

Health Care Cases – Patient Care Ombudsman

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 101\(27A\)](#)

[11 U.S.C. § 333](#)

[Fed. R. Bankr. P. 1021](#)

[Fed. R. Bankr. P. 2007.2](#)

[Fed. R. Bankr. P. 2015.1](#)

Fee: N/A

Applicable Chapters: 7, 11

Implemented: 4/13/2018

Last Revision: 9/9/2020 10:19:13 AM

Description

Section 101(27A) of the Bankruptcy Code provides a detailed definition of a health care business. Under item 7 on the bankruptcy petition, a petitioner must describe the debtor's business. If a petitioner checks the Health Care Business box, then § 333 of the Bankruptcy Code requires, within 30 days of a case filing, the appointment of a patient care ombudsman. To streamline processing and eliminate unnecessary noticing, the court will set an order to show cause hearing on why a patient care ombudsman is not needed in every health care case filed. The Court will cancel the hearing and enter an order declining to appoint an ombudsman if both the debtor and United States Trustee agree that no ombudsman is necessary to protect patients. Conversely, if an appointment is necessary, the United States Trustee and the debtor may file a consent stating that an ombudsman is necessary. The hearing will go forward as scheduled if no consents are filed.

Parties should pay specific attention to the additional reporting requirements and records disposal regulations for all health care cases.

Filing Checklist:

- Confirm use of the correct and most recent [Official Form](#) for all papers.