

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

BERWICK CLINIC COMPANY, LLC

Debtor.

No. 22-45589-lsg
Chapter 11-Sub Chapter V
Hon Lisa S. Gretchko

PATIENT CARE OMBUDSMAN'S SECOND REPORT

Deborah L. Fish, patient care ombudsman, appointed by order dated July 25, 2022 (Docket #11); and in accordance with Section 333 of Title 11 of the United States Bankruptcy Code (the “Code”), submits this report on the status of the quality of patient care in the Chapter 11 Sub Chapter V case of Berwick Clinic Company, LLC (the “Debtor”). This written report covers the period from July 29, 2022 to August 5, 2022. It is based on an on-site survey of the clinic locations (open and closed), in-person meetings with several staff members, telephone conferences and email communications with Priyam Sharma CEO, Gina Dipippa, chief of clinic operations, former medical staff, current medical staff, patients, and discussions with counsel for the Debtor.

INTRODUCTION

The Debtor filed a petition under Chapter 11 of the Code on July 18, 2022.

The schedules and statement of financial affairs were filed on August 1, 2022.

The Debtor is health care entity that had to the best of my information seven (7) clinics at the time of filing. According to the Debtor, it provided the following services:

- Primary Care Services - Family Medicine (3 locations)
- Vascular Services including all diagnostic procedures and surgery
- Gynecology Services including all diagnostic procedures and surgery
- Pain Management Clinic
- General Surgery Clinic

Six (6) of the seven (7) clinics were closed on Friday July 22, 2022, five (5) days after the filing, without notice to patients and the remaining medical providers. As noted below an estimated 5000 patients or more are no longer being serviced by the Debtor. As stated in my First Report (dkt#17) as a result of the closure the quality of patient care provided to patients of the debtor declined significantly or was otherwise being materially compromised since the filing. These patients are now scrambling to obtain new providers, fill prescriptions and obtain their medical records.

REMAINING CLINIC

Currently, the Debtor has only one remaining clinic, the Vascular Clinic, which has two providers, Dr. John Guerriero D.O. and Michael Levandowski MSN

CRNP. I met with Dr. Guerriero and his staff at the clinic on August 2, 2022. It was clear that Dr. Guerriero and Mike Levandowski continue to see and care for their patients. The quality of care for these patients is the same as it was pre-petition.

The Debtor negotiated with Dr. Guerriero to provide the following services to the closed clinics' patients and he agreed to (i): contact patients with pending lab results to provide the results and order follow-up diagnostics, if necessary; (ii) fill all non-controlled substance medications for the clinic patients and (iii) to provide only 1, 30 day prescription for controlled substances. I confirmed that Dr. Guerriero and his staff have been and continue to provide the services listed above. Dr. Guerriero also confirmed that he has the appropriate staff, number of staff and necessary support from the Debtor to provide the additional services to the patients of the closed clinics and maintain the quality of care for his patients.

PATIENT CONCERNS

Although the Debtor is working to address the issues related to the clinic closures the following remain as general patient concerns:

- Issues relating to notice of closure, most of the patients heard via newspaper or social media, primarily face book although some may not know yet.
- Issues relating to patient support options and alternative providers.

- How will the elderly patients be communicated with and what additional support, if any, will they be given.
- Where and when can the patients be seen and treated.
- What formal notification will go out to patients what will it say and when will it be sent.
- Where do pediatric patients go to obtain prescriptions?
- Who will or how will the immediate needs of patients be met. I continue to receive calls from patients about obtaining prescriptions, continued care and status of surgeries.

AREAS OF INITIAL REVIEW- UPDATED

Listed below are some of the areas generally reviewed with management.

- Licensing: Waiting on information from Debtor to confirm (copies of same) all licensed staff hold valid licenses. Dr. Guerriero did independently confirm he has a valid license.
- Staffing: The Debtor is working on providing additional staff to support current staff and in turn reduce response time to patients. The Debtor did hire back a nurse practitioner on a per diem basis to assist in patient analysis for prescriptions, to deliver labs results, to order follow up diagnostics, and to assist in the transition of patients. The Debtor has committed to keep her on staff until her services are no longer necessary.

Patient Assistance: Initially, the patients were not provided with any notice of the clinic closures and there was no communication to the patients about alternative support, provider listings or clinic options with contact information. The Debtor has since posted on its web-site the following information:

Berwick Clinic Company
570-759-5071
Request Medical Records
Prescription Refills - Adults
Lab Results

Alley Medical Center
Dr. Albert Alley
570-759-0351
Walk-in Clinic for Adults and Pediatrics Prescription Refills –
Adults and Pediatrics Immunizations – Adults and Pediatrics

Wound Care
Michael Levandowski, CRNP
570-759-0262

Vascular Center
Dr. John Guerriero
570-759-0708

The Debtor has also added another family practice clinic to the web-site:

Susquehanna Valley Medical Specialties
For appointments: Call (570) 784-7300

The Debtor has advised me that it will place a notice in the newspaper and send a letter to all patients providing formal notice of closure and describing,

at a minimum, the limited prescription support and the methods to obtain copies of medical records.

- Supplies: The Debtor does not have any reported supply/vendors issues to date. Additionally, the remaining supplies at the closed clinics were removed and are being stored at the hospital. Dr. Guerriero reported that he does not have any supply issues.
- Equipment: I confirmed with Dr. Guerriero that the medical equipment used in his clinic has been and will continue to be properly maintained.
- Lab: It appears that the system the Debtor put in place with Dr. Guerriero and his staff to call the patients and deliver the results has been working.
- Medical Records: The Debtor maintains an electronic medical record system. Patients can request their Medical Records on-line at the hospital web-site, in person at the Berwick Hospital, or by calling 570-759-5071. As of this past Tuesday the Debtor had approximately 300 unfulfilled requests. I have been advised that the Debtor will out-source some of the medical records requests to Infrahealth. I have requested a copy of the HIPPA Business Associate Agreement to confirm the Debtor remains HIPPA compliant. The Debtor advises that it will be sent to me today and that the requests should be caught up by next week. Any paper medical records remaining at the clinics were removed for storage to the hospital.

CONCLUSION

As a result of the clinic closures pursuant to Section 333 (b) (3) of the Bankruptcy Code, the quality of patient care provided to patients of the closed clinics declined significantly or was otherwise materially compromised since the filing. As for the remaining clinic, the vascular clinic continues to deliver the same quality of care as it did pre-petition without any interruption in care or of service. I will file additional reports, as necessary, or required under the code. Finally, I will instruct the Debtor to post a copy of this report on the web-site and in plain sight at the clinic locations.

/S/Deborah L. Fish
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Dated: August 5, 2022
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