

Docket Number: 2040

UNITED HEALTH, INC., ELK HAVEN NURSING HOME, STATESMAN NURSING
CENTER, ~~TOWNSHIP MANOR NURSING CENTER~~, TREMONT NURSING CENTER
AND VALLEY MANOR NURSING CENTER

~~Jeffrey W. Bechtel, Esquire~~
~~Louis J. Capozzi, Jr., Esquire~~
~~John N. Kennedy, Esquire~~
Kimber L. Latsha, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
~~Jeffrey P. Schmoyer, Assistant Counsel~~
Edward G. Cherry, Esquire

December 5, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim:\$654,894.00

December 13, 1995

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

December 26, 1995

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 20, 1995.

January 4, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 19, 1995.

January 31,1996

Answer of Commonwealth of Pennsylvania, Department of Public Welfare, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 15, 1997

Letter forwarded to parties requesting status reports. **STATUS REPORTS DUE ON OR BEFORE MAY 15, 1997**

May 5, 1997

Letter/Status Report received from attorney for Plaintiff advising that the parties anticipate to initiating settlement in 2 - 3 months. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 30, 1997

Letter/Status Report received from Plaintiff advising that the parties are in the process of resolving the Claim at #2445 and once that Claim is resolved, the parties will initiate settlement regarding this claim.

March 31, 1998

Letter forwarded to parties requesting status report. Status

Report due on or before **May 1, 1998.**

April 27, 1998

Status letter received from Plaintiff advising that the parties are involved in extensive settlement negotiations. If the parties cannot resolve this matter a hearing will be requested.

October 15, 1998

Status letter forwarded to parties. RESPONSE DUE 11/16/98

November 16, 1998

Status letter received from attorney for Plaintiff advising that the parties are in settlement negotiations with a number of cases

pending before the Board. The Plaintiff is presently preparing a position paper for the above case (Elk Haven's fiscal periods 6/30/93 through 12/31/95 which should result in a settlement.

December 2, 1998

Letter received from attorney for Plaintiff advising that settlement negotiations are in the works. If the parties are unable to settle a hearing will be requested.

August 12, 1999

Letter forwarded to parties requesting a status. Response due 9/13/99.

August 26, 1999

Letter/Status Report received from Plaintiff advising that are involved in settlement negotiations involving other Extendicare Claims before the Board. Upon completion of resolving all matters of Extendicare owned facilities for FYE 6/30/92 - 6/30/94 they will explore settlement options for the above referenced claim.

January 28, 2000

Letter forwarded to parties requesting a status. NOW DUE 2-28-00.

February 15, 2000

Letter received from Plaintiff advising that the parties are in settlement negotiations with Defendant involving claims filed by Extendicare owned facilities FYEs 6/30/92 through 6/30/94. Upon completion of resolving these claims they will explore settlement options for facilities that include the above-referenced claim. If the parties are unable to resolve this matter a hearing will be requested.

September 19, 2000

Letter forwarded to parties requesting a status. DUE 10/19/00.

October 17, 2000

Faxed letter received from attorney for Plaintiff advising that they are involved in settlement negotiations with Defendant involving other Extendicare owned facilities. Upon completion of resolving all other Extendicare matters the parties will explore settlement options for Elk Haven.

October 18, 2000

US Mail letter received from attorney for Plaintiff advising that they are involved in settlement negotiations with Defendant involving other Extendicare facilities. Upon completion of resolving all other Extendicare matters the parties will explore settlement options for Elk Haven.

April 13, 3001

Praecipe for Discontinuance as to Some Named Plaintiffs filed by attorney for Plaintiff.

April 20, 2001

The Board made the following Order: **AND NOW**, upon receipt of a Praecipe For Discontinuance As to Some Named Plaintiffs advising that **A...** This matter may be withdrawn, discontinued and ended as to the following named Plaintiffs and fiscal periods only: Statesman FYE 6/30/93, and Trentmont FYE 6/30/93", executed by Kimber L. Latsha, Esquire, on behalf of Plaintiff herein, and docketed with this Board under date of April 13, 2001, it is **ORDERED** and **DIRECTED** that the case, be marked, **Aclosed**, ended and discontinued with prejudice@. Copy forwarded to attorney for Plaintiff and Defendant.

April 26, 2001

Acceptance of Service of Order dated April 20, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 23, 2001.

April 27, 2001

Acceptance of Service of Order dated April 20, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 26, 2001.

October 30, 2001

Letter forwarded to parties requesting a status. Due 11/30/01.

November 15, 2001

Letter received from attorney for Plaintiff advising that upon completion of resolving all matters of Extendicare facilities FYE 6/30/92 through 6/30/94 they will explore settlement options for Extendicare facilities which include Elk Haven FYE 6/30/93.

June 7, 2002

Letter forwarded to parties requesting a status report.
Response due 7/8/02.

June 20, 2002

Letter received from attorney for Plaintiff advising that position papers for each facility with the exception of Elk Haven were submitted to Defendant for settlement purposes. Upon completion of resolving all matter of Extendicare's owned facilities FYE 6/30/92 - 6/30/94 they will explore settlement options for Elk Haven.

August 28, 2002

Praecipe for Discontinuance as to some named Plaintiffs filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 23, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 23rd day of September, 2002, it is **ORDERED** and **DECREED** that the matter is withdrawn, discontinued and ended as to Township Manor Nursing Center for fiscal period ending 6/30/93

only. Copies forwarded to attorney for Plaintiff and Defendant.

September 30, 2002

Acceptance of Service of Opinion and Order dated September 23, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27, 2002.

September 30, 2002

Acceptance of Service of Opinion and Order dated September 23, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 26, 2002.

June 6, 2003

Plaintiff filed Praecipe for Discontinuance as to some Named Plaintiff. Copy forwarded to attorney for Defendant.

July 8, 2003

Board issued Opinion and Order. Order as follows: **AND NOW**, this 8th day of July, 2003, it is **ORDERED** and **DECREED** that the matter is **WITHDRAWN, DISCONTINUED** and **ENDED** as to Valley Manor Nursing Center for fiscal period ending 6/30/93 only. Copy forwarded to Plaintiff and Defendant.

July 10, 2003

Defendant filed Acceptance of Service of Opinion and Order dated July 8, 2003. Receipt of same acknowledged July 9, 2003.

July 17, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated July 8, 2003. Receipt of same acknowledged July 15, 2003.

October 5, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 5th day of October, 2005, it is **ORDERED** and **DECREED** that pursuant to 42 Pa. C.S.A. §5103(a) and Pa. R.C.P. 213(f), this matter and the record thereof is **TRANSFERRED** to the Department of Public Welfare, Bureau of Hearings and Appeals." Copy forwarded to Plaintiff and Defendant.

October 12, 2005

Board transferred file to Department of Public Welfare, Bureau of Hearing and Appeals.

October 13, 2005

Defendant filed Acceptance of Service of Opinion and Order dated October 5, 2005. Receipt of same acknowledged October 7, 2005.

November 3, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated October 5, 2005. Receipt of same acknowledged November 2, 2005.
