

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

---

*In re:* : Chapter 11  
: :  
Curae Health, Inc., *et al.*<sup>1</sup> : Case No. 18-05665  
: (Jointly Administered)  
: :  
Debtors. : Judge Walker  
: :  
: :

---

**NOTICE OF PATIENT CARE OMBUDSMAN REPORT**

PLEASE TAKE NOTICE that on September 18, 2018, Suzanne Koenig was appointed as the Patient Care Ombudsman in the above-captioned Chapter 11 cases by the United States Trustee for Region Eight, pursuant to an Order of the United States Bankruptcy Court for the Middle District of Tennessee. The Notice of Appointment of Patient Care Ombudsman (the “Appointment Notice”) is attached hereto as **Exhibit 1**. The Appointment Notice sets forth the Patient Care Ombudsman’s duties, which duties include:

1. monitoring the quality of patient care provided to patients of the Debtors, to the extent necessary under the circumstances, including interviewing patients and physicians;
2. reporting to the Court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the Debtors; and
3. if the Patient Care Ombudsman determines that the quality of patient care provided to patients of the Debtors is declining significantly or is otherwise being materially compromised, filing with the Court a motion or a written report, with notice to the parties in interest immediately upon making such determination.

---

<sup>1</sup> The “Debtors” in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are Curae Health, Inc. (5638); Amory Regional Medical Center, Inc. (2640); Batesville Regional Medical Center, Inc. (7929); and Clarksdale Regional Medical Center, Inc. (4755); Amory Regional Physicians, LLC (5044); Batesville Regional Physicians, LLC (4952); Clarksdale Regional Physicians, LLC (5311).

**PLEASE TAKE FURTHER NOTICE** that the Patient Care Ombudsman will be filing her first written report (the “**Report**”) with the Court on November 16, 2018 no later than 11:59 pm (Eastern Time).

If you would like to receive a copy of the Report or require additional information, please contact one of the following persons:

Carla Greenberg, Paralegal  
GREENBERG TRAUIG, LLP  
77 West Wacker Drive, Suite 3100  
Chicago, IL 60601  
Telephone: 312.456.8400  
Facsimile: 312.456.8435  
Email: [greenbergc@gtlaw.com](mailto:greenbergc@gtlaw.com)

OR

Caryn E. Wang, Esq.  
POLSINELLI PC  
1201 West Peachtree Street NW  
Atlanta, Georgia  
Telephone: 404.253.6000  
Facsimile: 404.648.6060  
Email: [cawang@polsinelli.com](mailto:cawang@polsinelli.com)

In addition, a copy of the Report will also be available for inspection at each of the Debtors’ hospitals and may be reviewed (or a copy obtained) by making a request to the hospital’s chief executive officer.

Any requested copies of the Report will be provided to you, at the Debtors’ expense.

**EXHIBIT 1**

**Notice of Appointment of Patient Care Ombudsman**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

In re:	)	
	)	Chapter 11
Curae Health, Inc., <i>et al.</i> <sup>1</sup>	)	Case No. 18-05665
	)	
	)	Judge Walker
Debtors.	)	Jointly Administered

**NOTICE OF APPOINTMENT OF PATIENT CARE OMBUDSMAN**

The Acting United States Trustee, Region 8, pursuant to section 333 of the Bankruptcy Code and this Court’s order dated September 6, 2018 (Docket Entry 111) directing the appointment of a health care ombudsman, hereby appoints Suzanne Koenig, having an office located at SAK Management Services, LLC, 300 Saunders Rd, Suite 300, Riverwoods, Illinois 60015, as the Patient Care Ombudsman in these cases. The appointee’s verified statement of disinterestedness is attached as **Exhibit 1**.

Section 333(b, c) of the Bankruptcy Code provides, in part:

**(2)(A)** If the court orders the appointment of an ombudsman under paragraph (1), the United States trustee shall appoint 1 disinterested person (other than the United States trustee) to serve as such ombudsman.

**(B)** If the debtor is a health care business that provides long-term care, then the United States trustee may appoint the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending to serve as the ombudsman required by paragraph (1).

**(C)** If the United States trustee does not appoint a State Long-Term Care Ombudsman under subparagraph (B), the court shall notify the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case

---

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are Curae Health, Inc. (5638); Amory Regional Medical Center, Inc. (2640); Batesville Regional Medical Center, Inc. (7929); Clarksdale Regional Medical Center, Inc. (4755); Amory Regional Physicians, LLC (5044); Batesville Regional Physicians, LLC (4952); and Clarksdale Regional Physicians, LLC (5311).

is pending, of the name and address of the person who is appointed under subparagraph (A).

(b) An ombudsman appointed under subsection (a) shall--

(1) monitor the quality of patient care provided to patients of the debtor, to the extent necessary under the circumstances, including interviewing patients and physicians;

(2) not later than 60 days after the date of appointment, and not less frequently than at 60-day intervals thereafter, report to the court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the debtor; and

(3) if such ombudsman determines that the quality of patient care provided to patients of the debtor is declining significantly or is otherwise being materially compromised, file with the court a motion or a written report, with notice to the parties in interest immediately upon making such determination.

(c)(1) An ombudsman appointed under subsection (a) shall maintain any information obtained by such ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. Such ombudsman may not review confidential patient records unless the court approves such review in advance and imposes restrictions on such ombudsman to protect the confidentiality of such records.

(2) An ombudsman appointed under subsection (a)(2)(B) shall have access to patient records consistent with authority of such ombudsman under the Older Americans Act of 1965 and under non-Federal laws governing the State Long-Term Care Ombudsman program.

Respectfully submitted,

**PAUL RANDOLPH,**  
Acting U.S. Trustee, Region 8

**By: /s/ Megan Seliber**  
MEGAN SELIBER  
Trial Attorney for the U.S. Trustee  
318 Customs House, 701 Broadway  
Nashville, TN 37203  
(615) 695-4060; 615-736-2260 (fax)  
Megan.Seliber@usdoj.gov

**CERTIFICATE OF SERVICE**

I certify that on September 18, 2018, a copy of the foregoing document was sent electronically to registered ECF users.

/s/ Megan Seliber  
Megan Seliber

Charles M. Walker  
U.S. Bankruptcy Judge  
Dated: 9/6/2018



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

In re:	)	
	)	Chapter 11
Curae Health, Inc., <i>et al.</i> <sup>1</sup>	)	Case No. 18-05665
	)	
	)	Judge Walker
Debtors.	)	
	)	Jointly Administered

**AGREED ORDER DIRECTING U.S. TRUSTEE TO APPOINT A  
PATIENT CARE OMBUDSMAN UNDER 11 U.S.C. § 333**

According to the voluntary petitions filed by Curae Health, Inc. and related entities (collectively, the “Debtors” as listed in footnote 1), Debtors are a “health care business.” Pursuant to 11 U.S.C. § 333, the Court is required within 30 days after commencement of the case to order the appointment of an ombudsman to monitor the quality of patient care and to represent the interests of the patients of the health care business unless the Court finds that the appointment of such ombudsman is not necessary for the protection of patients under the specific facts of the case. No party has filed a motion requesting that the Court find an ombudsman unnecessary under the facts of the case, and counsel for the Debtors has represented that the Debtors would not be filing any such motion. Under these facts, the Court finds that the United States Trustee shall appoint an ombudsman

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are Curae Health, Inc. (5638); Amory Regional Medical Center, Inc. (2640); Batesville Regional Medical Center, Inc. (7929); and Clarksdale Regional Medical Center, Inc. (4755); Amory Regional Physicians, LLC (5044); Batesville Regional Physicians, LLC (4952); Clarksdale Regional Physicians, LLC (5311).

in this case.

**THEREFORE IT IS ORDERED THAT:**

1. The United States Trustee shall appoint a patient care ombudsman under 11 U.S.C. § 333 to monitor the quality of patient care and to represent the interests of the patients of the health care business of the Debtors;

2. Without special notice to patients, the patient care ombudsman shall have access to and be able to review confidential patient records as necessary and appropriate to discharge her duties and responsibilities, provided, however, that she protect the confidentiality of such records as required under non-bankruptcy law and regulations, including but not limited to the Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104-191), and any amendments or implementing regulations (“HIPAA”), and the Health Information Technology for Economic and Clinical Health Act, which was enacted as title XIII of division A and title IV of division B of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5), and any amendments or implementing regulations (“HITECH”), including the Final Omnibus Privacy Regulations in 45 C.F.R. Parts 160 and 164 (“Final HIPAA Rules”).

3. The patient care ombudsman will not be required to personally serve individual patients pursuant to Fed. R. Bankr. P. 2015.1(a). Instead, the PCO may meet the requirements of Fed. R. Bankr. P. 2015.1(a) by posting one or more notices in a manner she determines is conspicuous and will provide adequate notice to the patients of the ombudsman appointment, the duties of the ombudsman, and all the information set forth in Fed. R. Bankr. P. 2015.1(a). Such notice will include a statement that any reports issued by the patient care ombudsman will be available at the facility, through the patient care ombudsman, and through Debtors’ counsel.

###



AGREED & APPROVED FOR ENTRY:

PAUL RANDOLPH,  
ACTING UNITED STATES TRUSTEE, REGION 8

By: /s/ Megan Seliber  
Megan Seliber  
Office of the United States Trustee  
701 Broadway, Suite 318  
Nashville, TN 37203  
(615) 695-4060/Fax: (615) 736-2260  
megan.seliber@usdoj.gov

**DEBTORS' COUNSEL**

/s/ David Gordon  
Michael Malone  
401 Commerce Street, Suite 900  
Nashville, TN 37219  
Telephone: (615) 259-1510  
Facsimile: (615) 259-1573  
[mmalone@polsinelli.com](mailto:mmalone@polsinelli.com)

-and-

David E. Gordon (*Pro Hac Vice*)  
Caryn E. Wang (*Pro Hac Vice*)  
1201 West Peachtree Street NW  
Atlanta, Georgia  
Telephone: (404) 253-6000  
Facsimile: (404) 684-6060  
[dgordon@polsinelli.com](mailto:dgordon@polsinelli.com)  
[cawang@polsinelli.com](mailto:cawang@polsinelli.com)