



1 **Constance Doyle, LLC**
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11 **UNITED STATES BANKRUPTCY COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **RIVERSIDE DIVISION**
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21 In re)
22) Case No **6:16-bk-20446-MW**
23)
24 **BIODATA MEDICAL**)
25 **LABORATORIES, INC.**) Chapter 11
26)
27) **SECOND INTERIM REPORT OF**
28) **PATIENT CARE OMBUDSMAN**
) **PURSUANT TO 11 U.S.C. § 333(b)(2)**
)
) Debtor.) (No Hearing Required)
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)

21 Pursuant to Federal Rules of Bankruptcy Procedure 207.2(c) and the order directing
22 this appointment entered by this Court on December 22, 2016, Constance Doyle was duly
23 appointed as the Patient Care Ombudsman (PCO) for Biodata Medical Laboratories, Inc.
24 (Biodata)(“Debtor”) in this case on January 6, 2017. In accordance with Section 333(b)(2)
25 this second interim report (the “Second Interim Report”) is hereby respectfully submitted for
26 the period of March 1, 2017 through April 30, 2017.
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1 North Highlands, Rancho Cordova, and 4 in Sacramento.

2 **UPDATE;** 1. The Roseville address in the Sacramento area is open—approximately 2
3 months, as reported during visit of February 27, 2017, and 2. The Yucaipa Center closed
4 February 28, 2017.

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6 **II. SUMMARY OF PCO OBSERVATIONS AT BIOCARE MEDICAL**

7 **LABORATORIES, INC**

8 **MARCH 2017**

9 As reported in the 1st Interim Report, the PCO will spread out the visits each month,
10 thus for March, the visits were restricted to the sites not covered in February.

11 **1. Fontana**

12 This site is a part of a Medical Clinic, has a small reception area, a “draw”
13 room with 2 chairs. At the time of the morning visit there were approximately 10 patients
14 signing in for lab work. The phlebotomist is efficient, fast and her license is posted.
15 Supplies properly stored and plentiful. They reported the average patents seen per day is
16 30.

17 **NOTE:** The Manager of the “draw” sites, or Service Centers for Fontana,
18 Rialto, San Bernardino, Chino, and Montclair is “Occupational Safety and Health
19 Administration” (OSHA) certified. She is very observant and strict about safety,
20 cleanliness, licenses, etc.

21 **2. Rialto**

22 Much the same set up here as in all the sites. No issues identified and the
23 patient census is 25 average per day.

24 **3. San Bernardino**

25 A larger facility, but with the same type of “draw” rooms with 2 chairs. All
26

1 areas very clean, no outdated supplies, and very friendly environment, as was found
2 at all sites. This Service Center average 45-49 patients per day.

3 Additionally, like one other visited, there was a phlebotomy student present
4 from US College completing their 50 blood draws and 40 hours of observation for
5 their state license. It was reported that there are 3-5 students throughout the week.

6 **General Information: No change noted**

7 No Health Information Privacy violations, knowns as Health Insurance Portability and
8 Accountability Act (**HIPAA**).

9 As with all Service Centers, there are no patient chart/medical records. The patient
10 comes in with a lab test request from their physician and all paperwork, including the test
11 results are sent to Montclair. Nothing of privacy is ever available to anyone besides the staff.

12
13 **SACRAMENTO ISSUE: Phone service discontinued**

- 14 1. The PCO was told during her February 27,2017 visit, that the service was discontinued
15 on February 24, 2017—that all bills had been sent to Montclair, and that a change of
16 address had been submitted.
- 17 2. **The PCO called the Debtor on February 28, 2017 and was informed that the bill**
18 **would be paid immediately.**
- 19 3. The PCO tried calling the Roseville Service Center in Sacramento, March 2, 3, and 6th,
20 2017, and the phone is still out of service.
- 21 4. She placed calls to the Debtor on March 3, 2017 and March 6, 2017, and left messages In
22 re this phone issue.
- 23 5. **On March 7, 2017, the phone is working at Roseville. (out of service 14 days)**

24 **SACRAMENTO ISSUE: Supplies and Payroll**

- 25 1. On March 7, 2017, the PCO called 2 Sacramento sites asking if everything was
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1 functioning and was told that they are running out of or are completely out of supplies.

- 2 a. Urine Cups = out of them
3 b. SST (serum separator tubes) = out of them
4 c. Lavender Top Tubes (for CBC) = 1 box left

5 A call to the Manager verified the status— the supply order was placed March 1, 2017.

6 A call to the Debtors placed.

7 **2. March 8, 2017:** Email received from Sacramento Phlebotomist:

- 8 a. Completely out of supplies, even greater than yesterday. **Patients turned away**
9 **for simple tests such as urine analysis due to no “urine cups”.**

10 **UPDATE; Urine cups “borrowed” from Phlebotomy School.**

- 11 b. Payday was Monday and checks were overnight mailed by FEDEX and arrived in
12 Sacramento on Tuesday. Phone calls to the PCO = checks are not clearing,
13 Tuesday, March 7, 2017

- 14 c. On March 8, 2017, pay checks cleared.

- 15 d. PCO speaks with Debtors Attorney and informs him of the payroll and supply
16 issue.

- 17 e. PCO assured by Debtor that all is taken care of.

18 **3. March 31, 2017: Sacramento phlebotomist called and said there was a shortage last**
19 **week of lavender top tubes. (Used for CBC and other tests) They were borrowing**
20 **from each other to perform the tests. She stated that supplies come in partially.**

21 **4. April 10, 2017:** Sacramento reports a lack of supplies once again. Unknown whether any
22 patients turned away. Reported that 1 case of lavender top tubes arrived the week before
23 (split between 9 sites) and that they are nearly out once again. This was part of a larger
24 order.

25 **SOUTHERN CALIFORNIA**

26 March 6, 2017, PCO called 2 Southern California facilities and was told the pay

1 checks cleared and that the supplies were in place. The Manager here can deal directly with
2 Montclair and personally spread supplies where needed.

3 **III. RECOMMENDATIONS**

- 4 1. Assure supplies are delivered.
5 2. Assure notification of changes is shared timely.
6 3. Respond timely to phone, email, text from the PCO.

7 **NOTE:** The PCO will spread visits monthly, not covering every site, but at a random
8 schedule so the monthly fee is reasonable and that all Service Stations are covered over time.
9 Of course, any patient care issue reported at a specific site will be visited

10 **IV. CONCLUSION**

11 The Patient Care Ombudsman (PCO) finds that care provided to the patients by
12 Biodata Laboratories Medical, Inc. is within the standard of care, with reservations about
13 some of the processes utilized, as noted above.

14 The PCO will continue to monitor and is available to respond to any concerns or
15 questions of the Court or interested party.

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17 May 1, 2017



/s/ Constance Doyle

18 By: Constance Doyle, Patient Care Ombudsman
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In re: Biodata Medical Laboratories, Inc. Debtor	Chapter 11 Case No: Number 6:16-bk-20446-MW
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PROOF OF SERVICE
STATE OF CALIFORNIA COUNTY OF Riverside

I am over 18 and not a part of the within action, and my business address is as follows: 21509 Anza Avenue, Torrance, Ca. 90503

On May 1, 2017, I served a true and correct copy of the foregoing document described as SECOND INTERIM REPORT to the following person(s) and/or entity (ies) by personal delivery, or by US Mail, by facsimile transmission and/or email as follows:

- 1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**
 Andrew K Alper aalper@franzel.com, ekidder@franzel.com
 Brett D Fallon bfallon@morrisjames.com
 Todd S Garan tgaran@aldridgepate.com
 Everett Green, Attorney for US Trustee: everett.l.green@usdoj.gov
 Robert S Marticello Rmarticello@swelawfirm.com
 United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov
 Robert M Yaspan Attorney for Debtor court@yaspanlaw.com, tmenachian@yaspanlaw.com

2. SERVED BY UNITED STATES MAIL

Biodata Medical Laboratories, Inc.
5494 E. Arrow Hwy
Montclair, CA 91763

Court will be served or was served on the Judge in Chambers in the form and manner required by LBR 5005-2(d) and (b) in the manner indicated below:

Honorable Mark S. Wallace
United States Bankruptcy Court
Ronald Reagan Federal Building and Courthouse
411 West 4th Street, Room 6135
Santa Ana, CA. 92701-4593

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

- Everett Green, Attorney for US Trustee: everett.l.green@usdoj.gov
 Robert M. Yaspan, Attorney for Debtor court@yaspanlaw.com
 Henry Wallach and Akemi Uomoto (Debtors) biodatalab1@aol.com

I declare under penalty of perjury the foregoing is true and correct

May 1, 2017
Date

Constance Doyle
Type name


Signature