

House Republican Press Release

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Rep. Hamzy Supports Call for Ombudsman for Haven Health Care Nursing Homes



Urges Criminal Prosecution if Patient Neglect Led to Serious Injuries or Deaths

Governor M. Jodi Rell acted appropriately by calling for the appointment of an ombudsman to ensure quality care for Haven Health Care patients in the wake of the nursing home company's recent decision to file for bankruptcy to protect itself from creditors, state Representative William A. Hamzy said today.

The company last week sought protection from creditors under Chapter 11 of the U.S. Bankruptcy Code amid allegations of widespread neglect of its nursing home patients, improper use of state and federal Medicare and Medicaid funds, and mismanagement of its 15 nursing homes in Connecticut.

The governor also has asked the state departments of Social Services and Public Health, which currently are reviewing Haven Health Care's nursing home operations, to complete their probes by December 1st, so a state takeover of one or more of the company's nursing homes can be pursued if information unearthed by the two state agencies indicates that placing them under state receivership is the best way to guarantee improved conditions and patient care.

State officials also are looking into whether company executives illegally used millions of dollars in Medicare and Medicaid funds for business and real estate transactions unrelated to nursing home operations and patient care and failed to pay bills for health care-related expenses.

"If the investigations turn up evidence of criminal negligence in the care provided to Haven Health Care patients, the state should not hesitate to file criminal charges against those responsible as well," said Representative Hamzy, R-78th District. "Similarly, if the investigations turn up evidence that taxpayer dollars were used for improper purposes, those responsible should be prosecuted and every effort must be made to recover the funds – including fines and seizures of company assets."

"The reports I read about untreated bedsores, dehydration, improperly administered medications, and failure to properly monitor elderly patients with severe breathing problems that led to untimely deaths, emergency hospital admissions and amputations were appalling, outrageous and heart-breaking," Representative Hamzy said. "The fact that many if not most of the nursing home patients who appear to have suffered because of widespread neglect at Haven Health Care's nursing homes were frail and infirm and totally dependent on the care

of others makes the situation even worse. If true, it amounts to patient neglect on an unconscionable scale and those responsible should pay a heavy price.”

On Monday, November 26th, Governor Rell sent a letter to Attorney General Richard Blumenthal, asking that he invoke a provision in federal bankruptcy law that permits the appointment of a patient care ombudsman when the debtor seeking protection from creditors is a healthcare business.

Section 333(a) of the Bankruptcy Code allows for the appointment of a patient care ombudsman other than the court-appointed trustee. The ombudsman is responsible for monitoring the quality of care, including interviewing physicians and patients; reporting back to the court every two months on the status of patients; and immediately alerting the court if the quality of care is worsening.