

Docket Number: 2496

PENN MED CONSULTANTS, INC. -  
PRAXIS NURSING CENTER

Louis J. Capozzi, Jr., Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~  
Kathleen Grogan, Assistant Counsel

**September 8, 1997**

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

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**September 11, 1997**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 10/13/97.**

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**September 17, 1997**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 15, 1997.

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**September 18, 1997**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged Defendant September 18, 1997.

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**October 14, 1997**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff November 17, 1997.

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**November 17, 1997**

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

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**July 14, 1998**

Letter forwarded to parties requesting status. Response due from parties August 14, 1998.

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**August 11, 1998**

Status letter received from attorney for Plaintiff advising that the parties are in discovery.

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**November 16, 1999**

Letter forwarded to parties requesting status. Response due from parties December 16, 1999.

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**November 22, 1999**

Letter received from attorney for Plaintiff advising that the

parties are in discovery.

**November 23, 1999**

Letter-type Stipulation of Withdrawal with Prejudice in Part of only that portion of pending disputes concerning 1993-1996 Home Office Costs filed by attorney for Plaintiff.

**June 2, 2000**

Letter forwarded to parties requesting status. Response due from parties July 3, 2000.

**July 25, 2000**

Status letter received from attorney for Plaintiff advising that the parties are discussing a global settlement of similar issues.

**March 9, 2001**

Letter forwarded to parties requesting status. Response due from parties April 9, 2001.

**March 12, 2001**

Status Report filed by attorney for Plaintiff advising that the parties are in settlement negotiations.

**October 4, 2001**

Letter forwarded to parties requesting status. Response due from parties November 5, 2001.

**November 6, 2001**

Letter forwarded to parties requesting status. Response due December 6, 2001.

**November 8, 2001**

Status letter received from attorney for Plaintiff advising that the parties are conducting settlement discussions.

**November 26, 2001**

Letter received from Plaintiff advising that the parties are involved in negotiations to resolve this appeal and when same is settled, they will notify the Board.

**April 19, 2002**

Status letter received from attorney for Defendant advising that they do not feel this case is in a position to set for hearing as well as notifying that the Defendant will be requesting a general continuance pending a similar decision in Commonwealth Court.

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**May 28, 2002**

Respondent's Motion for General Continuance and Stay as well as Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff July 1, 2002.

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**May 29, 2002**

Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant July 1, 2002.

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**June 5, 2002**

Motion to Consolidate docket nos. 2499, 2706, 2496, 2707, 2668 & 2303 as well as Brief in Support filed by attorney for Plaintiff. Response due from Defendant July 8, 2002.

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**June 14, 2002**

The Answer of Claimant, Penn Med Consultants, Easton Nursing Center, to the Respondent's Motion for General Continuance and Stay as well as Brief in Support filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 18, 2002**

Brief in Reply to the Brief in Opposition to Consolidation and Hearing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 3, 2002**

Response to Claimant's Motion to Consolidate filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 11, 2002**

Letter received from attorney for Plaintiff requesting a hearing

be set.

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**September 26, 2002**

The Board rendered an Opinion and made the following Order: ~~AND~~ **NOW**, this 25th day of September, 2002, it is **ORDERED** and **DECREED** that the Defendant=s, Commonwealth of Pennsylvania, Department of Public Welfare, Motion for General Continuance and Stay is **DENIED**.

It is further **ORDERED** and **DECREED** that the Defendant shall respond to Plaintiff=s, Penn Med Consultants, Inc. - Praxis Nursing Center, outstanding Requests for Production of Documents and Interrogatories within thirty (30) days from the exit date of this Order. It is so **ORDERED**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 3, 2002**

Acceptance of Service of Opinion and Order dated September 26, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 30, 2002.

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**October 4, 2002**

Acceptance of Service of Opinion and Order dated September 26, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 30, 2002.

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**February 3, 2003**

The Motion of the Claimant, Penn Med Consultants, Inc., Easton Nursing Center, for Discovery Sanctions Against the Respondent, and Renewed Request to Set Discovery Deadlines and a Definitive Hearing Date and for Consolidation as well as Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant March 4, 2003.

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**March 3, 2003**

Letter received from attorney for Plaintiff via fax requesting a formal pre-hearing conference be scheduled relative to the case management of all cases involved in the motion to consolidate (2303, 2496, 2499, 2668, 2706, 2707).

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**March 4, 2003**

Letter received from attorney for Plaintiff via U.S. Mail requesting a formal pre-hearing conference be scheduled relative to the case management of all cases involved in the motion to

consolidate (2303, 2496, 2499, 2668, 2706, 2707).

**March 6, 2003**

Defendant's Answer and New Matter in Opposition to Claimant's Motion for Discovery Sanctions Against Defendant and Brief in Support filed. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff March 26, 2003.

**April 3, 2003**

Notice of Service of Defendant's Response to Claimant's First Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**April 14, 2003**

The Answer of the Claimant, Praxis Nursing Home, to the New Matter of the Respondent in Opposition to the Claimant's Motion for Discovery Sanctions Against the Respondent, and Renewed Request to Set Discovery Deadlines and a Definitive Hearing Date and for Consolidation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**July 8, 2003**

Board issued Opinion and Order. Order as follows: **AND NOW**, this 8th day of June, 2003, upon consideration of Claimant's Motion to Consolidate and the Respondent's Objection to the Motion, it is hereby **ORDERED** and **DECREED** that the Motion to Consolidate the Claims at Docket Nos. 2303, 2496, 2499, 2668, 2706 and 2707 is hereby **DENIED**.@ Copy forwarded to Plaintiff and Defendant.

**July 9, 2003**

Board issued Opinion and Order. Order as follows: ~~A~~**AND NOW**, this 9th day of July, 2003, after consideration of the Motion and Answers, thereto, and the Briefs filed by the respective parties; it is hereby **ORDERED** and **DECREED** that the Motion of the Claimant for Discovery Sanctions, Renewed Request to Set Discovery Deadlines and a Definitive Hearing Date and for Consolidation against the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, is hereby **GRANTED**, in part, and **DENIED** in part. Respondent is **ORDERED** to provide full and complete answers to any outstanding Interrogatories and Request for Production of Documents within twenty (20) days of the exit date of this Order. The Renewed Request for a Definitive Hearing Date and Pre-hearing Conference are **DENIED** at this time, and the Renewed Request for Consolidation is deemed **MOOT** since the Board denied it in an earlier Order.@ 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 29, 2003**

Defendant filed Notice of Service of Response to Claimant's Request for Production of Documents.

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**November 9, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 9<sup>th</sup> day of November, 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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**November 15, 2005**

Defendant filed Acceptance of Service of Opinion and Order dated



November 9, 2005. Receipt of same acknowledged November 14, 2005.

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**November 15, 2005**

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

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