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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

**THIRD 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 third 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 confirmed that clinical records continue to be maintained in three locations:

C. Marino, Inc., Patterson, NJ
Cityside Archives
eI System

In an interview with Brian Crowley, counsel for Trustee, the PCO was informed that he is pursuing a carve out to cover the costs associated with handling the records. If efforts to get a custodian of records to accept them, he may need to petition approval of the Court to destroy them.

Complaints

On November 29, 2022, the PCO received a request for assistance in locating documentation of program completion by a former client. The PCO ascertained that at the time this individual was served, their records would have been in electronic health record. Unfortunately, efforts to contact the clinic management person who managed that system for assistance in accessing them were unsuccessful. The former client was advised of this and she said she would pursue a different course for reactivation of her drivers license.

No other requests were received during this period.

Risk Assessment

Based on the the assessment of the PCO, the 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 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 the bankruptcy.

Based on the observations made and outlined in this report, the risk level is determined to be high level. The Trustee continues to make every possible effort with limited resources to preserve the integrity of these records. The PCO remains concerned that these efforts are not reasonable to be maintained indefinitely and supports the trustee's efforts to get a carve out to handle the disposition of them. Trustee's counsel has recently reported that progress is being made to obtain the carve out.

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.

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: January 17, 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