

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

MIDWEST CHRISTIAN VILLAGES, INC.
et al.,¹

Debtors.

Chapter 11

Case No. 24-42473-659

Jointly Administered

Related Docket Nos. 8, 101, 229

**NOTICE OF FILING SECOND SELF-REPORTING AFFIDAVIT IN LIEU OF
APPOINTMENT OF PATIENT CARE OMBUDSMAN**

PLEASE TAKE NOTICE THAT on July 16, 2024, the Debtors filed the *Motion for Entry of an Order, Pursuant to section 333(A) of the Bankruptcy Code and Bankruptcy Rule 2007.2, (I) Waiving the Appointment of a Patient Care Ombudsman and (II) Allowing the Debtors to Self Report* (the “Motion”) [Docket No. 8].

PLEASE TAKE FURTHER NOTICE that on July 29, 2024, the Court entered the *Order Pursuant to Section 333(a) of the Bankruptcy Code and Bankruptcy Rule 2007.2 (I) Waiving Without Prejudice the Appointment of a Patient Care Ombudsman and (II) Allowing the Debtors*

¹ The address of the Debtors headquarters is 2 Cityplace Dr, Suite 200, Saint Louis, MO 63141-7390. The last four digits of the Debtors’ federal tax identification numbers are: (i) Midwest Christian Villages, Inc. [5009], (ii) Hickory Point Christian Village, Inc. [7659], (iii) Lewis Memorial Christian Village [3104], (iv) Senior Care Pharmacy Services, LLC [1176], (v) New Horizons PACE MO, LLC [4745], (vi) Risen Son Christian Village [9738], (vii) Spring River Christian Village, Inc. [1462], (viii) Christian Homes, Inc. [1562], (ix) Crown Point Christian Village, Inc. [4614], (x) Hoosier Christian Village, Inc. [3749], (xi) Johnson Christian Village Care Center, LLC [8262], (xii) River Birch Christian Village, LLC [7232], (xiii) Washington Village Estates, LLC [9088], (xiv) Christian Horizons Living LLC [4871], (xv) Wabash Christian Therapy and Medical Clinic, LLC [2894], (xvi) Wabash Christian Village Apartments, LLC [8352], (xvii) Wabash Estates, LLC [8743], (xviii) Safe Haven Hospice, LLC [6886], (xix) Heartland Christian Village, LLC [0196], (xx) Midwest Senior Ministries, Inc. [3401], (xxi) Shawnee Christian Nursing Center, LLC [0068], and (xxii) Safe Haven Hospice, LLC [6886].



to *Self Report* (“Order”)² [Docket No. 101], which excused the appointment of a patient care ombudsman and required the Debtors to self-report.

PLEASE TAKE FURTHER NOTICE, that on August 28, 2024 the Debtors filed its *Notice of Filing Initial Self-Reporting Affidavit in Lieu of Appointment of Patient Care Ombudsman* [Docket No. 229].

PLEASE TAKE FURTHER NOTICE, that pursuant to the terms set forth in the Order, the Debtors hereby file the *Second Affidavit of Shawn O’Conner in Lieu of Appointment of a Patient Care Ombudsman*, attached hereto as **Exhibit A**.

PLEASE TAKE FURTHER NOTICE, that Debtors will provide a copy of this notice to: (a) the U.S. Trustee, (b) the Unsecured Creditors Committee, (c) any Residents or family members thereof who specifically request a copy of such affidavit or report, and (d) any state supervising authorities. Moreover, the Self-Reports will also be available on the website of Debtors’ noticing and claims agent, Verita Global, at <http://www.veritaglobal.net/MCV>, or by accessing the Court’s website at www.moeb.uscourts.gov. A PACER password is needed to access documents on the Court’s website.

Dated: September 27, 2024
St. Louis, Missouri

Respectfully submitted,

DENTONS US LLP

/s/ Stephen O’Brien

Stephen O’Brien
MoBar # 43977
DENTONS US LLP
211 N Broadway Ste 3000
St. Louis, MO 63102

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion or the Order, as applicable.

Telephone: (314) 241-1800
stephen.obrien@dentons.com

Robert E. Richards (admitted *pro hac vice*)

Samantha Ruben (admitted *pro hac vice*)

Elysa Chew (admitted *pro hac vice*)

DENTONS US LLP

233 S. Wacker Drive, Suite 5900

Chicago, Illinois 60606-6404

Telephone: (312) 876-8000

robert.richards@dentons.com

samantha.ruben@dentons.com

elysa.chew@dentons.com

– and –

David A. Sosne

MoBar # 28365

SUMMERS COMPTON WELLS

LLC

903 South Lindbergh Blvd., Suite 200

St. Louis, Missouri 63131

Telephone: (314) 991-4999

dsosne@scw.law

*Co-Counsel to the Debtors and
Debtors-in-Possession*

EXHIBIT A

**Second Affidavit of Shawn O'Conner in Lieu of Appointment of a
Patient Care Ombudsman**

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

MIDWEST CHRISTIAN VILLAGES, INC.
et al.,¹

Debtors.

Chapter 11

Case No. 24-42473-659

Jointly Administered

Related Docket Nos. 8 and 101

NOTICE OF SECOND SELF-REPORT

I, Shawn O’Conner, hereby state and declare as follows:

1. I am over the age of twenty-one years old, have personal knowledge of the facts hereinafter set forth, and am fully competent to testify.

2. I am a Managing Director with Healthcare Management Partners, LLC and serve as the CRO to the Debtors in these chapter 11 cases.

3. The information included as **Exhibit 1**, attached and incorporated to this Affidavit, is responsive to the *Order Pursuant to Section 333(a) of the Bankruptcy Code and Bankruptcy Rule 2007.2 (I) Waiving Without Prejudice the Appointment of a Patient Care Ombudsman and (II) Allowing the Debtors to Self Report (“Order”)* [Docket No. 101], entered on July 29, 2024,

¹ The address of the Debtors headquarters is 2 Cityplace Dr, Suite 200, Saint Louis, MO 63141-7390. The last four digits of the Debtors’ federal tax identification numbers are: (i) Midwest Christian Villages, Inc. [5009], (ii) Hickory Point Christian Village, Inc. [7659], (iii) Lewis Memorial Christian Village [3104], (iv) Senior Care Pharmacy Services, LLC [1176], (v) New Horizons PACE MO, LLC [4745], (vi) Risen Son Christian Village [9738], (vii) Spring River Christian Village, Inc. [1462], (viii) Christian Homes, Inc. [1562], (ix) Crown Point Christian Village, Inc. [4614], (x) Hoosier Christian Village, Inc. [3749], (xi) Johnson Christian Village Care Center, LLC [8262], (xii) River Birch Christian Village, LLC [7232], (xiii) Washington Village Estates, LLC [9088], (xiv) Christian Horizons Living LLC [4871], (xv) Wabash Christian Therapy and Medical Clinic, LLC [2894], (xvi) Wabash Christian Village Apartments, LLC [8352], (xvii) Wabash Estates, LLC [8743], (xviii) Safe Haven Hospice, LLC [6886], (xix) Heartland Christian Village, LLC [0196], (xx) Midwest Senior Ministries, Inc. [3401], (xxi) Shawnee Christian Nursing Center, LLC [0068], and (xxii) Safe Haven Hospice, LLC [6886] [filed on August 21, 2024].

which excused the appointment of a patient care ombudsman and required the Debtors to self-report. The information presented in **Exhibit 1** covers the period from August 1, 2024 through August 30, 2024 (the “Second Reporting Period”). I have examined the information and affirm that the information is true and correct to the best of my personal knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: September 27, 2024
St. Louis, Missouri

/s/ Shawn O’Conner
Shawn O’Conner

Exhibit 1

**DEBTORS' SECOND SELF REPORT IN LIEU OF APPOINTMENT OF A PATIENT
CARE OMBUDSMAN FOR THE REPORTING PERIOD**

Exhibit 1

- With respect to “Staff Members” (including W-2 employees or independent contractors, who are directly contracted with or by the Debtors, and individuals who, at the request of the Debtors, whether or not directly contracted with, provide any form of care to the Residents.), I report, for the period of August 1 through and including August 31, 2024:

a. Staff Numbers:

<u>Position</u>	<u>Count</u>
Accountant	5
Administrator	12
Admission	1
Assistant Director of Nursing	2
Chaplain	8
CNA	472
Culinary	104
Culinary Manager	6
Director	24
Director of Nursing	4
Driver	8
Executive	5
Executive Assistant	3
Facility Support	67
Human Resources	9
Laundry	12
LPN	196
MDS	9
LPN Manager	15
Medication Aide	42
Manager	19
Office Support	50
Pharmacist	3
Pharmacy Tech	10
RN	74
RN Manager	5
Scheduler	6
Supportive Aide	40
Supervisor	12
Social Worker	3
Transportation Aide	9
Wellness	22
COTA	17
OT	16
PT	16
PTA	23
SLP	11
Therapy Wellness	2

- With respect to “Staff Members” and the status or standing of any licenses held by staff members, I report, for the period of August 1 through and including August 31, 2024:
 - a. Debtors, to the best of their knowledge, believe that all “Staff Members” licenses are active with no disciplinary actions pending.
- With respect to “Staff Members” and any formal complaints made by Residents or families of Residents concerning the type and level of care provided (“Care”) by the Staff Members at the Debtors’ facilities, I report, for the period of August 1 through and including August 31, 2024:
 - a. This question is answered in the section below with respect to any formal complaints made by Residents or families of Residents concerning the type and level of care provided (“Care”) by the Staff Members at the Debtors’ facilities.
- With respect to staffing changes and any material increase or decrease in the number of staff members, I report, for the period of August 1 through and including August 31, 2024:
 - a. No material changes for the reporting period.
- With respect to Patient/Resident Records: Report on the measures taken by the Debtors to continue securing Resident records at the facilities.
 - a. Electronic records are password protected with access restricted to those authorized. Paper records are kept locked in files in the medical records office with access limited to authorized personnel.
- With respect to any formal complaints made by vendors raised by the Debtors’ vendors regarding payment or ordering issues, I report, for the period of August 1 through and including August 31, 2024:
 - a. Hoosier Christian Village:
 - i. Two vendors contacted the community regarding prepetition balances. They were provided the appropriate information to file a claim.
 - b. Lewis Memorial Christian Village:
 - i. Three vendors contacted the community regarding prepetition balances. They were provided the appropriate information to file a claim. Vendors were set up for ACH payments for post-petition services.
 - c. Spring River Christian Village:
 - i. Vendor notified debtor they would not honor the prior agreement. New vendor was contacted, and services will continue without disruption.
- With respect to any formal complaints made by Residents or families of Residents concerning the type and level of care provided (“Care”) by the Staff Members at the Debtors’ facilities, I report, for the period of August 1 through and including August 31, 2024:
 - a. Survey Activity:
 - i. Crown Point Christian Village
 - 1. Complaint Survey by State Agency on 8/14/24 that was cleared via desk review on 9/4/24.
 - ii. Hoosier Christian Village:

1. Complaint Survey by State Agency on 8/5/2024 with no findings or deficient practices found.
- iii. Lewis Memorial Christian Village:
 1. Complaint Survey by State Agency on 8/19/24 and all concerns cleared by the State Agency on 9/4/24.
- iv. River Birch Christian Living:
 1. State Agency conducted their annual recertification survey on 8/20/24 and 8/21/24. The survey was closed on 9/9/24 and the community is in substantial compliance.
- v. Spring River Christian Village:
 1. State Agency conducted their annual recertification on 8/14/24. The Plan of Correction was submitted and accepted correcting the two minor deficiencies on 9/3/24.
- vi. Wabash Estates:
 1. State Agency conducted their annual recertification survey from 8/5/24 through 8/8/24. Two minor deficiencies were identified and corrected.
- b. Grievances:
 - i. Hickory Point Christian Village:
 1. Resident expressed a concern that they needed their toenails trimmed. Resident received the requested services.
 2. Resident requested probiotics. Resident request was met, and physician order obtained.
 3. Resident expressed a concern with a swollen ankle. Resident needs were met, and physician order obtained for Lasix.
 4. Resident expressed a concern with communication regarding their wound vac. Resident concern was addressed and education provided to care staff.
 5. Resident expressed a concern with medication delivery at night. Resident's needs were met, and education provided to care staff.
 6. Resident had questions regarding their wound vac placement and requested to use the toilet versus a bed pan. Wound vac was reviewed and in place. Education was provided to care staff regarding resident preferences.
 7. Resident expressed a concern with medication delivery and therapy services. Resident medications were reviewed, and therapy logs reviewed. Resident is receiving all medications and therapy as ordered by their attending physician.
 8. Resident expressed they wanted to be up more often. Education was provided to care staff and resident's preferences were implemented.

9. Resident expressed a concern with therapy services scheduling. Therapy schedule was reviewed and modified to meet the resident's preferences.
 10. Resident family member inquired about a wound on resident's left elbow. Skin audit was conducted and new order for treatment obtained.
 11. Resident expressed a concern with call light response times and their lung care/breathing treatment. Care staff educated on call light response and order obtained to monitor resident's respirations and oxygen levels.
- ii. Lewis Memorial Christian Village:
1. Resident expressed concerns with the meal options, transfers, and requested to be discharged. Resident was discharged at their request.
 2. Resident expressed a concern with the shower schedule. Director of Nursing addressed the resident's concern and adjusted the shower schedule to meet resident's preferences.
 3. Resident requested to be up and showered prior to their spouse arriving. Resident's request was met, and schedule adjusted to meet their preferences.
 4. Resident expressed a concern with call light response times. Audits were initiated, education provided to care staff, and resident was provided with a new communication device for call lights.
- iii. The Hoosier Christian Village:
1. Resident family member expressed wanting ancillary services offered more timely by outside practitioners. The Executive Director and Social Services Director met with the family to resolve the concern.
 2. Resident requested more assistance with Activities of Daily Living. Social Services and Nursing met with the resident on their desired needs and resolved the concern.
- iv. Crown Point Christian Village:
1. Resident expressed concerns that their glasses were missing. The resident was referred to optometrist to get the glasses replaced.
 2. Resident questioned the medication delivery process, and this was addressed by the Director of Nursing Services.
 3. Resident expressed a concern with lab results, and this was addressed by the Interdisciplinary Team.
 4. Resident identified a new rash, and this was addressed by the Wound Care Nurse, and new physician orders received.
 5. Resident expressed concerns with their hearing aide, the supplier was contacted and recommended actions taken.

6. Resident expressed a concern about an appointment with an outside provider. Assistant Director of Nursing set the appointment for the resident and staff educated on scheduling appointments.
 7. Resident expressed concerns with their clock. Batteries were replaced and clock concerns addressed.
 8. Resident expressed a concern with the meal choices. Resident preferences and ticket verified for future meals.
 9. Resident expressed a concern with a missing sheet. Laundry department replaced the sheet.
 10. Resident expressed a concern with being up and in their wheelchair too long. Resident preferences were updated and care plan adjusted to meet resident wishes.
 11. Resident expressed a concern with a missing hearing aide. Audiologist appointment was scheduled for replacement.
 12. Resident expressed a concern with their chair. Occupational Therapy Order received to address the chair.
 13. Resident Representative had questions regarding their loved one's labs and medications. The Director of Nursing reviewed the labs and medication orders with the Responsible Party to resolve any questions.
- v. Risen Son Christian Village:
1. There was an allegation of physical abuse on 8/4/24 that was self-reported to the State Agency. This was unsubstantiated and closed out by the State Agency with no concerns.
 2. There was an allegation that a C.N.A. was rough during care delivery. This was self-reported to the State Agency and closed with no concerns.
- vi. Spring River Christian Village:
1. There was an allegation of abuse that was self-reported to the State Agency on 8/3/24. The allegation was unsubstantiated and closed by the State Agency on 8/14/24.
- vii. Washington Supportive Living:
1. There was an argument between two residents on 8/2/24 that was addressed and no further concerns.
 2. There was an argument between two residents on 8/8/24 that was addressed and no further concerns.
 3. Resident expressed a concern that a caregiver was rushing her. Education was provided and the caregiver will not be returning to work.
- Litigation: Report any post-petition litigation or administrative actions initiated post-petition against the Debtors, and the status of any pending administrative actions against the Debtors. I report, for the period of August 1 through and including August 31, 2024:
 - a. Lewis Memorial Christian Village:

- i. Victoria L. Huffstutler, as Executor of The Estate of Fred A. Huffstutler, deceased v Lewis Memorial Christian Village, and Illinois Corporation s/a/k/a Christian Horizons. Plaintiff filed a motion for relief from the automatic stay, it was entered August 14, 2024. A hearing was held on September 11, 2024, and the motion was denied.
 - ii. Sierra Marshall v Lewis Memorial Christian Village – discrimination charge filed with the Illinois Department of Human Rights. Proceeding as an administrative claim
- Expansion/Closures: Report any plans to open or close any part of the Debtors’ facilities.
 - a. There are no plans to open or close any part of the Debtors’ facilities.
 - With respect to the Condition of Facilities noted herein are each being addressed on a go-forward basis. Each existed as of the time of filing. They are being noted in this report because the issues have not fully resolved yet and in the interest of full disclosure. I report, for the period of August 1 through and including August 31, 2024:
 - a. Risen Son Christian Village:
 - i. Wastewater Treatment Plant is treated by an onsite wastewater treatment plant. The wastewater treatment plant is currently not in compliance with Iowa Department of Natural Resources (IDNR) regulations. Immediate repairs are needed to make this plant operate within regulations and the civil engineer has estimated the cost of these repairs to be \$60,000.00. The civil engineer has prepared plans for a lift station and force main that would connect the community to the Council Bluffs municipal sewer system. These plans have been submitted to both IDNR and to Council Bluffs, with approvals to proceed received. The engineer has estimated the cost of this work at \$1,500,000.00. The engineer has also estimated the cost to replace the existing wastewater treatment plant with a package system at \$3,000,000.00.
 - b. Crown Point Christian Village:
 - i. HVAC Repairs needed in the main building which is a loop system and fin-tube radiators in each room. Air handling units are installed in the larger areas (dining, corridors, nursing stations, etc.). These air handlers are also connected to the loop system. The Debtor is leasing a temporary chiller each month to ensure the HVAC operates appropriately.
 - ii. Wastewater Treatment plant is currently treated by an on-site wastewater treatment plant, which is currently in compliance with the Indiana Department of Environmental Management. The Town of Winfield and Indiana Department of Environmental Management have requested the plant be connected to the Winfield Municipal Sewer System. Civil Engineers estimated cost is \$500,000.00.
 - c. Lewis Memorial Christian Village
 - i. The roof of the skilled nursing building is a membrane roof that was not installed correctly and never adhered to the roof deck. Temporary steps

have been implemented to prevent or minimize leaking during heavy storms.

- d. River Birch Christian Village
 - i. The unoccupied northern building (4008 Cockrell Lane) suffered severe internal water damage from a sprinkler pipe break in December 2022. Much of the interior has been gutted but reconstruction has never begun.
- With respect to Life-Safety Issues, I report, for the period of August 1 through and including August 31, 2024:
 - a. Hoosier Christian Village:
 - i. On 8/14/24 the community was auditing smoke detector sensitivity. After audits, twenty (20) smoke detectors were replaced to ensure they meet the requirements.
 - b. River Birch Christian Village:
 - i. Life Safety inspector closed out their visit and community is in compliance with Life Safety Code after inspection on 8/23/24.