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Patient Care Ombudsman

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

Hunterdon Drug Awareness Program, Inc.

Debtor

CHAPTER 7

Case No. 22-11935

Judge Kathryn C. Ferguson

**FIFTH REPORT OF
JOSEPH J. TOMAINO
AS PATIENT CARE OMBUDSMAN**

I, Joseph J. Tomaino, the duly appointed Patient Care Ombudsman (the “PCO”) appointed by the United States Trustee pursuant to an order of the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”) entered in the above-captioned bankruptcy case, file this fourth report pursuant to section 333(b)(2) of title 11, United States Code (the “Bankruptcy Code”). This case involves Hunterdon Drug Awareness Program, Inc., (the “Debtor”), a licensed substance abuse treatment program, which at the time of filing was no longer in operation.

Since there is no clinical activity at present, the PCO did not need to interview patients or staff, nor make any observations of clinical facilities. The PCO received information from Brian Crowley, counsel for Trustee, and Timothy King, accountant for the trustee that the paper records have been consolidated at Hill Archives in West Berlin, N.J., which consists of 140 boxes and 4 filing cabinets. The trustee’s counsel continues to negotiate with eI systems who have the electronic records for transfer of them as well. No progress has been made with negotiations with the County of Hunterdon for taking the records.

Complaints

No complaints or requests for medical records were received during this reporting period.

Risk Assessment

Based on the assessment of the PCO, a Debtor is categorized into a low, medium, or high-risk level based on data collected and interviews with management, patients, and staff. This initial determination of the level of risk may be adjusted as findings either improve or deteriorate. These levels are outlined below:

- Low-level risk evidenced by transparent reporting, and no observable staffing, supply or quality of care issues that are not readily resolved.
- Mid-level risk evidenced by transparent reporting with some significant observable staffing, supply, or quality issues, or lack of transparent reporting.
- High-level risk evidenced by significant staffing, supply, or quality issues observed, or risk of partial or full closing of services.

Healthcare debtors can move between levels of risk over the course of bankruptcy.

Based on the observations made and outlined in this report, the risk level is determined to be high level. The primary risk is in the release of protected health information. There does not appear to be a pressing need for access to the clinical information for continuity of care since in the entire time period PCO has been assigned to the case, there has only been one request for records. That request related to providing documentation of completion of a program so the individual could become relicensed to operate an automobile. In that case, since we were unable to provide the documentation, the individual had to retake the program.

The Trustee continues to make every possible effort with limited resources to preserve the integrity of these records. If negotiations with the County of Hunterdon proceed well, this risk will be significantly mitigated.

Monitoring Plan

The PCO will continue to monitor the situation and report to the Court and participate in any related status conferences. The PCO will continue to maintain contact with the vendors storing the records and will assist the Trustee's counsel in getting cooperation from vendor with paper records stored prior to filing.

Consistent with requirements outlined in Bankruptcy 2015.1-1, notice of this report will be served on each entity that issues licenses or regulates the Debtor.

The Ombudsman will make his next report in sixty (60) days or sooner, if circumstances warrant.

Dated: July 19, 2023
Jericho, New York

JOSEPH J. TOMAINO, SOLELY IN HIS
CAPACITY AS THE COURT APPOINTED
PATIENT CARE OMBUDSMAN

/s/ Joseph J. Tomaino
JOSEPH J. TOMAINO