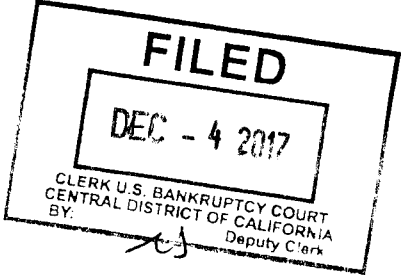


ORIGINAL



1 **Constance Doyle, LLC**
2 Constance R Doyle, RN, BSN, MSA
3 Patient Care Ombudsman, EIN Number 27-0313526
4 21509 Anza Avenue
5 Torrance, California 90503
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9
10 **UNITED STATES BANKRUPTCY COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SANTA ANA DIVISION**

13 In re)
14)
15 **Hoag Urgent Care-Tustin,**)
16 **Inc., et al.**)
17 **Debtor.**)
18 Affects:)
19 *** ALL DEBTORS**)
20)
21)
22)
23)
24)
25)
26)
27)
28)

- Cypress Urgent Care, Inc., a CA Corporation
- Hoag Urgent Care, Anaheim Hills, Inc., a CA Corporation
- Hoag Urgent Care, Huntington Harbour, Inc., a CA Corporation
- Hoag Urgent Care, Tustin, Inc., a CA Corporation
- Laguna-Dana Urgent Care, Inc., a CA Corporation

Lead Case No.: 8:17-bk-13077-TA

(Jointly Administered with Case Nos.
8:17-bk-13078-TA; 8:17-bk-13079-TA;
8:17-bk-13080-TA; 8:17-bk-13089-TA;
8:17-bk-13090-TA)

Chapter 11

**FIRST INTERIM REPORT OF
PATIENT CARE OMBUDSMAN
PURSUANT TO 11 U.S.C. § 333(b)(2)**

(No Hearing Required)

22 Pursuant to Federal Rules of Bankruptcy Procedure 207.2(c) and the order directing
23 this appointment entered by this Court on August 31, 2017, Constance Doyle was duly
24 appointed as the Patient Care Ombudsman (PCO) for Hoag Urgent Care-Tustin, Inc., et al
25 (Hoag-Tustin) (“Debtor”) in this case on September 21, 2017. In accordance with Section
26 333(b)(2) this first interim report (the “First Interim Report”) is hereby respectfully submitted
27 for the period of October 1, 2017 through November 30, 2017.

1 **I. INTRODUCTION**

2 On August 31, 2017, the Court approved the appointment of a Patient Care
3 Ombudsman in this case. On September 19, 2017, the Notice of Appointment of Constance R
4 Doyle as Patient Care Ombudsman under 11 U.S.C. § section 333(b) (2) was filed with an
5 order approving the appointment on September 21, 2017. As set forth in the Order and the
6 Appointment Notice, the Ombudsman was appointed to monitor the quality of patient care
7 provided by the Debtor, to the extent necessary under the circumstances, including the
8 interview of patients/clients, administration, staff, and other interested parties. As per
9 compliance with the Notice of Appointment, and the Order, no professionals or any other
10 entities for assistance in the process were sought, accepting the assignment as a non-conflict
11 of interest individual regarding the Debtors and other key individuals. Additionally, as per
12 compliance with the Notice of Appointment, a one-page Notice was posted at each Center of
13 the Debtor, the places of business with contact information for the Ombudsman allowing for
14 concerns and/or issues to be discussed. Sample 1 of 5: (Exhibit A)

15 Background information is reported as:

16 The case HOAG URGENT CARE-TUSTIN, INC. comprises of 5 separate Urgent
17 Care Facilities in the Orange County area. Three of the centers show the HOAG brand name
18 and are independently operated, and they are in Tustin, Huntington Harbour and Anaheim.
19 The remaining Centers do not use the HOAG name and are Laguna-Dana Urgent Care Center
20 in Dana Point, CA. and Cypress Urgent Care Center in Cypress, CA.

21 The functioning, the staffing, the physician and other professional coverage is much
22 the same throughout the 5 facilities, with the placement of Physician Assistants (PA) or Nurse
23 Practitioners (NP), as well as physicians on a daily basis throughout the facilities. The Debtor,
24 DR. Amster assumes responsibility for the oversight of the non-physician providers (NPs and
25 PAs) which is appropriate. The hours of operation in all facilities as 8 am to 8 pm, daily. The
26 only holidays for closure is Thanksgiving, Christmas, and New Year's.

1 It was reported that the oldest Center is the Cypress location of 9 years. Laguna-Dana
2 Center is 7 years old. The Medical Records are electronic in all facilities and some hard copy
3 intake information sheets available for patients when needed.

4 Patient rights available. No privacy violations noted on any of the visits.

5
6 **II. SUMMARY OF PCO OBSERVATIONS AT DEBTORS URGENT**

7 **CARE CENTERS**

8 **OCTOBER 2017**

9 The initial visit included conversation with the assistant to the Manager and staff,
10 observation of the facilities, review of licenses, review of biohazard disposal, medication,
11 supplies, survey results, tours of the facilities with the following results:

- 12
13 1. **LAGUNA-DANA URGENT CARE:** Discussion and interview with Jennifer Amster's
14 assistant, tour, observations
- 15 a. The Center is relatively small with 2 trauma beds and 3 exam rooms. All areas
16 are clean, well-supplied and affords secure and appropriate interactions with
17 patients and families. Observation of MA caring for patient with family member
18 at side. Caring and proper attitude.
 - 19 b. Average daily patient census 35-40 patients
 - 20 c. Staffing, aside from a NP or PA or an MD (one of which is always available)
21 equals 2 Medical Assistants (MA) who are also X-ray technicians and Three other
22 MA personnel who can work both the front and back. (Reception and patient care
23 areas). Staff friendly, helpful, accommodating.
 - 24 d. Licenses of staff posted
 - 25 e. Supplies appropriate
- 26
27
28

- 1 f. **Medication (multi-dose) needed dates of opening.** Staff aware. No outdates on
2 unopened vials, ampules, etc.

3 **FROM THE CENTERS FOR DISEASE CONTROL (CDC)**

4 The United States Pharmacopeia (USP) General Chapter 797 recommends the
5 following for multi-dose vials of sterile pharmaceuticals:

- 6 • If a multi-dose has been opened or accessed (e.g., needle-punctured) the vial
7 should be dated and discarded within 28 days unless the manufacturer specifies
8 a different (shorter or longer) date for that opened vial.
9 • If a multi-dose vial has **not** been opened or accessed (e.g., needle-punctured), it
10 should be discarded according to the manufacturer's expiration

- 11 g. **CLIA LICENSE EXPIRED:** Assistant aware. Possible that it has been
12 renewed and there is a delay in the receipt of new. PCO will follow up with
13 Manager. (**Note: Current Licenses forwarded to each site by Manager.**
14 **October 5, 2017**)

15 **CLIA (Clinical Laboratory Improvement Amendment)**

16 is a license approving "point of care" lab testing at sites away from a certified
17 laboratory, such as a glucose test, a urine test, etc. It is accepted practice that
18 Urgent Care Centers perform these simple procedures and in so doing are
19 approved by the Centers for Medicare and Medicaid Services (CMS).

- 20 2. **HOAG HUNTINGTON HARBOUR URGENT CARE:** Discussion, interview, tour
21 with Manager, observations as follows:
22 a. The Center is small to medium with 2 trauma beds and 6 exam rooms. The layout
23 is more linear than Laguna-Dana, allowing for the increase in numbers. All areas
24 are clean, well-supplied, secure and inviting.
25 b. Average daily census is 35. No HIPAA violations and all records are electronic.
26
27
28

- 1 c. Staffing: 3 X ray Technicians/MAs and 4 MAs who work both the front and back
- 2 as reported at Laguna-Dana. The manager is a Registered Nurse (RN). Staff
- 3 friendly, very accommodating.
- 4 d. Staff licenses posted. **CLIA LICENSE OUTDATED. SEE INFORMATION**
- 5 **PAGE 4 ABOVE. (Resolved October 5, 2017)**
- 6 e. **MULTI-DOSE MEDICATIONS UNDATED. Manager Aware.** No outdates
- 7 f. Report of CAL OPTIMA survey/audit in 2016 resulted in compliance with all
- 8 regulations.

- 9
- 10 3. **CYPRESS URGENT CARE:** A large, well-appointed center that was toured with
- 11 the same Manager over Huntington Harbour site:
- 12 a. The Center has 2 trauma beds and 7 exam rooms. The layout is linear. It is well
- 13 appointed and as with all Centers visited, has an area for “Point of Service” lab
- 14 testing.
- 15 b. The 2016 HEALTHCARE PARTNERS SURVEY/AUDIT was reviewed.
- 16 Regulations met. Manager reported they do a monthly audit on themselves to
- 17 maintain survey readiness.
- 18 c. Staffing: 2 X ray Technician/MAs, 5 MA personnel that works front and back.
- 19 d. Medications dated properly. No outdates
- 20 e. **CLIA LICENSE NEEDS RENEWAL. MANAGER AWARE AND WILL**
- 21 **REPORT. (Resolved October 5, 2018)**

22

23 **NOVEMBER 2017**

- 24 4. **HOAG URGENT CARE-TUSTIN:** Another large, well-appointed center visited
- 25 and toured with the site Manager:
- 26 a. The Center has 5 exam rooms, 1 trauma area with 2 beds and a treatment chair.
- 27

1 There is 1 Ex-Ray room, a nursing station allowing for testing as well as
2 providing medications, bandages, etc.

3 b. Staffing: 2 MA/x Ray Techs, 6 MAs who work the front and back. Hours are the
4 same as in all locations from 8am until 8pm.

5 c. There is a Manager's office space, a Physician's office, a lounge, and a large
6 reception area.

7 d. Medication dated properly.

8 e. CLIA License current

9 f. Daily census is running 41/day with an expectation of an increase when flu
10 season hits the area—usually around January.

11 g. Staffing is stable and there is always a physician or NP or PA on site. Back-up on
12 call is available for the physician need if required.

13
14 **5. HOAG URGENT CARE ANAHEIM HILLS:** This facility is very much like
15 the Tustin location with the same Manager, the same number of beds and staffing. The
16 layout is slightly different but essentially the same.

17 a. Cal-Optima Survey, May 2016 showed no deficiencies.

18 b. Policies and Procedures complete and appropriate.

19 c. In-service education conducted throughout the year, as in all locations.
20

21 **III. RECOMMENDATIONS**

22 1. Label all opened medication

23 2. Assure CLIA and any other clinical license is current
24

25 **IV. CONCLUSION**

26 The Patient Care Ombudsman (PCO) finds that all care provided to the patients by
27
28

1 Hoag Urgent Care-Tustin, Inc., et al is well within the standard of care.

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

4
5 December 1, 2017



ts/ Constance Doyle

6 By: Constance Doyle, Patient Care Ombudsman

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EXHIBIT A

NOTICE

A Patient Care Ombudsman has been appointed by the United States Bankruptcy Court for the Central District of California, Santa Ana Division. Case Number: 8:17-bk-13077-TA. The role of the Patient Care Ombudsman is to monitor the quality of patient care provided by Hoag Urgent Care, Tustin, Inc.

The Patient Care Ombudsman is available to discuss the care you, a family member or a friend has received from this Center. She can be reached at 310 357 1088 during the hours of 9 am through 5 pm.

The Patient Care Ombudsman will also be filing written reports with the Bankruptcy Court starting December 1, 2017 and occurring every sixty (60) days thereafter. These reports will document issues relating to the quality of care being rendered. Copies of the reports are available from the Urgent Care Center.

If you have any comments, questions or concerns regarding the quality of the care you, a family member or a friend has received, please do not hesitate to contact the Patient Care Ombudsman.

In re Hoag Urgent Care-Tustin, Inc Debtor	Chapter 11 Case No: Number 8:17-bk-13077-TA
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PROOF OF SERVICE STATE OF CALIFORNIA COUNTY Orange

I am over 18 and not a part to the within action, and my business address is as follows: 21509 Anza Avenue, Torrance, Ca. 90503
On December 1, 2017, I served a true and correct copy of the foregoing document described as First 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:

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Michael Hauser, Attorney for US Trustee, michael.hauser@usdoj.gov
- Michael T Delaney on behalf of Debtor , mdelaney@bakerlaw.com, sgaeta@bakerlaw.com
- Ashley M McDow on behalf of Debtor, amcdow@bakerlaw.com,
- Anthony J Napolitano on behalf of Creditor Opus Bank, anapolitano@buchalter.com, IFS_filing@buchalter.com; salarcon@buchalter.com
- Randy B Soref on behalf of Creditor Hoag Memorial Hospital Prersoref@polsinelli.com, acruckshank@polsinelli.com
- Steven M Spector on behalf of Interested Party Interested Party sspector@buchalter.com, IFS_efiling@buchalter.com; salarcon@buchalter.com
- United States Trustee (LA) ustpregrion16.la.ecf@usdoj.gov

SERVED BY UNITED STATES MAIL

Your Neighborhood Urgent Care
c/o Dr. Robert C. Amster
18231 Irvine Blvd. Ste 204, Tustin, CA 92780

Honorable Theodore Albert
United States Bankruptcy Court
Ronald Reagan Federal Building and Courthouse
411 West 4th Street, Room 1585, Santa Ana, CA. 92701

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

- Michael Hauser, Attorney for US Trustee, michael.hauser@usdoj.gov
- Michael T Delaney on behalf of Debtor , mdelaney@bakerlaw.com,
- Ashley M McDow on behalf of Debtor, amcdow@bakerlaw.com,
- Jennifer Amster, Debtor Mgr., jkiindarius@radiantphysician.us
- Robert C. Amster, MD, Debtor RAMster@radiantphysician.us

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

December 1, 2017
Date

Constance Doyle
Type name


Signature