

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

In re:

FERGUSON CONVALESCENT HOME, INC.,

Debtor.

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No. 16-30397-DOF

Chapter 11

Judge Daniel Opperman

**PATIENT CARE OMBUDSMAN'S NINTH REPORT**

Deborah L. Fish, patient care ombudsman, appointed by order dated March 24, 2016 (Docket #35), in accordance with Section 333 of Title 11 of the United States Bankruptcy Code (the "Code"), submits this ninth report on the status of the quality of patient care in the Chapter 11 case of Ferguson Convalescent Home, Inc. (the "Debtor"). This written report covers the period from January 27, 2017 through May 15, 2017; I have also provided the court with numerous oral reports during this period. This report is based upon a number of site visits and discussions with the residents, families of residents, staff (including nurses, physical therapists, and maintenance personnel), Paul Ferguson, the chapter 11 trustee and his counsel.

**INTRODUCTION**

The Debtor filed a petition under Chapter 11 of the Code on February 24, 2016. A Chapter 11 Trustee was appointed on December 12, 2016. The Debtor is a privately owned and licensed long-term skilled nursing facility located at 239 S. Main Street, Lapeer, Michigan 48446. It consists of 87 licensed beds, located within a leased facility. The Debtor has 68 residents and employs nearly 100 full and part-time employees. This report summarizes the current quality of patient care at the Debtor's facility.

## **PATIENT STAFFING AND SERVICES**

There have not been any significant changes to the Debtor's nursing staff since the last report. The staffing ratio continues to meet the required guidelines.

## **QUALITY OF CARE**

The Debtor has maintained all of its services and is delivering similar quality care to essentially the same patient population as it did pre-petition.

I visited the facility several times since my last written report. I walked the halls and investigated the cleanliness of the residents' rooms, bathroom, laundry and dining hall. I confirmed that the residents are well groomed and wearing clean clothes. I spoke with a number of residents regarding their opinions on care, the staff, the food, and the cleanliness of the facility. I did not receive any complaints. In fact, the residents state that they are happy with the food, care and services provided. I spoke with a few family members all of whom had good words about the care of their family member. During this period, the State of Michigan conducted its annual survey. It is not unusual to have some citations as did the Debtor. The Debtor remedied the citations within the time period proscribed by the state. Also, during this time there was an issue with one of the residents that was reported to me. The Debtor took immediate steps to engage the family of the resident, get the resident on a transfer list and provided the staff with additional education to reorient the resident when there was an issue. I followed up the next day and week and on my next visit. Although the resident has not been transferred yet, the issues have been contained. The facility continues to be well maintained and there were no foul odors anywhere in the facility.

## **SECURITY**

There are no changes in security since the last report.

## SUPPLIES

The administration and staff confirmed that the Debtor is continuing to receive all of its necessary supplies for direct patient care. The Trustee is making payments on a current basis and there have been no interruptions in services provided or in medication for any resident.

## FINANCIAL MATTERS

The financial concerns continue to be addressed by the Trustee. The Trustee continues to meet the financial obligations of the Debtor. The two motions pending requesting payments of post-petition expenses continue to be adjourned because the Trustee is current. The Trustee has filed a motion requesting entry of an order authorizing the trustee to sell the Debtor's operating assets. This is in the best interests of the residents as it allows the residents to remain in the facility.

## CONCLUSION

The Debtor has continued the same quality of care post-petition as it did pre-petition. Monitoring will continue.

/s/ Deborah L. Fish  
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P36580

Dated: May 16, 2017

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**CERTIFICATION OF SERVICE**

I, Deborah Fish, hereby certify that on May 16, 2017, I electronically filed the following:

- Patient Care Ombudsman's Ninth Report

with the Clerk of the Court using the ECF and I hereby certify that the Court's ECF system has served all registered users.

ALLARD & FISH, P.C.

/s/ Deborah L. Fish

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