

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
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SOUND SHORE MEDICAL CENTER.,	:	Case No. 13-22840 (RDD)
OF WESTCHESTER, <u>ET AL.</u>	:	
	:	(Jointly Administered)
Debtors.	:	
	:	
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**ORDER DIRECTING THE APPOINTMENT OF
A PATIENT CARE OMBUDSMAN UNDER 11 U.S.C. § 333**

Upon the consent of Sound Shore Medical Center of Westchester and its affiliated debtors (collectively, the “Debtors”) for the entry of an order directing the appointment of a patient care ombudsman in the above-captioned cases, pursuant to section 333 of title 11, United States Code (the “Bankruptcy Code”); and the Court having determined that such appointment is necessary to monitor the quality of patient care and to represent the interests of the Debtors’ patients; and after due deliberation, it is hereby

ORDERED, that the United States Trustee is directed to appoint a patient care ombudsman (the “Ombudsman”) pursuant to section 333 of the Bankruptcy Code. The Ombudsman shall perform the duties required of a patient care ombudsman pursuant to sections 333(b) and (c) of the Bankruptcy Code, and may apply to the Court for the allowance of reasonable compensation for actual and necessary services rendered as well as reimbursement for actual and necessary expenses incurred, pursuant to section 330 of the Bankruptcy Court; and it is further

ORDERED that the Ombudsman may review confidential patient records as necessary and appropriate to discharge the Ombudsman’s duties and responsibilities under this Order; provided however, that the Ombudsman protects the confidentiality of such records as required under

applicable non-bankruptcy law and regulations, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 and the federal HIPAA privacy regulations at 45 Code of Federal Regulations; and it is further

ORDERED, that, without limiting any other provision of this Order, not later than 60 days after the date of the appointment, and not less frequently than at 60-day intervals thereafter, the Ombudsman shall report to the Court, after notice to parties-in-interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the Debtors. In this regard:

- a. The Ombudsman shall post notice of the forthcoming report(s) at the relevant facility for the duration of the Debtors' chapter 11 cases in at least two locations at each facility as determined by the Ombudsman.
- b. The Ombudsman shall post a copy of any written report(s) at the relevant facility in the same location(s) as the notice of forthcoming report(s) and shall keep such report posted until the next report is filed, at which time it may be removed and replaced with the most recent written report.

And it is further

ORDERED, that the Ombudsman and the Ombudsman's representatives shall be given immediate access to patient records, without the need for further court order, consistent with the authority of ombudsmen under the Older Americans Act of 1965 and under non-federal laws governing the State Long-Term Care Ombudsman program.

Dated: White Plains, New York
June 19, 2013

/s/Robert D. Drain
The Honorable Robert D. Drain
United States Bankruptcy Judge