

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE:	§	
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<b>PIPELINE HEALTH SYSTEMS, LLC, et al.,<sup>1</sup></b>	§	CASE NO. 22-90291(MI)
	§	(Chapter 11)
DEBTORS.	§	(Jointly Administered)
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**PATIENT CARE OMBUDSMAN'S FIRST INTERIM REPORT  
Memorial Hospital of Gardena Location**

Pursuant to 11 U.S.C. §333 of the United States Bankruptcy Code (the “**Code**”) and the October 12, 2022, *Notice of Appointment of Patient Care Ombudsman Under 11 U.S.C. § 333* (the “**Appointment Notice**”) [Docket No. 156], Susan N. Goodman, the Patient Care Ombudsman (“**PCO**”) in the above-referenced series of jointly administered cases was directed to monitor and regularly report to the court regarding the quality of patient care provided to Debtors’ patients. PCO was asked to report at least every sixty days on these efforts, and more frequently if PCO determines Debtors’ care quality is declining or otherwise materially compromised as stated in §333(b)(3) of the Code.

PCO is a Registered Nurse and an attorney with work experience in clinical/operational health care and health care regulatory compliance. In compliance with the federal privacy requirements, the PCO cannot disclose any individually identifiable health information that could distinguish a patient directly or could provide a reasonable basis to do so. See 45 CFR §160.103. Accordingly, specific site visit dates are not provided although PCO’s observations, audits, and interviews occurred between the date of appointment and the filing of this report.

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<sup>1</sup> A complete list of each of the Debtors in these chapter 11 cases and the last four digits of their federal tax identification numbers may be obtained on the website of the Debtors’ claims and noticing agent at <http://dm.epiq11.com/Pipeline Health>. The Debtors’ service address is 898 N. Pacific Coast Highway, Suite 700, El Segundo, CA 90245.

Further, although PCO may review Debtors' care processes relative to federal and state licensing and quality regulations, PCO does not assume liability for Debtors' compliance obligations. Moreover, while PCO may use the auditing tools and guidelines employed by certification agencies and auditors; PCO does not certify Debtor's compliance with any regulatory standards. PCO comes now and files this First Report detailing her initial engagement, site visit, and remote follow-up between appointment and the report filing date for the Memorial Hospital of Gardena campus ("**Gardena**" or "**Hospital**").

### SUMMARY

Gardena was the largest and busiest location of the Pipeline facilities. It is licensed as a 172-bed facility with 69 beds licensed for a sub-acute level of care and 103 beds utilized for acute care. The breakdown of the acute care beds by bed type is:

Unit Full Name	Abbreviated Name	Hospital Floor	Beds
Medical Surgical III	M/S III	3 <sup>rd</sup>	23
Intensive Care Unit	ICU	4 <sup>th</sup>	10
Telemetry	Tele	4 <sup>th</sup>	19
Medical Surgical	M/S	5 <sup>th</sup>	51

Like the other Pipeline Los Angeles locations, this Hospital was constructed a time before private patient rooms were common. As such, units like the ICU were a more open floor plan with six of the ten beds in an open format with beds separated by curtain dividers. Similarly, the other inpatient floors, have rooms that accommodate three beds versus the more common semi-private room format of two beds per room. For example, the sub-acute care unit extends across two hospital floors. While the seventh floor is home to an eighteen-bed semi-private room unit, the sixth floor has the larger, fifty-one bed unit comprised of a mix of semi-private and three-bed rooms. Hospital census at the time of PCO's site visit was 134.

The Chief Nursing Officer ("**CNO**") is a doctoral prepared nurse with a background as a certified nurse midwife. She joined the organization in 2018, initially in an interim role. She is

fortunate that her unit-level director positions are filled. The Wound Care nurse position was vacant with a potential interview candidate identified. The hospital relied on third-party, agency-based staffing (“**Agency**”) support, particularly in the emergency department (“**ED**”) and the ICU. On the date of PCO’s site visit, roughly half or more of the ICU and ED nurses were Agency sourced. In addition to Agency support, the Hospital also utilized a contract partner (“**VEMA**”) to employ foreign educated nurses through long-term contracts. Approximately 23 – 25 nurses were currently employed through this avenue with an additional sizeable staff influx expected in early 2023.

Nurse-to-patient ratios for the sub-acute unit are mandated under state law. For professionals less familiar with sub-acute care, sub-acute care is custodial care like what one would think of as nursing home care, although the care complexity requires more intense nursing, physician, and respiratory therapy management. The easiest example of sub-acute patient care needs are patients who are chronically on a ventilator (breathing machine). In fact, 41 of the 55 patients in sub-acute status at the time of PCO’s site visit were ventilator patients. Of note, nursing care provided on the sub-acute unit was a mix of registered nurse (“**RNs**” with 3-4 years of schooling) and licensed vocational nurse (“**LVNs**”<sup>2</sup> with 2 years of schooling) practice levels. On the date of PCO’s visit, the sub-acute floors had three LVN level nurses to each RN level nurse. That mix of nursing practice levels was reported as customary for these units. The sub-acute unit director denied experiencing patient impacts relative to post-petition staffing or supply concerns. She indicated that the unit had a level of “emergency supplies” given the import of supply availability for patient treatment and equipment needs. As such, when the Hospital experienced initial challenges with supply flow, the sub-acute team was able to sustain utilizing their emergency stock.

The therapy services department is located on the 7<sup>th</sup> floor close to the sub-acute units. PCO met with some of the team members who reported coverage across physical, occupational, and speech therapy roles. The services are provided through a third-party contract with the director covering all four Los Angeles locations.

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<sup>2</sup> California and Texas call two-year nurses LVNs. For those situated in other jurisdictions, the term utilized is Licensed Practical Nurse or LPN.

Similarly, nurse-to-patient ratios for the other inpatient units are mandated to specified caps under state law. PCO noted that all units were within these mandates at the time of her site visit. To the extent nursing staff were at maximum assignment ratios – admitted patients were held in the ED awaiting “bed” availability (meaning clinical staff availability). While this congestion issue is a challenge nationally, it certainly seemed to be remarkably consistent as a common thread across all Pipeline locations suggesting that other analytics – such as maximizing staff productivity targets may be a driver. In any event, PCO did not get the sense that the admission congestion was a bankruptcy-driven impact at this or other Pipeline locations.

Gardena’s ED is a 10-bed unit with five additional hallway beds. Consistent with the inpatient bed layout, the ED also has larger rooms with multiple beds in one room. Staff and physician desktop computer stations were in one large staff workroom area with mobile computer units utilized in triage and direct care areas. At the time of PCO’s visit to the unit, the ED had a total of 28 patients<sup>3</sup> with nine nurses in the department, two being precepted as part of department training. Physician coverage was reported as two providers except for the hours of 1000 to 0100 when the department was supported by one provider. Indeed, PCO noted two providers present during her department visit. PCO met with one of the providers to ask about potential post-petition staff/supply impacts. While the clinician relayed having to utilize some alternative supply solutions when preferred supplies were not available post-petition, patient care was not felt to be compromised.

While the COVID health emergency has waned in the eyes of the public, positivity rates continue to be tracked and reported. At the time of PCO’s site visit, two COVID-positive patients and three staff members were reported. Admitted patients are screened for COVID with the antigen test. Those with symptoms are tested with the higher-specificity polymerase chain reaction (PCR) technique. Both types of tests were reported as available.

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<sup>3</sup> PCO realizes it seems counter-intuitive that an ED can have more patients than the number of “beds” described herein. However, some patients can remain ambulatory while awaiting diagnostic work-up results (often called “Fast Track”). Accordingly, the small ED was handling a capacity of visits beyond its bed size with some Fast Track patients awaiting results in chairs. The Community Hospital of Huntington Park ED functions similarly.

The surgery/operating room (“**OR**”) Director was not available beyond a brief interaction on the date of PCO’s site visit. He generally denied staffing/supply challenges. Should another site visit occur, PCO will try to visit the 5-suite OR department (one room dedicated to GI procedures).

The clinical laboratory (the “**Lab**”) at Gardena is the highest complexity with some or all the microbiology specimen processing being done at the Gardena Lab for other Los Angeles locations. Ongoing Lab supply issues have been well documented in other facility reports and will not be repeated here.

The radiology department was gearing up to transition to a new radiologist group at the time of PCO’s site visit. While the move seemed to include financial motivations, it did not seem to be driven by the bankruptcy filing, per se. PCO checked in with the team after the “go-live” event. Gardena reported the transition had gone as smooth as expected with minimum hiccups. The vendor transition included all the Los Angeles locations. The full complement of radiology department equipment included a new computerized tomography (“**CT**”) machine with increased detectors, that was put in service April 2022. As reported in other facility reports, Gardena provides magnetic resonance imaging (“**MRI**”) services for the Community Hospital location, estimating performing three to four studies per day for Community in addition to its own case volume. No concerns noted.

The plant/facilities team was being led by the market director, who reported continued ability to hire staff to replace normal attrition. Environmental Services (“**EVS**”), Security, and Biomedical services were reported as contracted services, remaining in place post-petition. EVS staffing was short on the day of PCO’s site visit, with additional replacement staff reported as anticipated within a week.

Consistent with the other Pipeline locations, Gardena reported initial supply interruptions post-petition. Gardena shares the “market” materials management leadership with the other three Pipeline Los Angeles locations such that directionally the challenges reported for the other locations were mirrored at Gardena, although the specific supply items each facility was short on might vary slightly.

Gardena also experienced dialysis treatment challenges when the vendor initially stopped providing services post-petition. However, Gardena was able to piece together a service team and supplies, minimizing service delays to hours as compared to days-long delays experienced by other locations.

The Hospital utilizes The Joint Commission (“**TJC**”) as its licensure deeming agency. Its last tri-annual survey occurred roughly sixteen months’ ago with a validation survey approximately one year ago. The CNO and team was transparent with PCO relative to survey findings and other organizational challenges occurring prior to the bankruptcy case. PCO is immensely appreciative of this level of transparency as it facilitated a smoother site visit process.

### **ANALYSIS AND NEXT STEPS**

PCO did not observe material or substantial patient care decline as contemplated under 11 U.S.C. § 333. The Gardena location services its own patient population as well as providing additional diagnostic resources to the Community location. Some of the planned improvements at this location were paused in advance of the bankruptcy filing, believed to be driven by the financial strain created by the Illinois facility acquisitions and stalled, pre-petition sales process. Examples would include refurbishing the former women & baby unit that closed, finishing adding individual televisions on the M/S and Tele units, and various capital improvement projects. To that end, the sale and dismissal of the Illinois locations was viewed as an important step to a rapid bankruptcy exit.

While Gardena did not report many post-petition bankruptcy departures, one important one was the departure of its Chief Executive Officer (“**CEO**”) shortly after the petition filing. The role is being filled by the Community CEO which offers some synergies given the support provided to that location by Gardena.

PCO is comfortable maintaining the maximum interval between reports, planning to visit the location in January in advance of the second report deadline, if a bankruptcy plan or sale is not finalized before that deadline.

DATED: December 12, 2022.

By: /s/ Susan N. Goodman, RN JD

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### CERTIFICATE OF SERVICE

I, Susan N. Goodman, hereby certify that a copy of this document has been electronically filed with the Clerk of Court using the Court's electronic case filing system and a true and correct copy of this pleading has been sent to the following parties or counsel of record who have registered to receive electronic service.

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