

UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
KELLY BEAUDIN STAPLETON  
UNITED STATES TRUSTEE, REGION 3  
Martha R. Hildebrandt, Esquire (MH 9031)  
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Newark, NJ 07102  
Telephone: (973) 645-3014  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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In re:	:	
	:	Chapter 11
Nathan and Miriam Barnert Memorial	:	
Hospital Association,	:	Case No. 07-21631 (DHS)
d/b/a Barnert Hospital,.	:	
	:	
Debtor.	:	

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**NOTICE OF APPOINTMENT OF PATIENT CARE OMBUDSMAN  
UNDER 11 U.S.C. § 333**

TO THE HONORABLE DONALD H. STECKROTH  
UNITED STATES BANKRUPTCY JUDGE

Now comes Kelly Beaudin Stapleton, United States Trustee for the District of New Jersey, by Assistant United States Trustee, Martha R. Hildebrandt, and states that pursuant section 333 of the Bankruptcy Code, the Interim Rule 2007.2(c) and the Order directing the appointment of a patient care ombudsman entered on September 7, 2007, the United States Trustee hereby appoints Charles M. Golden, Esquire, Obermayer, Rebmann, Maxwell & Hippel, LLP, One Penn Center, 19<sup>th</sup> Floor, 1617 John F. Kennedy Boulevard, Philadelphia, PA, 19103, Telephone (215) 665-3000 and Fax (215) 665-3165 as the Patient Care Ombudsman in this case. The appointee's verified statement pursuant to Interim Rule 2007.2(c) is attached as Exhibit A.

Section 333 of the Bankruptcy Code provides that the Patient Care Ombudsman 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 this 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;
- (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; and
- (4) shall maintain any information obtained by such ombudsman under section 333 of the Bankruptcy Code 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.

Pursuant to Federal Rule of Bankruptcy Procedure 2015.1:

- (a) **Reports.**  
Unless the court orders otherwise, a patient care ombudsman, at least 10 days before making a report under § 333(b)(2) of the Code, shall give notice that the report will be made to the court. The notice shall be transmitted to the United States trustee, posted conspicuously at the health care facility that is the subject of the report, and served on the debtor, the trustee, all patients, and any committee elected under § 705 or appointed under § 1102 of the Code or its authorized agent, or, if the case is a chapter 9 municipality case or a chapter 11 reorganization case and no committee of unsecured creditors has been appointed under § 1102, on the creditors included on the list filed under Rule 1007(d), and such other entities as the court may direct. The notice shall state the date and time when the report will be made, the manner in which the report will be made, and, if the report is in writing, the name, address, telephone number, email address, and website, if any, of the person from whom a copy of the report may be obtained at the debtor's expense.
- (b) **Authorization to Review Confidential Patient Records**  
A motion by a health care ombudsman under § 333(c) to review confidential patient records shall be governed by Rule 9014, served on the patient and any family member or other contact person whose name and address has been given to the trustee or the debtor for the

purpose of providing information regarding the patient's health care, and transmitted to the United States trustee subject to applicable nonbankruptcy law relating to patient privacy. Unless the court orders otherwise, a hearing on the motion may be commended no earlier than 15 days after service of the motion.

Respectfully submitted,

KELLY BEAUDIN STAPLETON  
UNITED STATES TRUSTEE  
REGION 3

By: /s/ Martha R. Hildebrandt  
Martha R. Hildebrandt  
Assistant United States Trustee

Dated: September 11, 2007

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	:	
Debtor.	:	


VERIFIED STATEMENT OF CHARLES M. GOLDEN

I hereby verify that I have no connections with the debtor, creditors, any other parties in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee, except as follows: (If you have no connections, write "none".)

*none*

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 9/4/07

  
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 Charles M. Golden