "Ferrarotto, Renata" < RFerrarotto@mdanderson.org>

Date: Wednesday, March 16, 2016 at 1:18 PM To: Claire Yang <chunyiyang@mdanderson.org>

Cc: "Liao,Zhongxing" <zliao@mdanderson.org>, "Colbert,Lauren" <LColbert@mdanderson.org>

Subject: RE: 1195025 Eskew

When is he finishing? Is it 3/22/16?

From: Yang, Claire Chunvi

Sent: Wednesday, March 16, 2016 10:11 AM

To: Ferrarotto,Renata <RFerrarotto@mdanderson.org>

Cc: Liao,Zhongxing <zliao@mdanderson.org>; Colbert,Lauren <LColbert@mdanderson.org>

Subject: 1195025 Eskew

Hi Dr. Ferrartto,

Would you please add extra IVF to Mr. Eskew's next chemo? Dr. Liao saw him in the clinic today . He is finishing XRT we will see him back in 6-8 weeks coordinate with your follow up schedule.

Thanks,

From: "Haynes,Iris M" <ihaynes@mdanderson.org>

Date: Friday, February 5, 2016 at 6:24 PM

To: "Liao,Zhongxing" <zliao@mdanderson.org>, "Godby,Joy" <ajgodby@mdanderson.org>

Cc: ROBS Main <ROBSMain@mdanderson.org>, "Bluett,Jaques B" <jbluett@mdanderson.org>, Claire Yang <chunyiyang@mdanderson.org>, "Byrd,Heather" <HByrd@mdanderson.org>, "Ferrarotto,Renata" <RFerrarotto@mdanderson.org>

Subject: RE: 1195025 Eskew will need medical director review for IMRT

William Eskew #1195025, is not financially cleared. The request is with the insurance company (Sierra Health), pending with the medical director. We will check the status on Monday. Mr. Eskew is aware.

Iris Haynes Patient Access Specialist MD Anderson Cancer Center Radiation Oncology Business Center 713/792-1055 713/745-1417 fax

From: Liao,Zhongxing

Sent: Friday, February 05, 2016 2:45 PM

To: Bluett, Jaques B; Bilton, Stephen D; Yang, Claire Chunyi; ROBS Main; Godby, Joy; Byrd, Heather; Ferrarotto, Renata

Subject: Re: 1195025 Eskew will need medical director review for IMRT

Looks good! Thanks a lot!

From: "Bluett, Jaques B" < jbluett@mdanderson.org >

Date: Friday, February 5, 2016 at 2:37 PM

To: Zhongxing Liao < <u>zliao@mdanderson.org</u>>, "Bilton,Stephen D" < <u>sdbilton@mdanderson.org</u>>, Claire Yang < <u>chunyiyang@mdanderson.org</u>>, ROBS Main < <u>ROBSMain@mdanderson.org</u>>,

 $"Godby, Joy" < \underbrace{aigodby@mdanderson.org}, "Byrd, Heather" < \underbrace{HByrd@mdanderson.org}, "Ferrarotto, Renata" < \underbrace{RFerrarotto@mdanderson.org}, "Byrd, Heather" < \underbrace{RFerrarotto@mdanderson.org}, "$

Subject: RE: 1195025 Eskew will need medical director review for IMRT

Please find comparison attached.

From: Liao,Zhongxing

Sent: Friday, February 05, 2016 1:51 PM

Subject: Re: 1195025 Eskew will need medical director review for IMRT

Thanks

From: "Bluett, Jaques B" < jbluett@mdanderson.org>

Date: Friday, February 5, 2016 at 1:34 PM

To: "Bilton, Stephen D" <sabilton@mdanderson.org>, Zhongxing Liao <zliao@mdanderson.org>, Claire Yang <chunyiyang@mdanderson.org>, ROBS Main <ROBSMain@mdanderson.org, "Godby, Joy" ajgodby@mdanderson.org, "Byrd, Heather" HByrd@mdanderson.org, "Ferrarotto, Renata" REPTATA NOTATE TO THE TO

Subject: RE: 1195025 Eskew will need medical director review for IMRT

I'm putting VMAT plan together in Mosaiq right now and working on getting the 3D comparison to you for review. I should have this for you by 2:30pm.

Thanks

Jaques

From: Bilton, Stephen D

Sent: Friday, February 05, 2016 1:33 PM

To: Liao,Zhongxing <<u>zliao@mdanderson.org</u>>; Yang,Claire Chunyi <<u>chunyiyang@mdanderson.org</u>>; ROBS Main <<u>ROBSMain@mdanderson.org</u>>; Godby,Joy <<u>aigodby@mdanderson.org</u>>; Byrd,Heather <<u>HByrd@mdanderson.org</u>>; Ferrarotto,Renata <<u>RFerrarotto@mdanderson.org</u>>; Bluett,Jaques B <<u>ibluett@mdanderson.org</u>>

Subject: RE: 1195025 Eskew will need medical director review for IMRT

Please include Jaques Bluett with emails pertaining this patient going forward.

Thanks, Stephen

From: Liao,Zhongxing

Sent: Friday, February 05, 2016 1:18 PM

To: Yang, Claire Chunyi <a href="mailto:rectain-self-burger-year-align: delta-burger-year-align: rectain-ge-year-align: rectain-ge-year-a

Subject: Re: 1195025 Eskew will need medical director review for IMRT

I talked to Mrs. Eskew again and she needs to know if we could start on Monday or not. If not, She would like to postpone to the following Monday.

Thanks

From: Claire Yang < chunyiyang@mdanderson.org

Date: Friday, February 5, 2016 at 1:10 PM

To: Zhongxing Liao <<u>zliao@mdanderson.org</u>>, ROBS Main <<u>ROBSMain@mdanderson.org</u>>, "Godby,Joy" <<u>ajgodby@mdanderson.org</u>>, "Byrd,Heather" < <u>HByrd@mdanderson.org</u>>,

"Bilton, Stephen D" <sdbilton@mdanderson.org>, "Ferrarotto, Renata" < RFerrarotto@mdanderson.org>

Subject: RE: 1195025 Eskew will need medical director review for IMRT

Thanks Dr. Liao,

I just spoke to Mr. Eskew, they got you message, they will stick around and wait for the IMRT approve.

Dr. Ferrarotto,

Are you going to give chemo concurrently with xrt?

Thank You!

Claire Chunyi Yang, FNP, MSN Radiation Oncology, Thoracic.

APP for Dr. Liao, Dr. O'Reilly and Dr. Hahn.

Office: 713-792-5114

From: Liao,Zhongxing

Sent: Friday, February 05, 2016 11:23 AM

To: Godby,Joy aigodby@mdanderson.org; Byrd,Heather HByrd@mdanderson.org; Bilton,Stephen D sdbilton@mdanderson.org;

Cc: Yang, Claire Chunyi < chunyiyang@mdanderson.org>; ROBS Main < ROBSMain@mdanderson.org>

Subject: Re: 1195025 Eskew will need medical director review for IMRT

I just called and left a VM. Chunyi:

Xing

Could you follow up on this? Thanks

From: "Godby,Joy" <a igodby@mdanderson.org>
Date: Friday, February 5, 2016 at 11:15 AM

To: Zhongxing Liao <<u>zliao@mdanderson.org</u>>, "Byrd,Heather" <<u>HByrd@mdanderson.org</u>>, "Bilton,Stephen D" <<u>sdbilton@mdanderson.org</u>>

Cc: Claire Yang <chunyiyang@mdanderson.org>, ROBS Main <ROBSMain@mdanderson.org>

Subject: RE: 1195025 Eskew will need medical director review for IMRT

Can you or one of your clinical teams call Mrs Eskew please. She just called me but had not been told she was getting IMRT and the proton appeal was now being closed. She is planning to fly out and needs someone to call her today please. Is this a primary or mets case? We will also need the comparative plan between 3D and IMRT photon since this is UHC.

MR# 1195025 William Eskew - Liao 702-885-3019

From: Liao, Zhongxing

Sent: Friday, February 05, 2016 11:11 AM

To: Byrd, Heather < HByrd@mdanderson.org >; Bilton, Stephen D < sdbilton@mdanderson.org > Cc: Yang, Claire Chunyi < chunyiyang@mdanderson.org >; ROBS Main < ROBSMain@mdanderson.org >

Subject: Re: 1195025 Eskew will need medical director review for IMRT

Importance: High

Thanks

From: "Byrd,Heather" < HByrd@mdanderson.org >

Date: Friday, February 5, 2016 at 11:01 AM

To: Zhongxing Liao <zliao@mdanderson.org>, "Bilton,Stephen D" <sdbilton@mdanderson.org

Cc: Claire Yang < chunyiyang@mdanderson.org>, ROBS Main < ROBSMain@mdanderson.org> Subject: 1195025 Eskew will need medical director review for IMRT

Dr. Liao,

We will prepare a letter for you to review – please keep in mind that once UHC receives all of our information, they may take up to 72 hours to return an authorization for IMRT.

Thank you.

Respectfully.

Heather Byrd, BSN, RN Patient Access Coordinator Radiation Oncology, BB.5071 1515 Holcombe Blvd, Houston, TX 77030 (713) 792-7989 hbyrd@mdanderson.org

From: Liao, Zhongxing

Sent: Friday, February 05, 2016 10:58 AM To: Leonida, Adelwisa P; Bilton, Stephen D

Cc: Hontiveros,Rosemarie L; Erfe,Rosie D; Yang,Claire Chunyi; ROBS Main

Subject: Re: Wi-Es# 1195025

Importance: High

Let's stop the appealing and use the IMRT plan. I don't want to drag for too long.

Thank you all for your effort.

Xing

From: "Leonida, Adelwisa P" < aleonida@mdanderson.org >

Date: Friday, February 5, 2016 at 10:35 AM

To: Zhongxing Liao <zliao@mdanderson.org>

Cc: "Hontiveros,Rosemarie L" < rhontive@mdanderson.org, "Erfe,Rosie D" < rerfe@mdanderson.org

Subject: Re:Wi-Es# 1195025

Dr. Liao.

We f/up with the insurance the pre-D request for PBT the medical reviewer has denied the requested services, for the reasons it does not meet the NCCN Guidelines 2016 and the Health Plan of Nevada. Would you please provide us with your availability a two time schedule for the P2P to coordinate with the insurance. I have informed the patient of the denial of proton and will start working on the appeal process. Thank you.

Adel

Adelwisa Leonida, BSN, RN, CCM, ACM, OCN

Denials Management Coordinator

THE UNIVERSITY OF TEXASM. D. ANDERSON CANCER CENTER

Proton Therapy Center 1840 Old Spanish Trail Houston, TX 77054 T 713- 563-9388

F 713-563-1521

E aleonida@mdanderson.org

From: zliao@mdanderson.org
To: HRumbaugh@mdanderson.org

Subject: FW: 1195025 Eskew will need comparative summary **Date:** Fri, 2 Oct 2020 17:16:56 +0000

See below

From: "Byrd, Heather" < HByrd@mdanderson.org>

Date: Friday, February 5, 2016 at 11:45 AM

To: "Liao,Zhongxing" <zliao@mdanderson.org>, "Bluett,Jaques B" <jbluett@mdanderson.org> Cc: ROBS Main < ROBSMain@mdanderson.org>, "Bilton, Stephen D" < sdbilton@mdanderson.org>

Subject: 1195025 Eskew will need comparative summary

Hello.

William has an insurance product that requires a 3D/IMRT comparison summary be submitted for insurance approval. Please prepare summary and send to RobsMain when complete.

Thank you.

Respectfully,

Heather Byrd, BSN, RN Patient Access Coordinator Radiation Oncology, BB.5071 1515 Holcombe Blvd, Houston, TX 77030 (713) 792-7989 hbyrd@mdanderson.org

From: Liao,Zhongxing

Sent: Friday, February 05, 2016 10:58 AM To: Leonida, Adelwisa P; Bilton, Stephen D

Cc: Hontiveros, Rosemarie L; Erfe, Rosie D; Yang, Claire Chunyi; ROBS Main

Subject: Re: Wi-Es# 1195025

Importance: High

Let's stop the appealing and use the IMRT plan. I don't want to drag for too long.

Thank you all for your effort.

Xing

From: "Leonida, Adelwisa P" < aleonida@mdanderson.org >

Date: Friday, February 5, 2016 at 10:35 AM

To: Zhongxing Liao <zliao@mdanderson.org>

Cc: "Hontiveros,Rosemarie L" < rhontive@mdanderson.org, "Erfe,Rosie D" < rerfe@mdanderson.org

Subject: Re:Wi-Es# 1195025

Dr. Liao,

We f/up with the insurance the pre-D request for PBT the medical reviewer has denied the requested services, for the reasons it does not meet the NCCN Guidelines 2016 and the Health Plan of Nevada. Would you please provide us with your availability a two time schedule for the P2P to coordinate with the insurance. I have informed the patient of the denial of proton and will start working on the appeal process. Thank you.

Adel

Adelwisa Leonida, BSN, RN, CCM, ACM, OCN

Denials Management Coordinator

THE UNIVERSITY OF TEXASM. D. ANDERSON CANCER CENTER

Proton Therapy Center 1840 Old Spanish Trail Houston, TX 77054 T 713- 563-9388 F 713-563-1521

E aleonida@mdanderson.org

On 7/14/16, 9:14 AM, "Sandy Eskew" <sandyeskew@gmail.com> wrote:

Dr Liao

Orry we missed you. I wish they would have let us know as we could have changed our appointments.

I'm sure by now you have seen Bills petscan. What are your recommendations?

Just start on one of the two immunotherapy drugs?

Eve was checking to see if Bill tested positive for the PDL1 so he could at least use the pembrolizumab as that is just 1x every 3 weeks

Let me know

Thanks

Sandy Estern

Sandy Eskew

Sent from my iPhone

- > On Jul 12, 2016, at 4:21 AM, Liao, Zhongxing <zliao@mdanderson.org> wrote:
- > Dear Mrs. Eskew:
- > Unfortunately I will not be able to see Mr. Eskew in the afternoon due to multiple prior commitments. I will follow up on the PET results. As long as dr. Ferrar

```
> I will let you know if there is anything that I am concerned about.
     > Regards
     > Zhongxing Liao
     > Sent from my iPad
     >> On Jul 11, 2016, at 21:33, Sandy Eskew <sandyeskew@gmail.com> wrote:
     >> We arrive at 1:10. We should be at the hospital by 2 ish and his pet scan is at 3. What works for you? I assume you would like to talk to him after the pet?
     >> Sent from my iPhone
     >>> On Jul 11, 2016, at 6:56 PM, Liao, Zhongxing <zliao@mdanderson.org> wrote:
     >>> Can I talk to him on Tuesday?
     >>> Sent from my iPhone
     >>>> On Jul 11, 2016, at 20:22, Sandy Eskew <sandyeskew@gmail.com> wrote:
    >>>>
>>>> Dr Liao,
     >>>> Bill is scheduled for a pet scan @3:00 on Tues July 12. We have a followup on Wed July 13 with Dr Ferrarotto. I thought we were seeing you following Dr Ferra
     >>>> Thank you
>>>> Sandra Eskew
    >>> The information contained in this e-mail message may be privileged, confidential, and/or protected from disclosure. This e-mail message may contain protected he >> The information contained in this e-mail message may be privileged, confidential, and/or protected from disclosure. This e-mail message may contain protected heal
On 4/4/16, 5:50 PM, "Sandy Eskew" <sandyeskew@gmail.com> wrote:
    Sorry for all the trouble
    > On Apr 4, 2016, at 3:25 PM, Liao, Zhongxing <zliao@mdanderson.org> wrote:
     > Faxed prescription did not work. We will mail the prescription
       ----Original Message----
    , -----uriginal Message----
> From: Sandy Eskew [mailto:sandyeskew@gmail.com]
> Sent: Sunday, April 03, 2016 10:36 PM
> To: Liao,Zhongxing
> Subject: Re: Bill 1195025
     > Thanks for the effort. Faxing should work Sandy
     > Sent from my iPhone
     >> On Apr 3, 2016, at 8:29 PM, Liao, Zhongxing <zliao@mdanderson.org> wrote:
     >>> Unfortunately, the E prescription for triplicate only allowed inside MDACC. I will fax a hand written one and Mail the original. If he has a primary care physici
     >> Sent from my iPhone
     >>> On Apr 3, 2016, at 10:01 PM, Sandy Eskew <sandyeskew@gmail.com> wrote:
    >>> Walmart
>>> 8060 W Tropical pkwy
     >>> Las Vegas Nv. 89149
     >>> Thank you
>>> Sandy
     >>>
     >>> Sent from my iPhone
     >>>> On Apr 3, 2016, at 7:46 PM, Liao, Zhongxing <zliao@mdanderson.org> wrote:
    >>>> It turns out that I need the address of the pharmacy so I can do an E prescription via EPIC.
>>>> I called and they are closed. Do you know the address?
     >>>>
     >>>> Sent from my iPhone
     >>>>
     >>>> On Apr 3, 2016, at 4:45 PM, Sandy Eskew <sandyeskew@gmail.com> wrote:
    >>>>>
>>>>> 702-839-3625
     >>>>> Thank you
    >>>> Sent from my iPhone
     >>>>
     >>>>> On Apr 3, 2016, at 2:34 PM, Liao,Zhongxing <zliao@mdanderson.org> wrote:
     >>>>> IMRT me see how can I get the triplicate in the Walmart. Do you have the phone number?
     >>>>>
>>>>> Sent from my iPad
     >>>>>
     >>>>> On Apr 3, 2016, at 3:16 PM, Sandy Eskew <sandyeskew@gmail.com> wrote:
     >>>>>> He never got the loratab elixir filled because he had loratab tabs. But he can't tolerate the tabs. He did take the xyloxylin but didn't feel that helped.
    >>>>> Can you call in a prescription for the loratab elixir to Walmart?
>>>>> Thanks for the response on a Sunday Sandy
     >>>>>>
     >>>>>>
>>>>> Sent from my iPhone
     >>>>>>
     >>>>>> On Apr 3, 2016, at 12:56 PM, Liao,Zhongxing <zliao@mdanderson.org> wrote:
```

>>>>>>

>>>>>>

>>>>>> We gave him lortab elixir and xyloxylin

```
>>>>>> Sent from my iPhone
>>>>>>
>>>>>> On Apr 3, 2016, at 2:35 PM, Sandy Eskew <sandyeskew@gmail.com> wrote:
>>>>>>
>>>>>>> No. Do u remember what u prescribed? I will make him take it
>>>>>>> Thanks
>>>>>>> Sent from my iPhone
>>>>>>>
>>>>>>> Is he currently taking the pain medication we prescribed during the treatment?
>>>>>>
>>>>>> On Apr 3, 2016, at 7:14 AM, Sandy Eskew <sandyeskew@gmail.com> wrote:
>>>>>>>
>>>>>> Dr Liao
>>>>>>> Thank you for arranging Bills appointment for May 3. We will be there
>>>>>>> Thank you for arranging Bills appointment for May 3. We will be there
>>>>>>> He is down to 159 lbs and cannot eat. He said it feels like something is stuck half way down in his esophagus and he throws up. Is there something he cannot eat.
>>>>>>> Thank you
>>>>>>> Sandy
>>>>>>>>
```

MAIN BUILDING

Eskew, William G

MRN: 1195025, DOB: 10/3/1951, Sex: M

Encounter date: 1/27/2016

Consults signed by Zhongxing Liao, MD at 2/11/2016 12:19 PM (continued)

MEDICAL HISTORY, SOCIAL HISTORY, CURRENT MEDICATIONS, FAMILY HISTORY. I have personally reviewed the information as documented.

PHYSICAL EXAMINATION:

General: Mr. Eskew is a very pleasant well-developed, well-nourished male in no apparent distress. He is accompanied to my clinic by wife. He is alert and oriented ?3 in no acute distress.

Vitals: Height 175 centimeter, weight 86.6 kilograms, temperature 36.7, pulse 83, respiration 18, blood pressure 118/61, KPS 90.

HEENT: Normocephalic, atraumatic, PERRLA, EOMI. Neck is supple, there is no JVD or thyroidomegaly. There were no palpable lymphadenopathy at bilateral cervical, supraclavicular, and his infraclavicular fossa.

Lungs: clear to auscultation without crackle, rales, or wheezing. There is no rubbing.

Heart: Regular rate and rhythm, without murmur S3-S4.

Abdomen: Soft nontender, nondistended, no organomegaly.

Extremities: No edema, clubbing, cyanosis.

Neurological system: Grossly nonfocal. Mood: Patient is quite positive

symptoms without significant distress.

LABORATORY/IMAGING DATA:

PET/CT scan January 26, 2016, showed a right upper lobe spiculated hypermetabolic tumor on the outside PET/CT scan the mass measured 1.7 by 2.3 cm in and had a maximum SUV of 7.2 (image 179 of the outside study from 08/07/2015) the mass now measures 2.8 x 3.1 cm and has a maximum SUV of 8.0 (image 77 of today's study).

Lymph Nodes: There are subcarinal nodes which are somewhat more prominent than they were on the prior study. A subcarinal node on the outside study seen on image 161 had a maximum SUV of 2.0 that node is about the same size but the maximum SUV is now 5.7 (image 161 of the outside study and image 97 of the M.D. Anderson cancer Center study).

A right hilar node that is difficult to measure without contrast material employed had a maximum SUV of 2.6 that node now has a maximum SUV of 3.4, a 31% increase in metabolic activity.

Bones: There is a healed fracture of the right 3rd rib. There is a subtle focus of increased metabolism in the left femoral head (image 65). A subtle focus of increased metabolism is noted in the left anterior superior iliac spine (image 199) No suspicious lytic or sclerotic osseous lesions are seen on CT scanning.

Pathological: METASTATIC CARCINOMA WITH SQUAMOID FEATURES, PRIMARY SITE UNDETERMINED.

WORKING DIAGNOSIS: Stage IV non-small cell lung cancers most probably squamous cell carcinoma status post 4 cycles of couple plating and paclitaxel chemotherapy. Patient also had radiation therapy to the right humerus. He also has a possible medical history of radiation therapy to the periaortic lymph node and spleen for his low-grade lymphocytic lymphoma. There was done in 2003.

Generated on 2/26/19 9:52 AM

MD Anderson Cancer Center

MAIN BUILDING

Eskew, William G

MRN: 1195025, DOB: 10/3/1951, Sex: M

Encounter date: 2/5/2016

Progress Notes signed by Zhongxing Liao, MD at 3/1/2016 8:39 PM (continued)

x06 30

220.00 cGy 6600.00 cGy

=======

After review, the plan was approved without dissent.

ZHONGXING LIAO, MD, 10145

Dictated By: ZHONGXING LIAO, MD, 10145

D: 02/05/2016 15:02:55 T: 02/05/2016 15:02:55

Electronically Signed By: ZHONGXING LIAO, MD on 02/18/2016 09:42:29

Consults filed by HISTORICAL CONVERSION AUTHOR at 2/11/2016 12:19 PM

Author: HISTORICAL CONVERSION Service: (none)

AUTHOR

Filed: 2/11/2016 12:19 PM

Encounter Date: 2/10/2016

Status: Signed

Author Type: (none)

Editor: Interface, Transcription Conversion

02/10/2016

Clinical Nutrition Outpatient Initial Assessment

Cancer Dx: Metastatic Lung

Reason for Consult: Nutrition recommendations during treatment

Treatment plan: Radiation 2/10-3/22/16

Contributing Data: Mr. Eskew is from Las Vegas; unaccompanied in clinic today. He reports having a good appetite for the most part; eating a variety of foods at this time. He checks BS daily. Weight loss prior to treatment was intentional; expressed a desire to lose more weight but understands he should not intentionally lose weight at this time. He has no concerns with N/V/D/C.

Past Medical History/Co-morbidities: Non-hodgkins lymphoma (2003), s/p radiation and currently in remission; PAD- cardiac stents X 2 (2005), heart failure (2013) s/p implanted defibrillator which was removed due to infection; DM-2.

Medications: includes glipizide, humulog, victoza, magnesium

Current and/or Usual diet: Regular (100% usual intake >1 month)

Generated on 2/26/19 9:52 AM



MAIN BUILDING

Eskew, William G

MRN: 1195025, DOB: 10/3/1951, Sex: M

Encounter date: 2/10/2016

Consults filed by HISTORICAL CONVERSION AUTHOR at 2/11/2016 12:19 PM (continued)

Current Intake: B- muffin, coffee (most of the time, just 1-2 cups coffee); variety of protein foods (chicken, peanut butter, nuts, milk, beef); Fluids-Propel water, Powerade (no sugar version), water NKFA

Anthropometrics:

Height: 175cm

Weight: 85.2kg (2/10), -1.4kg/2weeks, 1.6% Usual Weight (UBW): 86.6kg (1/27) (98%)

Ideal Body Weight: 72.7kg (118%)

Current Estimated Needs Per Day: based on 85kg

Kcal: 2125-2550 (25-30kcals/kg) Protein: 85-102g/day (1-1.2g/kg) Fluid: 2.6L/day (30mL/kg)

Plan of Care:

- -Discussed nutritional needs and goals during treatment to maintain weight and lean muscle mass; although pt verbalized a desire to lose more weight, it was recommended he try to maintain weight. Provided goals for daily calorie and protein needs with written information: Adding Protein, Adding Calories.
- -Discussed fluid needs and sources of fluids; goal provided. He is currently exceeding this goal.
- -Provided information for foods to eat/avoid with sore throat. Sore Mouth and Throat document provided.
- -Encouraged physical activity as tolerated.
- -Provided Side Effects Management with Nutrition document and reviewed.
- -Patient verbalized understanding of information provided and questions were answered to satisfaction.
- -RD contact information provided; will follow up in weekly see clinic.

Face to Face time: 45 min.

Dictated By: DEBRA A RUZENSKY, RD,CSO,LD, 80020

D: 02/10/2016 12:46:24 T: 02/10/2016 12:46:24

Electronically Signed By: DEBRA A RUZENSKY, RD, CSO, LD on 02/10/2016 14:45:43

Progress Notes signed by Renata Ferrarotto, MD at 2/11/2016 12:19 PM

Generated on 2/26/19 9:52 AM

MDAnderson Cancer Center

MAIN BUILDING

Eskew, William G

MRN: 1195025, DOB: 10/3/1951, Sex: M

Adm: 3/16/2016, D/C: 3/16/2016

Progress Notes by Josephine P Santos, RN (continued)

Patient: William G Eskew

Age: 64 y.o. MRN: 1195025 Attending: Dr. Liao

Date of Visit: March 16, 2016

History of Present Illness:

William G Eskew is a 64 y.o. male who presents for weekly see.

Review of Systems

Constitutional: Positive for appetite change (appetite's gone since Sunday).

Gastrointestinal: Positive for nausea and vomiting (got up this am and started feeling nauseous and

vomited).

Skin: Positive for color change (itching and redness).

Physical Exam

Progress Notes by Debra A Ruzensky, RD

Author: Debra A Ruzensky, RD Service: (none)

Author Type: Clinical Dietitian Status: Signed

Filed: 3/16/2016 9:49 AM Encounter Date: 3/16/2016

Editor: Debra A Ruzensky, RD (Clinical Dietitian)

Clinical Nutrition Outpatient Follow-Up Assessment

Patient: William G Eskew

Age: 64 y.o. MRN: 1195025 Gender: male

Date: March 16, 2016

Face to Face Time: 15

Cancer Diagnosis: Metastatic Lung

Current Treatment: Radiation 2/10-3/22/16 and chemotherapy (carboplatin/paclitaxel)

Contributing Data:

Patient reports nutritional concerns related to difficulty/impaired swallowing, painful swallowing, reflux. He states it feels as though food is not going past his esophagus (but it is) and he experiences lots of belching after eating or drinking. This morning after drinking water he vomited. BS was 221 this morning. He reports no pain in his mouth or upper throat area.

Medications: includes xyloxilin, carafate, glipizide, humulog, victoza

Current Diet & Diet Hx:

Patient follows a diabetic diet. Pt typically consumes other (see comment) (minimal intake in past day due to swallowing difficulty) meal(s).

<50% of usual intake over 1 week.

Anthropometrics:

Current Height: 175cm Current Weight: 81.4kg

Generated on 2/26/19 9:52 AM



MAIN BUILDING

Eskew, William G

MRN: 1195025, DOB: 10/3/1951, Sex: M

Encounter date: 3/23/2016

Progress Notes signed by Lauren Colbert, MD at 3/23/2016 10:53 AM Also signed by Zhongxing Liao, MD at 3/23/2016 11:08 AM (continued)

- Vomiting Grade: 1

Summary of objective toxicities:

- Dermatitis Grade: 1

Major Side Effects: none/no additional

Pain Management Plan: currently prescribed analgesics

Response to Treatment: N/A

Follow-Up Plan: The patient will be scheduled to return for a follow up visit in 1 month.

The following imaging was ordered for the next follow up visit: PET/CT.

Progress Notes by Kathy L Prichard, RN

Author: Kathy L Prichard, RN Service: (none)

Filed: 5/4/2016 10:15 AM Date of Service: 5/4/2016 10:07 AM

Editor: Kathy L Prichard, RN (Registered Nurse)

Author Type: Registered Nurse

Status: Signed

Cosigner: Terence Sio, MD at

5/6/2016 5:57 AM

Nursing Note

Patient: William G Eskew

MRN: 1195025

Age: 64 y.o.

Attending: Zhongxing Liao, MD

Date of Visit: May 4, 2016

History of Present Illness:

William G Eskew is a 64 y.o. male who presents here for follow up exam and test results.

Review of Systems

Constitutional: Positive for unexpected weight change.

He has had a 30 lbs weight loss after completing treatment and going home. He was in the hospital at home post treatment.

HENT: Positive for trouble swallowing.

He continues to have trouble swallowing but has been seeing improvement.

Respiratory: Positive for cough and shortness of breath.

He does continue to have a cough and shortness of breath due to loss in his muscle.

Musculoskeletal: Positive for gait problem.

He has developed drop foot to left foot due to decreased muscle tone and severe weight loss. He had a fall about 2 weeks ago when he tripped and fell. He does go to physical therapy. He has a brother that is a coach that is going to work with him on building up his strength.

Neurological: Positive for headaches.

He has periodic headaches and associates these mostly to caffeine.

Generated on 2/26/19 9:52 AM

MDAnderson Cancer Center

MAIN BUILDING

Eskew, William G

MRN: 1195025, DOB: 10/3/1951, Sex: M

Encounter date: 4/3/2016

Medication Detail

Disp 946 mL Refills

0

Start 4/3/2016 End 5/3/2016

HYDROcodone-acetaminophen (LORTAB ELIXIR)

10-300 mg/15 mL solution

Sig - Route: Take 15-30 mL by mouth every 6 (six) hours as needed for moderate pain (Take one to two tablespoonful by mouth every 6 hours as needed for pain in swallow due to esophagitis) for up to 30 days. -

Class: Print

Associated Diagnoses

Adenocarcinoma of upper lobe of lung - Primary

Medication

sodium chloride (NS) 0.9% injection flush 20 mL

Order Information

Date 5/3/2016 Department **PET Imaging**

Order Providers

Authorizing Renata Ferrarotto

Encounter MAYS PET INJECTION AREA Billing

Renata Ferrarotto

Medication Detail

Disp

Refills

Start 5/3/2016 End

sodium chloride (NS) 0.9% injection flush 20 mL

Sig - Route: Infuse 20 mL intravenously as needed for line care. - intravenous

Class: Normal

Medication

sodium chloride (NS) 0.9% injection flush 30 mL

Order Information

Date 7/12/2016

Department **PET Imaging**

Order Providers

Authorizing Renata Ferrarotto

Encounter MAYS PETCT B Billing

Renata Ferrarotto

Medication Detail

Disp

Refills

Start

7/12/2016

End 7/12/2016

sodium chloride (NS) 0.9% injection flush 30 mL

Sig - Route: Infuse 30 mL intravenously once. - intravenous

Class: Normal

All Meds and Administrations

(There are no med orders for this encounter)

All Meds and Administrations

Generated on 2/26/19 9:53 AM

MEDICAL ONCOLOGISTS Fadi S. Braitch, M.D. Stephani Christensen, M.D. Khoi Dao, M.D. Muhammad Ghani, M.D. Oscar Goodman, M.D. Vikas Gupta, M.D. Regan Holdridge, M.D. Henry Igid, M.D. Karen S. Jacks, M.D. Clark Jean, M.D. G. H. Kashef, M.D. Dhan Kaushal, M.D. Holavanahalli S. Keshava Prasad, M.D. Edwin C. Kingsley, M.D. Anthony Nguyen, M.D. Gregory Obara, M.D. Rupesh J. Parikh, M.D. Ram Ratnasabapathy, M.D. Wolfram Samlowski, M.D., FACP Hamidreza Sanatinia, M.D. James D. Sanchez, M.D. Anu Thummala, M.D.



RADIATION ONCOLOGISTS

Michael J. Anderson, M.D. Andrew M. Cohen, M.D. Dan L. Curtis, M.D. Farzaneh Farzin, M.D. Samual Francis, M.D. Raul T. Meoz, M.D., FACR Matthew Schwartz, M.D. Michael T. Sinopoli, M.D. W. Andrew Wang, M.D. Pam O'Neil, MSN, NP-C, AOCNP, APNP

BREAST SURGEONS

Souzan El-Eid, M.D., FACS M. Ferra Lin-Duffy, D.O. Rachel Shirley, D.O. Josette E. Spotts, M.D., FACS Margaret A. Terhar, M.D., FACS

Pulmonology

Sapna Bhatia, M.D. James S. J. Hsu, M.D., MCP, DABSM James S. J. Hsu, M.D., FCCP, DABSM Ralph M. Nietrzeba, M.D., FCCP, FACP George S. Tu, M.D., FCCP, DABSM John J. Wojcik, M.D., FCCP, DABSM John J. Wojcik, M.D., FCCP, DABSM Katie Cupp, MSN, APRN, FNP-C Vida Kim, MSN, APRN, FNP-BC Lorraine Kossol, MSN, APRN, FNP-BC Chin H. Oh-Ciernick, APRN, FNP-C Lisa Reiter, MSN, APRN, FNP-BC Dawn Willard, MSN, APRN, FNP-BC

Patient: WILLIAM G. ESKEW

Nicholas J. Vogelzang, M.D., FASCO, FACP Katelyne Atijora MSN, APRN, FNP-BC Barbara Caldwell, MSN, APRN

Hannah Furney, MSN, APRN, AGNP-C, AOCNP

Shelley S. Miles, MSN, APRN, FNP-BC, AOCNP

Shannon Southwick MSN, APRN, FNP-C, AOCNP

Dulce Novakovic, MSN, BSBA, APRN, FNP-C

Location: Northwest DOB: 10/03/1951

Restituto Tibayan, M.D. Brian Vicuna, M.D.

Chris Gabler, PA-C Samiyah Hoodbhoy, PA-C

Attending Physician: Clark S. Jean MD

MRN: 864260 Date: 05/12/2016

PRESENT STATUS:

Mr. William Eskew is here today for a follow-up. Overall, he notes fatigue. He denies any chest pain. Denies any headache. Denies any dizziness. Denies any nausea. He had a PET scan done at MD Anderson on May 4. The radiologist states that the primary malignancy in the right upper lobe has decreased in size and metabolic activity. There is a new focal thickening of the left adrenal gland with FDG uptake of 6.4. There is also an area of focal uptake in the left humeral head and left iliac bone. Left iliac bone had an SUV of 2.8, which is an improvement. In the left humeral head 4.2. He does have episodes of vomiting. He denies any nausea. He states he has a desire to eat, but does not eat a lot. He has continued to lose weight. He denies any diarrhea. Denies any constipation.

REVIEW OF SYSTEMS:

GENERAL: Weight loss.

LOCATIONS

3730 S Eastern Ave Las Vegas, NV 89169 Ph 702-952-3400 • F 702-952-3460

3006 S Maryland Pkwy # 270 Las Vegas, NV 89109
Ph 702-369-6008 - F 702-696-0057

1485 W. Warm Springs Road, Ste 105 Henderson, NV 89014 Ph 702-990-6360 • F 702-990-6363

10001 S Eastern Ave, Ste 108 Henderson, NV 89052 Ph 702-952-3444 • F 702-952-3494

1505 Wigwam Pkwy. Ste 130 Henderson, NV 89074 Ph 702-856-1400 • F 702-856-1401

> 655 N. Town Center Drive Las Vegas, NV 89144 Ph 702-233-2200

9280 W Sunset Rd. Ste 100 Las Vegas, NV 89148 Ph 702-952-1251 - F 702-952-1241

999 S Adems, Ste 103 Boulder City, NV 89005 Ph 702-293-0357 • F 702-294-1243

653 N. Town Center Drive, Ste 402 Las Vegas, NV 89144 Ph 702-243-7200

www.cccnevada.com US Oncology Affiliated Network

7445 Peak Orive Las Vegas, NV 89126 Ph 702-952-2140 • F 702-952-2180

2460 W Horizon Ridge Parkway Henderson, NV 89052 Ph 702-822-2000 • F 702-938-2235

Page 2 of 4 05/12/2016 Clark S. Jean MD RE:WILLIAM ESKEW, DOB:10/03/1951

> HEAD/NECK: Negative. RESPIRATORY: Negative. CARDIOVASCULAR: Negative. GI: Episodes of vomiting. GU: Negative. MUSCULOSKELETAL: Negative. NEUROLOGIC: Foot drop. ENDOCRINE: Negative. PSYCHIATRIC: Negative.

PHYSICAL EXAMINATION:

VITAL SIGNS: BP 99/66; P 116; R 16; T 98.2.

GENERAL: This is a pleasant man in no acute distress.

HEENT: Pupils are equal and reactive to light. Anicteric. Oropharynx is clear.

LUNGS: Lungs are clear.

CARDIAC: Heart is regular.
ABDOMEN: The abdomen is soft and nontender. EXTREMITIES: No clubbing; no cyanosis; no edema.

NEUROLOGIC: Nonfocal. SKIN: No rash. No jaundice.

LABORATORY:

WBC 4,300, HGB 12.2, PLT 287,000.

IMPRESSION:

 POORLY DIFFERENTIATED CARCINOMA WITH FEATURES FAVORING SQUAMOUS CELL CARCINOMA, FAVOR LUNG PRIMARY. PATIENT WITH PRIOR HISTORY OF TOBACCO USE. HE HAS PATHOLOGIC FRACTURE IN THE RIGHT ELBOW, STATUS POST RADIATION. STATUS POST SIX CYCLES OF CARBOPLATIN AND TAXOL.

PLAN:

- 1. He was on radiation plus concurrent carboplatin and Taxol at MD Anderson, completed.
- 2. Due to his deconditioning, ECOG score of approximately 2, the wife will set up physical and occupation therapy. He has a left foot drop.
- 3. I will refer him to neurology for evaluation for the foot drop.
- 4. I will start him on Marinol for his appetite.
- 5. I will order x-ray of the left shoulder to exclude a lytic lesion. If present, he will need radiation at that site.
- 6. He will need repeat CT/PET scan in three months. If there is further progression he will consider treatment with Opdivo/Keytruda.

CLARK S. JEAN, M.D. CSJ/em dd: 5-12-16 dt: 5-13-16.

Non-small cell lung cancer Date of Diagnosis: 7/2015 Line of therapy: 1st line.

Histology: squamous cell carcinoma.

Hypomagnesemia

Health Maintenance

Preventive care & screening.

Tobacco history: former smoker, 30 pack years.

Page 3 of 4 05/12/2016 Clark S. Jean MD RE:WILLIAM ESKEW, DOB:10/03/1951

Pneumonia vaccine status: yes.

Vital signs

height: 70 in (178 cm), weight: 153 lbs (69 kg), blood pressure: 99/66, Cuff size: wrist, pulse: 116 bpm, respiration: 16 rpm, temperature: 98.2 deg F (36.8 deg C), O2 Sat: 98 %, at rest, pain scale (0-10), Current: 3, r-arm,body mass index (BMI): 21.95 kg/m2, Normal weight.

Laboratory

CBC: WBC: 4.3. RBC: 4.22. HGB: 12.2. HCT: 38.8. MCV: 92. MCH: 29. MCHC: 31.40. RDW: 15.60. PLT: 287. Neu %: 67. LY %: 20. MO %: 9. EO %: 3. BA %: 1. Neu # (ANC): 2.9. LY #: 0.87.

Manual differential: Hypochromasia: 3+.

Chemistries: Glucose: 396 Critical Value Verified x 2. BUN: 13. Creatinine: 0.9. Sodium: 139. Potassium: 5.1. Chloride: 105. CO2: 26. Calcium: 9.1. Albumin: 3.9. Total protein: 7.0. Globulin: 3.10. A/G ratio: 1.3. Bilirubin, total: 0.5. Alkaline phosphatase: 106. SGOT/AST: 15. SGPT/ALT: 15. Magnesium, mg/dL: 1.8. GFR estimate: 95. GFR African American, estimated: 115.

Tumor markers: CEA: 4.2.

Procedures

X-ray reports (scanned): (Amended) Electronic file attached Comment: SDMI: XR Left Shoulder.

Current Medications

Aldactone, po solid (spironolactone): Outside Rx: 25 mg Tablet Take 1 PO daily.

Amiodarone hcl, po solid: Outside Rx: 200 mg Tablet Take 2 PO daily.

Aspirin, po solid: Outside Rx: 81 mg Tablet, delayed release (enteric coated) Take 1 Tablet(s) PO daily.

Carvedilol, po solid: Outside Rx: 6.25 mg Tablet Take 0.5 PO BID.

Fenofibrate, po solid (fenofibrate,micronized): Outside Rx: 200 mg Capsule Take 1 PO as directed.

Glipizide, po solid: Outside Rx: 5 mg Tablet Take 1 PO daily.

Humalog, inj (insulin lispro): Outside Rx: 3 U as directed sub-Q.

Insulin aspart, inj: Outside Rx: 10 U as directed sub-Q.

Lipitor, po solid (atorvastatin calcium): Outside Rx: 40 mg Tablet Take 1 PO daily.

Lortab, po liq (hydrocodone/acetaminophen): 10-300/15 Solution, oral Take 15 mL PO Q8H.

Magic mouthwash [Visc Lidocaine/Nystatin susp/Benadryl Elix], po liq: Mouthwash Take 10 mL Swish and Swallow Q6H PRN pain.

Magnesium chloride, po solid: Outside Rx: 64 mg Tablet, delayed release (enteric coated) Take 1 Tablet(s), enteric coated PO as directed.

Victoza 2-pak, inj (liraglutide): Outside Rx: 0.6 mg as directed sub-Q.

Vitamin d, po solid (cholecalciferol (vitamin d3)): Outside Rx: 400 unit Tablet Take 1 PO daily.

Zofran, po solid (ondansetron hcl): 8 mg Tablet Take 1 PO Q8H PRN nausea, Date started: 8/20/2015.

Allergies & Adverse Reactions

NKA.

Problem List

Lung Cancer, Non small celi Hypomagnesemia Bone metastasis Fatigue Weakness

New Orders

- Marinol, po solid (dronabinol): 10 mg Capsule Take 1 PO BID Dispense: 60.
- Schedule for: Prior to next visit, Print on Rx., Instructions/Comments: dr Lydia estanislao for foot drop.
- Schedule for: 1 week, Print on Rx., Instructions/Comments: dr tousif pasha for egd for vomitting.
- Xray: Today, Print on Rx., Instructions/Comments: xray of left shoulder r/o lytic lesion.
- RTC MD: 3 weeks, Print on Rx.

02/04/2020 TUE 11:20 FAX Z059/149

Page 4 of 4 05/12/2016 Clark S. Jean MD RE:WILLIAM ESKEW, DOB:10/03/1951

Electronic signature: visit reviewed and electronically signed.

Clark S. Jean MD

Send copy of note to: 1-Robert Whipple, MD 2-Jeffrey Gitlin,MD 3-Vincent Yang, MD.

MEDICAL ONCOLOGISTS Fadi S. Braitch, M.D. Stephani Christensen, M.D. Khoi Dao, M.D. Muhammad Ghani, M.D. Oscar Goodman, M.D. Vikas Gupta, M.D. Regan Holdridge, M.D. Henry Igid, M.D. Karen S. Jacks, M.D. Clark Jean, M.D. G. H. Kashef, M.D. Dhan Kaushal, M.D. Holavanahalli S. Koshava Prasad, M.D. Edwin C. Kingsley, M.D. Anthony Nguyen, M.D. Gregory Obara, M.D. Rupesh J. Parikh, M.D. Ram Ratnasabapathy, M.D. Wolfram Samlowski, M.D., FACP Hamidreza Sanatinia, M.D.



RADIATION ONCOLOGISTS

Michael J. Anderson, M.D.
Andrew M. Cohen, M.D.
Dan L. Curtis, M.D.
Farzaneh Farzin, M.D.
Samual Francis, M.D.
Raul T. Meoz, M.D., FACR
Matthew Schwartz, M.D.
Michael T., Sinopoli, M.D.
W. Andrew Wang, M.D.
Pant O'Neil, MSN, NP-C, AOCNP, APNP

BREAST SURGEONS

Souzan El-Eid, M.D., FACS M. Forra Lin-Duffy, D.O. Rachel Shirley, D.O. Josette E. Spotts, M.D., FACS Margaret A.Terhar, M.D., FACS

Pulmonology

Sapna Bhatia, M.D.
Nisarg Changuwala, M.D., MPH
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Katie Cupp, MSN, APRN, FNP-C
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Chin H. Oh-Ciernick, APRN, FNP-BC
Lisa Reiter, MSN, APRN, FNP-BC
Dawn Willard, MSN, APRN, FNP-BC

Patient: WILLIAM G. ESKEW

Nicholas J. Vogelzang, M.D., FASCO, FACP

Hannah Furney, MSN, APRN, AGNP-C, AOCNP

Shelley S. Miles, MSN, APRN, FNP-BC, AOCNP

Shannon Southwick MSN, APRN, FNP-C, AOCNP

Dulce Novakovic, MSN, BSBA, APRN, FNP-C

Katelyne Atijera MSN, APRN, FNP-BC

Barbara Caldwell, MSN, APRN

Location: Northwest

DOB: 10/03/1951

James D. Sanchez, M.D.

Restituto Tibayan, M.D.

Anu Thummala, M.D.

Brian Vicuna, M.D.

Chris Gabler, PA-C Samiyah Hoodbhoy, PA-C

Attending Physician: Clark S. Jean MD

MRN: 864260 Date: 04/11/2016

PRESENT STATUS:

Mr. William Eskew is here today for a follow-up. He complains of fatigue. He has been receiving physical therapy for the right arm but complains of leg weakness. He also notes foot drop in the left foot. He recently completed radiation and concurrent chemotherapy at M.D. Anderson. He was hospitalized recently at Summerlin Hospital with tachycardia. He has an AICD in place. He denies any shortness of breath. Denies any headaches. Denies any dizziness. He is accompanied by his wife.

REVIEW OF SYSTEMS:

GENERAL: Negative. HEAD/NECK: Negative. RESPIRATORY: Negative.

CARDIOVASCULAR: Recent tachycardia with AICD placement.

LOCATIONS

3730 S Eastern Ave Les Veges, NV 89169 Ph 702-952-3400 • F 702-952-3460

3006 S Maryland Pkwy # 270 Les Veges, NV 89109 Ph 702-369-6008 • F 702-696-0057

1485 W. Warm Springs Road, Ste 105 Henderson, NV 89014 Ph 702-990-6360 • F 702-990-6363 10001 S Eastern Ave, Ste 108 Henderson, NV 89052 Ph 702-952-3444 • F 702-952-3494

1505 Wigwarn Pkwy, Ste 130 Henderson, NV 89074 Ph 702-856-1400 • F 702-856-1401

> 655 N. Town Center Drive Las Vegas, NV 89144 Ph 702-233-2200

9280 W Sunset Rd. Ste 100 Las Vegas, NV 89146 Ph 702-952-1251 • F 702-952-1241

999 S Adams, Ste 103 Boulder City, NV 89005 Ph 702-293-0357 • F 702-294-1243

653 N. Town Center Drive, Ste 402 Las Vegas, NV 89144 Ph 702-243-7200

www.cccnevada.com US Oncology Affiliated Network 7445 Peak Drive Las Vegas, NV 89128 Ph 702-952-2140 • F 702-952-2180

2460 W Horizon Ridge Parkway Henderson, NV 89052 Ph 702-822-2000 • F 702-938-2235 02/04/2020 TUE 11:21 FAX 2061/149

Page 2 of 4 04/11/2016 Clark S. Jean MD RE:WILLIAM ESKEW, DQB:10/03/1951

> GI: Negative. GU: Negative.

MUSCULOSKELETAL: Negative. NEUROLOGIC: Leg weakness. ENDOCRINE: Negative. PSYCHIATRIC: Negative.

PHYSICAL EXAMINATION:

VITAL SIGNS: BP 113/68; P 116; R 16; T 98.1.

GENERAL: This is a pleasant man in no acute distress.

HEENT: Pupils are equal and reactive to light. Anicteric. Oropharynx is clear.

LUNGS: Lungs are clear. CARDIAC: Heart is regular.

ABDOMEN: The abdomen is soft and nontender.

EXTREMITIES: No clubbing; no cyanosis; no edema. The patient has foot drop in the left foot. He is able to evert and invert.

LABORATORY:

WBC 4.5, HGB 12.1, PLT 225,000.

IMPRESSION:

 POORLY DIFFERENTIATED CARCINOMA WITH FEATURES FAVORING SQUAMOUS CELL CARCINOMA, FAVOR LUNG PRIMARY. PATIENT WITH PRIOR HISTORY OF TOBACCO USE. HE HAS PATHOLOGIC FRACTURE IN THE RIGHT ELBOW, STATUS POST RADIATION. STATUS POST SIX CYCLES OF CARBOPLATIN AND TAXOL.

PLAN:

- Status post radiation and concurrent chemotherapy with carboplatin and Taxol at M.D. Anderson. I will obtain the
 records.
- 2. He had MRI of the brain done recently at M.D. Anderson that was reportedly negative. I will order MRI of the lumbar spine for the foot drop and send him to physical therapy for further evaluation and treatment.
- 3. He will return to see me in one month.
- 4. The patient will return to M.D. Anderson in a few weeks for restaging PET scan.

CLARK S. JEAN, M.D. CSJ/em dd: 4-11-16 dt: 4-11-16.

Non-small cell lung cancer Date of Diagnosis: 7/2015 Line of therapy: 1st line.

Histology: squamous cell carcinoma.

Hypomagnesemia

Health Maintenance

Preventive care & screening.

Tobacco history: former smoker, 30 pack years.

Pneumonia vaccine status: yes.

Vital signs

height: 70 in (178 cm), weight: 166 lbs (75 kg), blood pressure: 113/68, Cuff size: wrist, pulse: 116 bpm, respiration: 16 rpm, temperature: 99.1 deg F (37.3 deg C), O2 Sat: 98 %, at rest, pain scale (0-10), Current: 6, r arm, body mass index

02/04/2020 TUE 11:21 FAX Ø062/149

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(BMI): 23.82 kg/m2, Normal weight.

Laboratory

CBC: VBC: 4.5. RBC: 4.06. HGB: 12.1. HCT: 37.4. MCV: 92. MCH: 30. MCHC: 32.30. RDW: 18.00. PLT: 225. Neu %: 70. LY %: 21. MO %: 8. EQ %: 1. BA %: 1. Neu # (ANC): 3.2. LY #: 0.97.

Manual differential: Macrocytosis: 1+. Anisocytosis (size): 1+. Hypochromasia: 3+.

Chemistries: Glucose: 312 Čritical Value Verified x 2. BUN: 11. Čreatinine: 0.8. Sodium: 142. Potassium: 4.6. Chloride: 104. CO2: 24. Calcium: 9.4. Albumin: 4.0. Total protein: 6.7. Globulin: 2.70. A/G ratio: 1.5. Bilirubin, total: 0.8. Alkaline phosphatase: 88. SGOT/AST: 51. SGPT/ALT: 62. GFR estimate: 108. GFR African American, estimated: 131.

Tumor markers: CEA: 4.1.

Current Medications

Aldactone, po solid (spironolactone): Outside Rx: 25 mg Tablet Take 1 PO daily.

Amiodarone hcl, po solid: Outside Rx: 200 mg Tablet Take 2 PO daily.

Aspirin, po solid: Outside Rx: 81 mg Tablet, delayed release (enteric coated) Take 1 Tablet(s) PO daily.

Carvedilol, po solid: Outside Rx: 6.25 mg Tablet Take 0.5 PO BID.

Fenofibrate, po solid (fenofibrate, micronized): Outside Rx: 200 mg Capsule Take 1 PO as directed.

Glipizide, po solid: Outside Rx: 5 mg Tablet Take 1 PO daily.

Humalog, inj (insulin lispro): Outside Rx: 3 U as directed sub-Q.

Insulin aspart, inj: Outside Rx: 10 U as directed sub-Q.

Lipitor, po solid (atorvastatin calcium): Outside Rx: 40 mg Tablet Take 1 PO daily.

Magnesium chloride, po solid: Outside Rx: 64 mg Tablet, delayed release (enteric coated) Take 1 Tablet(s), enteric coated PO as directed.

Victoza 2-pak, inj (liraglutide): Outside Rx: 0.6 mg as directed sub-Q.

Vitamin d, po solid (cholecalciferol (vitamin d3)): Outside Rx: 400 unit Tablet Take 1 PO daily.

Zofran, po solid (ondansetron hcl): 8 mg Tablet Take 1 PO Q8H PRN nausea, Date started: 8/20/2015.

Allergies & Adverse Reactions

NKA.

Problem List

Lung Cancer, Non small cell Hypomagnesemia Bone metastasis Fatigue Weakness

New Orders

- Physical Therapy Eval/Tx: (Amended) Schedule at patient's convenience, Print on Rx., Instructions/Comments: EVAL & TX, v.o. Clark S. Jean MD.
- Magic mouthwash [Visc Lidocaine/Nystatin susp/Benadryl Elix], po liq: Mouthwash Take 10 mL Swish and Swallow Q6H PRN pain Dispense: 180 mL, Refills: 1, Walmart Pharmacy 2884, 8060 WEST TROPICAL PKWY, LAS VEGAS, NV 89149, Ph:7028393625, eRx ID: 8dbb4991-149d-453b-918f-d794ecde5511, Delivered.
- Lortab, po liq (hydrocodone/acetaminophen): 10-300/15 Solution, oral Take 15 mL PO Q8H Dispense: 240 mL.
- MRI lumbar spine w/o contrast: Within 1 week, Print on Rx., Instructions/Comments: leg weakness.
- RTC MD: 1 month, Print on Rx.
- Magnesium: Today, On return, Print on Rx.
- CEA, CBC w/ auto diff, CMP: On return, Print on Rx.

Electronic signature: visit reviewed and electronically signed.

Clark S. Jean MD

02/04/2020 TUE 11:21 FAX 2063/149

Page 4 of 4 04/11/2016 Clark S. Jean MD RE:WILLIAM ESKEW, DOB:10/03/1951

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Vida Kim, MSN, APRN, FNP-BC

Lorraine Kossol, MSN, APRN, FNP-BC

Chin H. Oh-Ciernick, APRN, FNP-BC

Dawn Willard, MSN, APRN, FNP-BC

Dawn Willard, MSN, APRN, FNP-BC

Patient: WILLIAM G. ESKEW

Dulce Novakovic, MSN, BSBA, APRN, FNP-C

Shannon Southwick MSN, APRN, FNP-C, AOCNP

Location: Northwest

DOB: 10/03/1951

Attending Physician: Clark S. Jean MD

MRN: 864260 Date: 02/04/2016

PREȘENT STATUS:

Mr. William Eskew is here today for follow-up. He was seen at M.D. Anderson. He is receiving care at their facility. He is awaiting treatment with proton beam therapy to his lung as well as concurrent chemotherapy.

He had restaging CT/PET scan on January 26, 2016. Overall, there appears to be some progressive disease in the primary right upper lobe malignancy and the subcarinal and right hilar node metastases. The bone findings appear to be relatively stable.

He denies any headaches, Denies any chest pain. Denies any dizziness. Denies any nausea.

REVIEW OF SYSTEMS:

GENERAL: Negative.

LOCATIONS

3730 S Eastern Ave Las Vegas, NV 89169 Ph 702-952-3400 - F 702-952-3460

3006 S Maryland Pkwy # 270 Las Vegas, NV 89109 Ph 702-369-5008 • F 702-696-0057

1486 W. Warm Springs Road, Ste 105 Henderson, NV 89014 Ph 702-990-6360 • F 702-990-6363 10001 S Eastern Ave, Ste 108 Henderson, NV 89052 Ph 702-952-3444 • F 702-952-3494

1505 Wigwam Pkwy. Ste 130 Henderson, NV 89074 Ph 702-856-1400 • F 702-856-1401

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999 S Adams, Ste 103 Boulder City, NV 89005 Ph 702-293-0357 - F 702-294-1243

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Page 2 of 3 02/04/2016 Clark S. Jean MD RE:WILLIAM ESKEW, DOB:10/03/1951

> HEAD/NECK: Negative. RESPIRATORY: Negative. CARDIOVASCULAR: Negative. GI: Negative. GU: Negative.

MUSCULOSKELETAL: Negative. NEUROLOGIC: Negative. ENDOCRINE: Negative. PSYCHIATRIC: Negative.

PHYSICAL EXAMINATION:

VITAL SIGNS: BP 112/76, P 104, R 16, T 99.6.

GENERAL: This is a pleasant man in no acute distress.

HEENT: Pupils are equal and reactive to light. Oropharynx is clear.

LUNGS: Lungs are clear. CARDIAC: Heart is regular.

ABDOMEN: The abdomen is soft and nontender. EXTREMITIES: No clubbing; no cyanosis; no edema.

NEUROLOGIC: Nonfocal. SKIN: No rash. No jaundice.

PSYCHE: Patient with normal affect. No dysphoria.

IMPRESSION:

 POORLY DIFFERENTIATED CARCINOMA WITH FEATURES FAVORING SQUAMOUS CELL CARCINOMA, FAVOR LUNG PRIMARY, PATIENT WITH PRIOR HISTORY OF TOBACCO USE. HE HAS PATHOLOGIC FRACTURE IN THE RIGHT ELBOW, STATUS POST RADIATION, STATUS POST SIX CYCLES OF CARBOPLATIN AND TAXOL.

PLAN:

- 1. He will undergo proton beam therapy as well as radiation at M. D. Anderson. I will obtain the records. He will be at M. D. Anderson for approximately six weeks.
- 2. He will return to see me in approximately two months. Clinically, he feels better.

CLARK S. JEAN, M.D. CSJ/nc dd: 02-04-16 dt: 02-08-16.

Non-small cell lung cancer Date of Diagnosis: 7/2015 Line of therapy: 1st line.

Histology: squamous cell carcinoma.

Hypomagnesemia

Health Maintenance

Preventive care & screening.

Tobacco history: former smoker, 30 pack years.

Pneumonia vaccine status: yes.

Vital signs

height: 70 in (178 cm), weight: 189 lbs (86 kg), blood pressure: 112/76, Cuff size: wrist, pulse: 104 bpm, respiration: 16 rpm, temperature: 99.6 deg F (37.6 deg C), O2 Sat: 96 %, at rest, pain scale (0-10), Current: 0, body mass index (BMI): 27.12 kg/m2, Overweight.