

Docket Number: 2146-P

**UNITED HEALTH SERVICES, INC., d/b/a ABINGTON CREST NURSING AND
REHABILITATION CENTER, BELAIR HEALTH AND REHABILITATION CENTER,
BROAD MOUNTAIN NURSING AND REHABILITATION CENTER, DRESHER HILL
HEALTH AND REHABILITATION CENTER, EDGEWOOD NURSING CENTER,
ELDERCREST NURSING CENTER, HAVENCREST NURSING CENTER,
LANGHORNE GARDENS REHABILITATION CENTER, MEADOWCREST NURSING
CENTER, OAK HILL NURSING CENTER, SPRUCE MANOR NURSING AND
REHABILITATION CENTER, STATESMAN HEALTH AND REHABILITATION
CENTER, STONEBRIDGE HEALTH AND REHABILITATION CENTER, TOWNSHIP
MANOR HEALTH AND REHABILITATION CENTER, TREMONT HEALTH AND
REHABILITATION CENTER, VALLEY MANOR NURSING AND REHABILITATION
CENTER AND BROAD ACRES NURSING HOME ASSOCIATION, CLARVIEW
NURSING AND REHABILITATION CENTER, ELK HAVEN NURSING ASSOCIATION,
GROVE MANOR, THE CARING PLACE**

~~Louis J. Capozzi, Jr., Esquire~~

~~Jeffrey W. Bechtel, Esquire~~

John N. Kennedy, Esquire

Kimber L. Latsha, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE**

Barry Kramer, Senior Assistant Counsel

~~John A. Kane, Chief Counsel~~

~~Jeffrey P. Schmoyer, Assistant Counsel~~

~~Kathleen Grogan, Assistant Counsel~~

July 9, 1996

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: in excess of \$300.00

July 11, 1996

Copies of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT: August 12, 1996**

July 22, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 16, 1996.

July 26, 1996

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 18, 1996.

August 8, 1996

Letter received from attorney for Defendant requesting an extension of time of 30 days in which to file its Answer to Claim.

August 14, 1996

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting request for extension of time for Defendant to file its Answer to Claim. **ANSWER DUE FROM DEFENDANT: September 16, 1996.**

September 16, 1996

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **ANSWER DUE FROM DEFENDANT 10/25/96.**

October 10, 1996

Claimant=s Answer to Respondent=s New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 17, 1997

Letter received from attorney for Plaintiff advising that most of these claims will probably be withdrawn due to settlement. PER JUDGE, CASE IS TO BE DIARIED FOR 5 MONTHS (9/22/97)

May 6, 1997

Letter received from attorney for Plaintiff advising that the parties are attempting to settle and that the claim

may be withdrawn. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 15, 1997

*Petition for Leave to Amend Claim, as well as Amended Claim, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Amount of Claim: in excess of \$300.00

October 22, 1997

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 22nd day of October, 1997, it is hereby **ORDERED** and **DECREED** that the Petition for Leave to Amend Claim is hereby **GRANTED**. The Defendant is hereby **DIRECTED** to file its responsive pleading to the Amended Claim within thirty (30) days from the exit date of this Order.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

October 22, 1997

Copy of Amended Claim forwarded to Office of Attorney General.

October 27, 1997

Acceptance of Service of Opinion and Order dated October 22, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 24, 1997.

October 27, 1997

Acceptance of Service of Order dated October 22, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 23, 1997.

December 23, 1997

Answer and New Matter to Amended Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Reply to New Matter due from Pltf. Feb. 5, 1998.**

February 3, 1998

Claimant-s Reply to Respondent-s New Matter to Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 25, 1998

Status letter received from attorney for Plaintiff advising that a settlement proposal was forwarded to Defendant and they are presently awaiting a response. If the parties are unable to resolve the matter a hearing will be requested. (Diary case for six months.)

March 22, 1999

Status letter forwarded to parties. Response due 4/19/99.

March 25, 1999

Petition for Leave to Amend First Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 25, 1999

Second Amended Claim filed by attorney for Plaintiff.

April 12, 1999

Letter received from attorney for Plaintiff advising that a Petition for Leave to Amend Claim was filed before the Board and they are awaiting the Board's decision on the matter.

April 12, 1999

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 17, 1999.

April 16, 1999

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 14, 1999.

April 21, 1999

Defendant filed Answer and New Matter to Second Amended Claim.

May 7, 1999

Claimant's Reply to Respondent's New Matter and Second Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 21, 1999

Letter forwarded to parties directing them to commence with discovery.

January 28, 2000

Letter forwarded to parties requesting a status. Now due 2-28-00.

February 15, 2000

Letter/Status received from Plaintiff advising that they are currently involved in settlement issues involving

other Extendicare claims. Upon completion of resolving other matters of Extendicare, they will explore settlement options for the above-referenced claim.

November 28, 2000

Letter forwarded to parties requesting a status. Due 12/29/00.

January 8, 2001

Letter received from attorney for Plaintiff advising that the parties are currently involved in extensive settlement negotiations involving other claims. Once these claims are resolved they will explore settlement options for the above claim.

August 6, 2001

Letter forwarded to parties requesting a status report. Due 9/6/01.

August 20, 2001

Letter received from Pltff. advising that the parties are not yet involved in settlement negotiations regarding the above claim, they have been extensively involved with settlement negotiations regarding other claims filed with the Board for Fiscal periods 6/30/92 through 6/30/94.

September 25, 2002

Letter received from attorney for Plaintiff advising that the parties anticipate resuming extensive settlement negotiations involving other Claims for fiscal periods 6/30/92 to 6/30/94.

October 7, 2005

Board rendered an Opinion and Order. Order as follows: “**AND NOW**, this 7th 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 17, 2005

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

November 1, 2005

Defendant filed Acceptance of Service of Opinion and Order dated October 11, 2005. Receipt of same acknowledged October 31, 2005.

November 3, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated October 11, 2005. Receipt of same acknowledged November 2, 2005.
