

Docket Number: 2177-P

~~INTEGRATED HEALTH SERVICES, INC.; REST HAVEN NURSING CENTERS, INC., d/b/a, INTEGRATED HEALTH SERVICES OF PENNSYLVANIA AT BROOMALL; REST HAVEN NURSING CENTER, INC., d/b/a, INTEGRATED HEALTH SERVICES OF CHESTNUT HILL; ALPINE MANOR, INC., d/b/a INTEGRATED HEALTH SERVICES OF ERIE AT BAYSIDE; INTEGRATED HEALTH GROUP (INTEGRATED HEALTH OF LOCUST VALLEY ROAD, INC. - GENERAL PARTNER), d/b/a, INTEGRATED HEALTH SERVICES OF GREATER PITTSBURGH; CAMBRIDGE GROUP OF PENNSYLVANIA, INC., d/b/a INTEGRATED HEALTH SERVICES OF HERSHEY AT WOODLANDS; INTEGRATED HEALTH SERVICES OF INDIAN CREEK, INC., d/b/a, INDIAN CREEK NURSING CENTER; INTEGRATED HEALTH SERVICES AT PENN, INC., d/b/a, INTEGRATED HEALTH SERVICES AT JULIA RIBAUDO; MOUNTAIN VIEW NURSING CENTER, INC., d/b/a INTEGRATED HEALTH SERVICES AT MOUNTAIN VIEW; INTEGRATED HEALTH SERVICES AT PENN, INC., d/b/a, INTEGRATED HEALTH SERVICES OF PENNSYLVANIA AT PLYMOUTH HOUSE; INTEGRATED HEALTH SERVICES AT SYCAMORE CREEK, INC., d/b/a SYCAMORE CREEK NURSING CENTER (WHITEMARSH), INC. d/b/a INTEGRATED HEALTH SERVICES AT WHITEMARSH~~

~~John N. Kennedy, Esquire
Louis J. Capozzi, Esquire
Michael A. Hynum, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel
Cynthia Fillman, Assistant Counsel
Lenoard Crumb, Assistant Counsel~~

July 9, 1996

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

July 12, 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 Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 16, 1996.

July 26, 1996

Acceptance of Service of Complaint 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 11, 1996.

September 9, 1996

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 16, 1996

Letter forwarded to attorney for Plaintiff requesting a Response to New Matter. **RESPONSE DUE: 10-16-96.**

September 30, 1996

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

October 10, 1996

Letter forwarded to parties directing them to proceed with discovery.

April 15, 1997

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

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.

July 28, 1997

Entry of Appearance of Louis J. Capozzi, Jr., Esquire, on behalf of Plaintiff, filed by attorney for Plaintiff. Per Marlene of Louis Capozzi's office on July 25, 1997, a copy of same will be forwarded to attorney for Defendant.

September 2, 1997

Praecipe to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 16, 1997

The Board rendered an Opinion and made the following Order: **AND NOW**, this 16th day of September, 1997, upon receipt of Praecipies to Settle, Discontinue and End, requesting that the above-captioned matters be marked >settled, discontinued and ended=, executed by Louis J. Capozzi, Jr., Esquire, on behalf of Plaintiff, Integrated Health Services, Inc., et al., and docketed under date of September 2, 1997, it is **ORDERED** and **DIRECTED** that said case be marked >settled, discontinued and ended with prejudice=.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 19, 1997

Motion to ReOpen Case filed by attorney for Plaintiff, due to the Praecipe to Close being inadvertantly filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 25, 1997

Acceptance of Service of Order dated September 16, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 17, 1997.

October 10, 1997

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 10th day of October, 1997, it is hereby **ORDERED** and **DECREED** that the Motion to Reopen both cases is hereby **GRANTED**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 22, 1997

Petition to Sever (Integrated Health Services of Pennsylvania at Broomall) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 22, 1997

Motion to Withdraw (All facilities except Broomall) with prejudice, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 5, 1997

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 5th day of November, 1997, it is **ORDERED** and **DECREED** that the Plaintiff's Petition to Sever Integrated Health Services of Pennsylvania at Broomall from the original Claim is hereby **GRANTED** and subsequently, Integrated Health Services of Chestnut Hill, Integrated Health Services of Erie at Bayside, Integrated Health Services of Greater Pittsburgh, Integrated Health Services of Hershey at Woodlands, Integrated Health Services of Indian Creek, Integrated Health Services at Julia Ribauda, Integrated Health Services at Mountain View, Integrated Health Services at Plymouth, Integrated Health Services at Sycamore Creek and Integrated Health Services at Whitemarsh are hereby withdrawn from the original Claim. It is further **ORDERED** and

DECREED that the Motion to Withdraw the Claims of Integrated Health Services of Chestnut Hill, Integrated Health Services of Erie at Bayside, Integrated Health

November 5, 1997 (Continued)

Services of Greater Pittsburgh, Integrated Health Services of Hershey at Woodlands, Integrated Health Services of Indian Creek, Integrated Health Services at Julia Ribaud, Integrated Health Services at Mountain View, Integrated Health Services at Plymouth, Integrated Health Services at Sycamore Creek and Integrated Health Services at Whitemarsh is hereby **GRANTED** and same are dismissed with prejudice. The captions for the cases docketed to numbers 2177-P and 2395 shall now read as follows: INTEGRATED HEALTH SERVICES OF PENNSYLVANIA AT BROOMALL VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

October 20, 1997

Acceptance of Service of Opinion and Order dated October 10, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 15, 1997.

October 22, 1997

Acceptance of Service of Opinion and Order dated October 10, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 22, 1997.

November 12, 1997

Acceptance of Service of Opinion and Order dated November 5, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 6, 1997.

November 19, 1997

Acceptance of Service of Opinion and Order dated November 5, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 19, 1997.

April 14, 1998

Letter forwarded to parties requesting a status report. Status Report Due on or before May 14, 1998.

May 18, 1998

Letter/Status Report received from Plaintiff advising that the parties are progressing through discovery and if after all discovery is complete and it appears the parties are unable to settle, Claimant will request a hearing.

July 16, 1998

Letter/Status Report received from Defendant advising that the focus of the parties' dealings has been on appeals involving earlier periods and have focused primarily on settlement, thus DPW has not propounded all of the discovery requests it will require, nor has it received responses to those already propounded.

April 30, 1999

Letter forwarded to parties requesting a Status Report. Status Report due on or before **June 1, 1999**.

May 19, 1999

Letter/Status Report received from Plaintiff advising that after a lengthy discovery process, the parties have not been able to stipulate to all issues and requests a hearing be scheduled.

May 25, 1999

Letter received from attorney for Plaintiff amending its status report and advising that Plaintiff is not seeking to have this matter scheduled for hearing at this time and that the parties are currently engaged in discovery.

January 13, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **February 14, 2000**.

January 26, 2000

Letter received from Plaintiff advising that they are engaged in the discovery process and will also seek ongoing settlement negotiations with Defendant.

November 22, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **December 22, 2000**.

December 15, 2000

Letter received from attorney for Plaintiff advising that they are engaged in the discovery process and that they will attempt to negotiate a fair and equitable settlement of the issues in this matter.

December 15, 2000

Entry/Withdrawal of Appearance filed by attorney for Plaintiff, Michael A. Hynum, Esquire, on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 28, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **July 30, 2001**.

July 25, 2001

Letter received from attorney for Plaintiff advising that pursuant to a stipulation of settlement, the Plaintiff has settled all claims involving Medicaid reimbursement for periods July 1, 1997 through June 30, 2001 and that Plaintiff is keeping this claim open to the extent its 1996 MA Audited cost report affects rates other than those during years 3 - 6 of case mix. If its is determined that the 1996 audit does not affect rates other than during years 3 - 6 of case-mix, this Claim will be withdrawn.

January 31, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before March 1, 2002.

March 4, 2002

Letter received from Plaintiff advising that they are in the process of preparing discovery requests which will be forwarded to Defendant and upon receipt of discovery, they will attempt to reach a settlement with Defendant.

September 11, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **October 11, 2002**.

October 11, 2002

Letter received from attorney for Plaintiff advising that a settlement offer has recently been forwarded to Defendant and if a settlement is reached, they will notify the Board accordingly.

September 21, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 21st day of September, 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.

September 28, 2005

Defendant filed Acceptance of Service of Opinion and Order dated September 21, 2005. Receipt of same acknowledged September 23, 2005.

October 3, 2005

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

October 17, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated September 21, 2005. Receipt of same acknowledged October 11, 2005.
