

BANKRUPTCY GUIDE

Below you will find a basic outline that describes the typical events that will take place during an Ombudsman's service as a Patient Care Ombudsman during a bankruptcy proceeding.

- 1. If a facility in your program's (in some instances a neighboring) geographic area files for bankruptcy you will be contacted by Mark Miller to determine if you are interested in serving as the Patient Care Ombudsman during the Bankruptcy Proceeding.**
- 2. If you choose to serve you will then be contacted by the Assistant U.S. Trustee (AUST) assigned to the bankruptcy proceed. The AUST will then guide you through the appointment process. This process includes the filing of affidavits and the completion of some paperwork to allow the judge in the case to order your appointment.**
- 3. Once you are appointed, you should reach out to the facility and schedule a meeting with the Administrator and other key staff so that you may explain your role as Patient Care Ombudsman and begin to develop a working relationship.**
- 4. Sixty (60) days from the date of your appointment you will be required to submit a written report to Court describing your actions, observations and interactions during this time frame. You will write the report and submit to the Assistant Counsel at NYSOFA who will prepare and submit the Report to the Court. The Assistant Counsel will then send you a copy of the Report submitted to the Court which may be distributed to any individual asking for a copy.**
- 5. Ten (10) days prior to date that your Report is due you will be required to distribute a Notice of Report. This Notice of Report must be posted in the facility and delivered to every resident of the facility and to any resident's legal representative. The Notices will be prepared by the Assistant Counsel at NYSOFA and distributed to you.**
- 6. You will be required to file a Notice of Report and Report every sixty (60) days during the duration of your tenure as Patient Care Ombudsman.**
- 7. You may file a fee application every one hundred and twenty (120) days during the duration of your tenure as Patient Care Ombudsman. You will work with the Assistant Counsel at NYSOFA to prepare the fee application. To that end, you should keep detailed records that document the hours spent working as a Patient Care Ombudsman and any expenses that you incur during your work as a Patient Care Ombudsman.**