

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

In re:

BERWICK CLINIC COMPANY, L.L.C.

Debtor.

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No. 22-45589

Chapter 11-Sub Chapter V

Judge Lisa S. Gretchko

**NOTICE OF FILING OF PATIENT CARE OMBUDSMAN'S  
FIRST REPORT PURSUANT TO BANKRUPTCY CODE SECTION 333**

Deborah L. Fish, the Patient Care Ombudsman (“Ombudsman”), hereby files her First Report to the Court, attached hereto as Exhibit A, as to the quality of patient care rendered by the Debtor.

/s/ Deborah L. Fish  
Patient Care Ombudsman  
1001 Woodward Avenue  
Suite 850  
Detroit MI 48226  
dfish@allardfishpc.com

Dated: July 29, 2022  
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## EXHIBIT A

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

In re:

BERWICK CLINIC COMPANY, LLC

Debtor.

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

### **PATIENT CARE OMBUDSMAN'S FIRST 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 25, 2022 to July 28, 2022. It is based telephone conferences and email communications with Priyam Sharma CEO, Gina Dipippa, chief of clinic operations on site, former medical staff, current medical staff at the clinic, patients, other providers of medical services in the area and discussions with counsel for the Debtor.

### **INTRODUCTION**

The Debtor filed a petition under Chapter 11 of the Code on July 18, 2022. The filing was an emergency filing in that only the petition for relief and matrix were filed. The schedules and statement of financial affairs are due 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. Accordingly, the quality of patient care provided to patients of the debtor has declined significantly or is otherwise being materially compromised since the filing.

As of July 22, 2022 the three primary care clinics, the obstetrics/gynecology clinic and pain management clinic were closed. 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. The remaining clinic is overwhelmed with patients' calls, prescription requests and needs from the other clinics. Dr. Guerriero is board certified in vascular and general medicine and surgery.

The Debtor negotiated with Dr. Guerriero to provide the following services to the 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.

He is not able to see any patients from the other clinics and he will not fill prescriptions for pediatrics (as he does not have malpractice coverage for pediatric patients) or any psychological related prescriptions.

The Debtor has provided to me some information on the number of patients it served and my best estimate at this time is that approximately 5000 patients, babies to the elderly, no longer have a provider for medical care. They must go to a walk-in clinic, emergency room or find another provider (MD, DO, PA, or NP).

### **PATIENT CONCERNS**

Based on the calls with patients and doctors these are a few of the immediate 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.
- Is there or will there be a backlog of medical records requests and, if so, how will the backlog be address or how will it be prevented.
- Where do pediatric patients go to obtain prescriptions?
- Who will or how will the immediate needs of patients be met. I have received numerous calls from patients expressing their concerns about their care. Just a few by way of examples are as follows:

(i) one patient who had an appointment scheduled next week needs to be seen or her disability insurance will not be renewed.

(ii) one patient had a mastectomy scheduled at the Berwick Hospital in August which was cancelled because her provider Dr. Usman was terminated last Friday.

(iii) one patient, on life sustaining medications, has seizures that require immediate (but non-emergency room) treatment and advised me that she cannot get into another clinic until October.

(iv) one patient is a diabetic, seen regularly at the clinic, this patient just changed medications and had an appointment scheduled this week (which was cancelled) to assess the impact of her new medication.

## AREAS OF INITIAL REVIEW

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's staffing is not sufficient at the moment to properly respond to patient needs. I recommended that the debtor hire back a family practice Nurse Practitioner or Dr. Stone (who could only provide 1 day a week which is probably not sufficient). However, at the moment the Debtor plans to assist Dr. Alley (who was employed by the Debtor until July 22, 2022) at his walk-in by providing him a part-time Nurse Practitioner. This part-time NP will allow the clinic to see more patients. Those arrangements have not been formalized. I will follow-up next week and include any supplemental information in my next report.
- Patient Assistance: The patients were not provided with any notice to the clinic closures. Additionally, there has been no communication to the patients about alternative support, provider listings or clinic options with contact information. Following a discussion with the CEO about this issue, she

advised me that the Debtor will post 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

- Supplies: The Debtor does not have any reported supply/vendors issues to date.
- Equipment: The Debtor reported that it owns minimal diagnostic equipment. I will request maintenance schedules on all equipment and will update this information in my next report.
- Lab: There are no reported issues with lab procedures, however, there may have been and still may be some delays obtaining lab results, because



medical professional access to Electronic medical records was terminated on July 22, 2022 so the NP's and doctors did not have access to obtain and deliver pending lab results to patients. The Debtor instructed Dr Gurerrio and his staff to call the patients and deliver the results.

- Medical Records: The Debtor maintains an electronic medical record system. Patients can request their Medical Records on-line at the hospital web-site or by calling 570-759-5071. I have been advised and will confirm that any paper medical records on site at the closed locations were boxed by the maintenance staff. I will confirm and report on the location of these boxed records in my next report.

### **CONCLUSION**

Pursuant to Section 333 (b) (3) the quality of patient care provided to patients of the debtor has declined significantly or is otherwise being materially compromised since the filing. The Debtor is not delivering services to the vast majority of its patient population. It should be noted the Debtor has been responsive to my calls and emails and has provided access to employees. I will visit the clinic sites next week and conduct meetings with clinic employees. I will file a second report after the facility visit and 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: July 29, 2022  
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