

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

	X	
In re:	:	Chapter 11
	:	
	:	Case No. 13-22840 (RDD)
SOUND SHORE MEDICAL CENTER OF	:	
WESTCHESTER, et al.,	:	(Jointly Administered)
	:	
Debtors.	:	
	X	

**PATIENT CARE OMBUDSMAN'S THIRD AND FINAL REPORT**

In accordance with section 333(b)(2) of Title 11 of the United States Code (the "Bankruptcy Code"), Daniel T. McMurray (the "Ombudsman"), in his capacity as Patient Care Ombudsman appointed by the United States Trustee in the above-captioned Chapter 11 cases commenced by Sound Shore Health System, Inc. and several of its affiliates and subsidiaries (collectively, "SSHS" or the "Debtors"), submits this third and anticipated final report.

**I. Introduction**

The Ombudsman was appointed on June 21, 2013 pursuant to an Order of the Court in accordance with Section 333(a) of the Bankruptcy Code. The Ombudsman visited Sound Shore Medical Center of Westchester, which was SSHS' New Rochelle hospital, The Mount Vernon Hospital, Inc. and the Helen and Michael Schaffer Extended Care Center on a regular basis and observed the operations of all three facilities until the closing of the sale of the facilities to affiliates of Montefiore Medical Center (said affiliates being referred to hereinafter, collectively, as "Montefiore"), on or about November 6, 2013 (the "Closing"). The Ombudsman, until the Closing, continued to address both new

and preexisting issues and concerns regarding certain matters in the Debtors' operations and discussed these issues and concerns with the Debtors' management.

## **II. Patient Records**

The Debtors sought bids from several record storage firms for the pickup, indexing, sorting, storage and eventual destruction of those of the Debtors' patient records which were not conveyed to Montefiore and for the providing of access to such records to the Debtors' former patients. MetalQuest, Inc. (MetalQuest"), which is a recognized provider of such services, submitted the lowest bid and was selected by the Debtors as the designated repository for the records.

Essentially contemporaneously with the Closing, the Ombudsman and his counsel were asked to review and comment upon the proposed written agreement with MetalQuest (the "Agreement"). The Ombudsman and his counsel reviewed and commented upon several successive drafts of the Agreement.

In conjunction with the effort to achieve a consensual agreement among the Debtors, the Creditors Committee, MetalQuest and the Ombudsman, the Ombudsman advanced to the Debtors his suggestions for the means by which the Debtors' former patients would be notified of the procedures through which they or their representatives can gain access to those patients' medical records. The procedures and, in turn, the communication of such procedures are

potentially complex and cumbersome because Montefiore, for many patients, accepted the patients' electronic records while leaving other portions of the patients' records, including pathology slides and non-digital radiology films, in the ownership and possession of the Debtors and, therefore, in the eventual possession of MetalQuest.

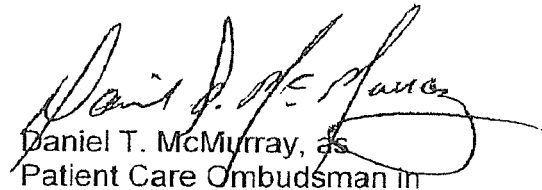
The Ombudsman and the Debtors, recognizing the financial constraints upon the Debtors, succeeded in achieving agreement on the means of notification to former patients. While those former patients will not receive individual letters, they will be notified of the procedures for obtaining access to their records and/or contact information for MetalQuest not only through publication of notice in The New York Times but also by updating of the Debtors' website, by posting of notice at the Debtors' former premises and by communication of an updated message for patients or patient representatives telephoning the Debtors.

The Agreement was approved by the Court by order entered on December 13, 2013. That order also provided that the Debtors shall consult with the Ombudsman and his counsel as to the form and content of the notification to former patients. The Ombudsman, as of December 18, 2013, is awaiting a draft or drafts of the notification and will provide his input promptly upon receiving such draft or drafts.

### **III. CONCLUSION.**

As noted in previous reports, the patient care provided by the Debtors during these cases was adequate and appropriate. The Ombudsman expects

the transfer of patient records to MetalQuest to proceed to completion. When the Ombudsman has provided to the Debtors his input on the text or texts of notification to patients regarding the obtaining of access to patient records, his counsel will coordinate with the attorney for the United States Trustee and with the attorneys for the Debtors in order to terminate the Ombudsman's engagement.



Daniel T. McMurray, as  
Patient Care Ombudsman in  
the Above-Captioned  
Cases.