

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,
372, 413 and 499

**NOTICE OF FILING FIFTH 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 § 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*

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].



2442473241227000000000001

Debtors 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 pursuant to the terms set forth in the Order, the Debtors hereby file the *Fifth 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: December 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
Telephone: (314) 241-1800
stephen.obrien@dentons.com

Robert E. Richards (admitted *pro hac vice*)
Samantha Ruben (admitted *pro hac vice*)
DENTONS US LLP

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

233 S. Wacker Drive, Suite 5900
Chicago, Illinois 60606-6404
Telephone: (312) 876-8000
robert.richards@dentons.com
samantha.ruben@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

**Fifth 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, 101, 229,
372, 413 and 499

NOTICE OF FIFTH 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

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].

on July 29, 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 November 1, 2024 through November 30, 2024. 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: December 27, 2024
St. Louis, Missouri

/s/ Shawn O'Conner
Shawn O'Conner
Healthcare Management Partners, LLC

Exhibit 1

**DEBTORS' FIFTH 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 November 1 through and including November 30, 2024:

a. Staff Numbers:

<u>Position</u>	<u>Count</u>
Accountant	5
Administrator	14
Admission	1
Assistant Director of Nursing	2
Chaplain	7
CNA	560
Culinary	109
Culinary Manager	6
Director	26
Director of Nursing	6
Driver	8
Executive	5
Executive Assistant	3
Facility Support	72
Human Resources	13
Laundry	12
LPN	266
LPN Manager	17
Medication Aide	50
Manager	20
Office Support	52
Pharmacist	4
Pharmacy Tech	10
RN	92
RN Manager	14
Scheduler	6
Supportive Aide	45
Supervisor	12
Social Worker	3
Transportation Aide	9
Wellness	29
SLP	10
COTA	15
OT	16
PT	13
PTA	20
Therapy Wellness	5

- With respect to “Staff Members” and the status or standing of any licenses held by staff members, I report, for the period of November 1 through and including November 30, 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 November 1 through and including November 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 November 1 through and including November 30, 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 November 1 through and including November 30, 2024:
 - a. No formal vendor complaints during the period.
- 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 November 1 through and including November 30, 2024:
 - a. Survey Activity:
 - i. Hoosier Christian Village:
 - 1. An annual Life Safety Code recertification survey was conducted by the State Agency on November 20. An acceptable plan of correction was submitted and approved by the State Agency.
 - ii. Lewis Memorial Christian Village:
 - 1. The State Agency conducted an unannounced complaint survey on 11/4/2024. All complaints were unfounded with no deficiencies cited.
 - 2. State Agency conducted an unannounced complaint survey on 11/14/2024. All complaints were unfounded with no deficiencies cited.
 - iii. Wabash Christian Supportive Living:

1. State agency conducted a follow up on October 8, 2024 related to their annual recertification survey with no findings. The state agency closed the cycle on 11/13/2024.

b. Grievances:

i. Crown Point Christian Village:

1. Resident expressed a concern with not being assisted out bed timely on November 4, 2024. Assistance was immediately provided and no further concerns.
2. Resident expressed a concern with a staff member having her cell phone out while on shift on November 4, 2024. Staff members were educated to ensure they only have their cell phone out at appropriate times.
3. Resident expressed concern with their shower on November 4, 2024. Staff provided resident with shower as requested and no further concerns.
4. Resident expressed a concern with receiving salt with their meal tray on November 5, 2024. Dietary members educated and preferences updated to not send salt to resident.
5. Resident expressed a concern about not liking her glasses on November 6, 2024. The community ordered resident new glasses and no further concerns.
6. Family member expressed a concern with missing hairspray on November 8, 2024. Hairspray was located by staff member in the bathroom and no further concerns.
7. Resident expressed a concern with missing their shower on November 11, 2024. Shower was provided as requested and no further concerns.
8. Family member expressed a desire for their loved one to receive a diabetic diet on November 12, 2024. Family member was educated on the resident's current diet and was satisfied with the plan.
9. Resident stated her cell phone was missing on November 12, 2024. Cell phone was found in the resident's room and no further concerns.
10. Resident expressed a concern with the cleanliness of their room on November 12, 2024. The room was cleaned and resident satisfied with the resolution.
11. Family member expressed a concern with the nursing plan of care on November 13, 2024. Care Plan meeting was held and all concerns resolved.
12. An allegation of abuse was self-reported to the State Agencies on 11/15/24. The allegation was unsubstantiated, and no concerns found.

13. Family member expressed a concern with the nursing plan of care on November 20, 2024. A care plan meeting was held and family member was satisfied with no further concerns.
 14. Resident expressed a concern with not wanting their mattress to be changed for a new mattress on November 26, 2024. Resident's wishes were honored, and mattress was not changed.
 15. Family member expressed she wanted her mother to have a window-side bed on November 27, 2024. Community committed to family member that this accommodation would be made when a new room opened up.
- ii. Hoosier Christian Village:
1. Resident/Family concern expressed regarding meds being available at bedside and odor associated with colostomy bag on November 7, 2024. Caregiver education provided regarding colostomy care and Physician Orders obtained for medications at bedside. No further concerns.
 2. Resident expressed a concern with call light response times on November 16, 2024. Education was provided to caregivers and audits put in place. Concerns resolved to the residents' satisfaction.
 3. Resident expressed concern with PRN bowel medications on November 24, 2024. Medication regimen review was conducted with the resident and family with no further concerns.
- iii. Hickory Point Christian Village:
1. Resident expressed a concern with staff member being on their phone in the dining room on November 4, 2024. Education was provided to caregivers on the concern and no further issues noted.
 2. Resident expressed a concern that a staff member was lazy on November 6, 2024. Staff members were educated and no further concerns.
 3. Resident expressed a concern that they could not locate their hearing aide on November 8, 2024. After a search was conducted the hearing aid was not found and will be replaced.
 4. Resident expressed a concern that they were not assisted with repositioning during night shift on November 12, 2024. Education was conducted with caregivers and no further concerns.
 5. Resident expressed concern with medication delivery on November 21, 2024. Nurses were reeducated and no further concerns.
 6. Resident expressed a concern with call light response times on November 21, 2024. Education was provided to caregivers and audits were put in place. Concerns resolved to the residents' satisfaction.

7. Resident expressed a concern with shower times on November 21, 2024. Education was provided to caregivers, shower was provided per resident preferences, and no further concerns.
- iv. Lewis Memorial Christian Village:
 1. Family member expressed a desire to review resident's medical condition and attend medical appointments on November 4, 2024. Community confirmed this family member is not the POA and educated the family member they can only provide medical information to the POA or at the resident's direction. No further concerns.
 2. Resident expressed a concern with missing eye glasses on November 7, 2024. The glasses were found in the resident's room and no further concerns.
 - v. Risen Son Christian Village:
 1. Resident expressed concern about the distance of her room from the dining room and requested assistance with ambulation to all meals on November 6, 2024. Resident's request was honored and no further concerns.
 2. Family member of a resident expressed a concern with room cleanliness, resident being soiled, and resident experiencing pain on November 18, 2024. Community conducted a thorough investigation that showed the nurse assigned to the resident had administered the physician ordered medication and caregiver obtained the supplies to provide incontinence care to the resident. The resident later left the community and hospital against medical advice.
- 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 November 1 through and including November 30, 2024:
 - a. Risen Son Christian Village:
 - i. In November Risen Son Christian Village received a Race (American Indian) charge of discrimination dually filed with EEOC #26A-202500176 & Iowa Civil Rights Commission #11-24-82891. We retained local counsel who is submitting our position statement and requested Respondent Questions.
 - 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. I report for the period of November 1 through and including November 30, 2024:
 - a. Risen Son Christian Village:

- i. Existed as of the time of filing. They are being noted in this report because the issues have not been fully resolved yet and in the interest of full disclosure. 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. Existed as of the time of filing. They are being noted in this report because the issues have not been fully resolved yet and in the interest of full disclosure. HVAC Repairs is 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. Existed as of the time of filing. They are being noted in this report because the issues have not been fully resolved yet and in the interest of full disclosure. 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. Existed as of the time of filing. They are being noted in this report because the issues have not been fully resolved yet and in the interest of full disclosure. 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. Existed as of the time of filing. They are being noted in this report because the issues have not been fully resolved yet and in the interest of full disclosure. 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.

- ii. Elevator inspection occurred on November 12, 2024. Diagrams were needed by the manufacturer and later provided. A follow up inspection is scheduled for December.
- e. Hickory Point Christian Village:
 - i. Replacement water heaters were needed. Replacement occurred on November 25, 2024.
- With respect to Life-Safety Issues, I report, for the period of November 1 through and including November 30, 2024:
 - i. Hoosier Christian Village:
 - 1. An annual Life Safety Code recertification survey was conducted by the State Agency on November 20. An acceptable plan of correction was submitted and approved by the State Agency.