

**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 MODIFIED<sup>1</sup> FOURTH REPORT**

Deborah L. Fish, patient care ombudsman (the “PCO”), 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”). Since my last written report on September 27, 2022 (dkt #70), I provided three oral reports to the court. The first was presented on September 27, 2022, the second on October 7, 2022 and third on October 17, 2022. This written report covers the period from October 17, 2022 to October 31, 2022. It is based on telephone conferences and email communications with Priyam Sharma CEO, Gina Dipippa, chief of clinic operations, former medical staff, cur-

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<sup>1</sup> Report modified pursuant discussion on the record at the 10/31/2022 hearing. Modifications were made to all sections of the report and 2 exhibits were added.

rent medical staff, non-medical staff members, and discussions with counsel for the Debtor and in person meetings with Melissa Gum, transition team leader and Gina Dipippa, COO.

### **INTRODUCTION**

The Debtor filed a petition under Chapter 11 of the Code on July 18, 2022. The Debtor is health care entity currently providing limited transitional services to former patients.

### **VASCULAR CLINIC**

The Debtor's Vascular Clinic was closed on September 23, 2022. Dr. Guerriero has transitioned his patients from the Berwick Clinic Company to his own private practice which will open on November 1, 2022<sup>2</sup>.

### **SERVICES TO FORMER PATIENTS**

Dr. Guerriero continues to provide services to the former patients of the Debtor by filling all non-controlled substance medications for the clinic patients, 18 and older.

Additionally, the medical and non-medical staff continue to provide services; (i) by contacting patients with pending lab results to provide the results and order

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<sup>2</sup> The clinic did open on November 1, 2022.

follow-up diagnostics, if necessary; (ii) by filling all non-controlled substance medications for the clinic patients (Verona Roberts NP); (iii) by handling medical records requests, (iv) by approving home health service and physical therapy; and (iv) by answering general questions.

As previously reported to the court, there are open patient issues in the Athena Medical Records system. In order to complete the transition process the open items need to be zero. The patient items, such as lab results, prescription requests, scheduled follow-ups appear daily on a spreadsheet and are listed under each patients provided (“Provider Buckets”). At one point in September there were over 5000 items listed in the Provider Buckets. See attached Exhibit 2 for an example of a spreadsheet on October 6, 2022 with 4252 open items. In past reports the PCO expressed concern about the Debtor’s ability to significantly decrease the number by the target date of October 31, 2022. The Debtor agreed to follow the recommendation of the PCO and added additional staff hours. As a result, the backlog was eliminated by October 28, 2022. Now that the back log has been eliminated the staff is able to respond to and clear the open items on daily basis. Pursuant to the transition protocol, Dr. Guerriero, Verona Roberts, and Melissa Gum will continue to provide limited services to former patients until December 31, 2022. The Debtor will not provide any of the services listed above to former patients after December 31, 2022.

## **TRANSITION PROTOCOL**

The Debtor has revised its Transition Protocol and included it in the Plan of Reorganization filed on October 27, 2022 (Dkt #89) [the “Plan”]. The Debtor needs to further amend the Transition Protocol in the Plan or include the necessary changes in the Order Confirming Plan to address the Ombudsman’s remaining issues. These issues relate to the final letter to patients, the description of the process to obtain medical records, and the timing of the change to the third party medical record depository.

## **MEDICAL RECORDS**

The Debtor maintains an electronic medical record system. Patients can still request their Medical Records on-line at the hospital web-site, in person at the Berwick Hospital, or by calling 570-759-5071. The Debtor advises me that it still has a 72 hour turnaround time from request to print for pick-up. Patients will continue to request their medical records via the options described above until December 31, 2022. Any remaining records requested and not picked up as of December 31, 2022 will be mailed in the first week of January 2023 to the patients at the address listed in their request.

## CONCLUSION

Prepetition and for 4 days post-petition the Debtor operated Family Medicine Clinics, a Vascular Clinic, an OB/GYN clinic, a Wound Care clinic, and a general surgery clinic. Except for the Vascular Clinic all of the clinics were closed four days after the bankruptcy filing<sup>3</sup>. 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. After the clinics were closed, the Debtor provided the limited transition services (described in the “Services to Former Patient” section above) to the patients. The quality of care provided since the clinic closures has remained consistent. The Debtor continues to transition patients from the Debtor to new providers and the transition process will continue until December 31, 2022. This process (the “Transition Protocol”) continues to work as well as can be expected under the circumstances. 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.

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<sup>3</sup> For additional information on the closings, see prior PCO reports (Dkt# 17 and 31).

/S/Deborah L. Fish  
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Dated: November 3, 2022  
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