

Docket Number: 2049

**UNITED HEALTH, INC., ABINGTON CREST NURSING CENTER, BEAVER  
VALLEY NURSING CENTER, BELAIR NURSING CENTER, BROAD ACRES  
NURSING HOME ASSOC., EDGEWOOD NURSING CENTER, HAVEN CREST,  
INC., LANCHORNE GARDENS NURSING CENTER, MEADOWCREST INC.**

John N. Kennedy, Esquire (Latsha, Davis & Yohe)  
~~Jeffrey W. Bechtel, 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 21, 1996**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$407,818.00.

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**December 29, 1996**

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

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**January 16, 1996**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 2, 1996.

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**February 8, 1996**

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

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**February 13, 1996**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 3, 1996.

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**April 2, 1997**

Letter forwarded to parties requesting Status Report. STATUS REPORT DUE MAY 2, 1997.

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**April 30, 1997**

Status letter received from Plaintiff advising that portions of the claim are settled and if further discussions do not resolve the claim, Plaintiff will request a hearing.

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**November 4, 1997**

Letter forwarded to parties requesting status report. Status Report due on or before December 4, 1997.

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**December 9, 1997**

Second letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE **JANUARY 8, 1998** or Rule to Show Cause will be issued.

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**December 16, 1997**

Letter/Status Report received from Plaintiff advising that portions of this claim have settled (some facilities) and they will be filing a Motion to Withdraw these facilities by the end of December, 1997. Once the remaining facilities settle, they will withdraw the claim.

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**March 24, 1998**

Letter forwarded to parties requesting a status report. Status Report due on or before APRIL 23, 1998.

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**April 27, 1998**

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

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**October 15, 1998**

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

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**November 16, 1998**

Status received from Plaintiff advising that the parties are in settlement negotiations with a number of cases pending before the Board. Position papers for the above cases were prepared and submitted to Defendant which may result in a settlement of this matter.

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**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.

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**August 12, 1999**

Letter forwarded to parties requesting a status report. Response due September 12, 1999.

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**August 26, 1999**

Letter/Status Report received from Plaintiff advising that they are currently involved in settlement negotiations with the Defendant.

**March 21, 2000**

Letter forwarded to parties requesting a status report. Status due 4/21/00.

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**April 5, 2000**

Letter received from attorney for Plaintiff advising that the parties are in the process of extensive settlement negotiations with other claims. Plaintiff anticipates an amicable resolution in the near future for the above-captioned matter.

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**March 29, 2001**

Letter forwarded to parties requesting a status report. Due 4/30/01.

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**April 13, 2001**

Letter received from attorney for Plaintiff advising that position papers were submitted to the Defendant for purposes of settlement negotiations regarding numerous Claims filed by Extendicare's owned facilities for FYE 6/30/92 to 6/30/94.

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**April 13, 2001**

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

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**April 20, 2001**

The Board made the following Order: **AND NOW:** this 20th day of April, 2001, 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: Belair Nursing Center FYE 6/30/94", 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.

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**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.

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**April 27, 2001**

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

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**October 30, 2001**

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

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**November 15, 2001**

Praecipe For Discontinuance as to Some Named Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 26, 2001**

The Board made the following Order: **AND NOW**, this 26th day of November 2001, upon receipt of a Praecipe For Discontinuance As to Some Named Plaintiff, advising the Board that ... ~~A~~This matter be withdrawn, discontinued and ended as to the following named Plaintiff and fiscal period only: Beaver Valley FYE 6/30/91 and 6/30/92 ...~~@~~, executed by Kimber L. Latsha, Esquire, on behalf of Plaintiff herein, and docketed with this Board under date of November 15, 2001, it is **ORDERED** and **DIRECTED** that part of the case (Beaver Valley) be marked, ~~A~~closed, ended and discontinued with prejudice~~@~~. Copy forwarded to attorney for Plaintiff and Defendant.

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**November 29, 2001**

Acceptance of Service of Order dated November 26, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 28, 2001.

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**November 29, 2001**

Acceptance of Service of Order dated November 26, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 27, 2001.

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**October 24, 2002**

Letter forwarded to parties requesting a status report.  
Response due November 25, 2002.

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**November 20, 2002**

Letter received from attorney for Plaintiff advising that the parties have deferred settlement negotiations involving the above claim, pending settlement negotiations regarding Extendicare-owned facilities FYE 6/30/92-6/30/94. Once these claims are resolved the parties will pursue negotiated settlement options for the above matter.

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**June 4, 2003**

Plaintiff filed Praecipe for Discontinuance As To **Some Named Plaintiff**. Copy forwarded to Defendant.

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**June 16, 2003**

Plaintiff filed Praecipe for Discontinuance as to some Named Plaintiffs. Abington FYE 6/30/94, Havencrest, Inc. FYE 6/30/94, and Langhorne Gardens FYE 6/30/93. Copy forwarded to Defendant.

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**June 18, 2003**

Board issued Order. Order as follows: **AND NOW**, this 18th day of June, 2003, upon consideration of the Praecipe for Discontinuance as to Some Named Plaintiff advising that A[t]his matter may be withdrawn, discontinued and ended as to the following named plaintiff and fiscal period only: Meadowcrest, Inc., FYE 6/30/94, executed by Kimber L. Latsha, Esquire on behalf of the plaintiff herein, and docketed with the Board on June 4, 2003, it is **ORDERED** and **DIRECTED** that the part of the claim for Meadowcrest, Inc., for FYE 6/30/94 be marked **CLOSED** and **DISCONTINUED WITH PREJUDICE**. Copies forwarded to Plaintiff and Defendant.

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**June 24, 2003**

Defendant filed Acceptance of Service of Order dated June 18, 2003. Receipt of same acknowledged June 19, 2003.

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**June 30, 2003**

Plaintiff filed Acceptance of Service of Order dated June 18, 2003. Receipt of same acknowledged June 27, 2003.

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**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 Abington Crest Nursing Center for fiscal period ending 6/30/94, Haven Crest, Inc., for fiscal period ending 6/30/94, and Langhorne Gardens Nursing Center for fiscal period 6/30/93 only. Copy forwarded to Plaintiff and Defendant.

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**July 10, 2003**

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

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**July 17, 2003**

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

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**October 3, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 3<sup>rd</sup> 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.

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**October 6, 2005**

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

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**October 7, 2005**

Defendant filed Acceptance of Service of Opinion and Order dated October 3, 2005. Receipt of same acknowledged October 5, 2005.

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**October 24, 2005**

Plaintiff filed Acceptance of Service of Opinion and Order dated October 3, 2005. Receipt of same acknowledged October 6, 2005.

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