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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

JNJ Home Health Care, Inc.

Chapter 11

Case No. 1-23-41382 (JMM)

Debtor.

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

I, Joseph J. Tomaino, the duly appointed Patient Care Ombudsman (“PCO”) appointed by the United States Trustee pursuant to an order of the Court entered in the above-captioned bankruptcy cases, file this first report pursuant to 11 U.S.C. § 333 (b)(2). This case involves JNJ Home Health Care, Inc. (“JNJ”) a provider of home health care services. JNJ filed for Chapter 11 bankruptcy on April 24, 2023 (Doc. 1)

On June 16, 2023, the Bankruptcy Court entered an order directing the appointment of a Health Care Ombudsman (Doc. 67). On June 20, 2023, the United States Trustee appointed Joseph Tomaino to serve as Patient Care Ombudsman (Doc. 70). On November 16, 2023, the PCO filed an application to Employ Rimon P.C. as Attorneys for the Patient Care Ombudsman (Doc. 90).

Approach

Since appointment, the PCO has had several calls to interview the debtor and select staff. Care is provided in patient homes, so there is not the ability to observe care delivery.

Findings

The debtor described operations which includes caring for a census of approximately

50 patients. There has been some recent increase in patients with acquisition of a new contract for pediatric care. There is an aide for each patient, and a supervisory visit is made by a nurse every six months. The company maintains a credentialing process for aides, and all are fingerprinted for background check on hire.

The debtor reports no issues meeting payroll.

Complaints

The PCO received a report recently from a family member that there has been significant turnover in aides and that they sometimes have difficulty getting paid. She spoke very highly of the aide her mother has and does not want to change.

Risk Assessment

This PCO assesses each debtor he is appointed to monitor for level of risk. Based on this level of risk, he plans an appropriate level of monitoring. The PCO assigns the debtor to one of three categories of risk-- low, medium, or high. The level is 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 three potential 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, and the risk level will continue to be reassessed with each encounter between the PCO and the facility.

Because of the introduction of a new scope of care in pediatrics, there is an increased level of risk. The PCO is scheduling calls with select staff to confirm that training and supplies are being appropriately provided.

Based on the above findings made during this monitoring period, the risk level at this time is determined to be medium to high.

Monitoring Plan

Based on the low-level risk determination, the PCO will implement the following monitoring plan for the next 60-day period:

- Interview select staff. Recent attempts to contact staff have been unsuccessful. PCO will ask debtor to arrange for meeting with staff.
- Monitoring of operating reports and other filings in the case for potential red flags
- Investigate patient complaint

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

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

Dated: November 28, 2023
New York, New York

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

/s/ Joseph J. Tomaino
JOSEPH J. TOMAINO