

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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:
In re: : Chapter 11
:
CANO HEALTH, INC., *et al.* : Case No. 24-10164 (KBO)
: (Jointly administered)
Debtors.¹ :
-----○ Re: D.I. 1

CONCURRED IN APPLICATION REGARDING
ORDER PURSUANT TO 11 U.S.C. § 333 AND FED. R. BANKR. P. 2007.2
DIRECTING THE APPOINTMENT OF A PATIENT CARE OMBUDSMAN

The undersigned counsel for the United States Trustee for the District of Delaware (the “U.S. Trustee”) certifies as follows:

1. On February 4, 2024, the above-captioned debtors (the “Debtors”) filed chapter 11 petitions in this Court. The chapter 11 petitions indicate that the Debtors are a healthcare business as defined in 11 U.S.C. § 101(27A).
2. The U.S. Trustee has discussed the appointment of a patient care ombudsman in the Debtors’ cases pursuant to 11 U.S.C. § 333 with Debtors’ proposed counsel.
3. The U.S. Trustee has circulated this concurred in application and the form of order attached hereto as Exhibit A to Debtors’ proposed counsel. The Debtors and the U.S. Trustee consent to entry of the order.
4. The U.S. Trustee submits that, pursuant to Fed. R. Bankr. P. 2007.2, a motion is required only if the Court is asked not to appoint a patient care ombudsman in a case. Because the parties are consenting to the appointment of a patient care ombudsman, no motion

¹ The last four digits of Cano Health, Inc.’s tax identification number are 4224. A complete list of the Debtors in the chapter 11 cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://www.kccllc.net/CanoHealth>. The Debtors’ mailing address is 9725 NW 117th Avenue, Miami, Florida 33178.



is needed under Fed. R. Bankr. P. 2007.2. If the Court determines that a motion is needed, then the U.S. Trustee intends to file a motion to be heard at the Court's earliest convenience.

WHEREFORE, the U.S. Trustee respectfully requests that the Court consider the proposed form of order attached hereto as Exhibit A at its earliest convenience.

ANDREW R. VARA
UNITED STATES TRUSTEE,
REGIONS 3 & 9

March 5, 2024

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EXHIBIT A

PROPOSED FORM OF ORDER

**IN THE UNITED STATES BANKRUPTCY COURT
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**ORDER PURSUANT TO 11 U.S.C. § 333 AND FED. R. BANKR. P. 2007.2
DIRECTING THE APPOINTMENT OF A PATIENT CARE OMBUDSMAN**

Upon the consent of the above-captioned debtors (the “Debtors”) for entry of an order directing the appointment of a patient care ombudsman in the Debtors’ cases, pursuant to Section 333 of title 11 of the United States Code (the “Bankruptcy Code”), and upon the Court’s consideration of the matter, it is hereby

ORDERED that the United States Trustee for the District of Delaware (the “U.S. Trustee”) is directed to appoint a patient care ombudsman (the “Ombudsman”) in the Debtors’ cases pursuant to Section 333 of the Bankruptcy Code. The Ombudsman shall perform the duties required of a patient care ombudsman, pursuant to Sections 333(b) and (c) of the Bankruptcy Code, until the effective date of a chapter 11 plan or, as to any particular facility of the Debtors, until it is closed or it is no longer property of the bankruptcy estates because of the occurrence of the closing date of a sale of such facility or otherwise. The Ombudsman shall perform such duties solely with respect to facilities operated by the Debtors. The Ombudsman shall not perform, or

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seek to perform, such duties with respect to any facilities or business operations of any non-Debtor affiliates of the Debtors.

IT IS FURTHER ORDERED that the Ombudsman may review confidential patient records pursuant to 11 U.S.C. § 333(c)(1) as necessary and appropriate to discharge the Ombudsman's duties and responsibilities under this Order; provided, however, that the Ombudsman shall protect the confidentiality of all such patient records as required under applicable non-bankruptcy laws and regulations including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the federal HIPAA privacy regulations at 45 Code of Federal Regulations.

IT IS FURTHER ORDERED that not later than 60 days after the date of the appointment, and not less frequently than 60-day intervals thereafter, the Ombudsman shall report to the Court, after notice to parties in interest, at a hearing or in writing, regarding the quality of patient care provided to the Debtors' patients; provided, however, that with respect to any content in such report regarding the quality of patient care at any specific facility, the Ombudsman shall identify such facility in his report in connection with the reporting relevant to such facility. In this regard, notice of the foregoing shall be deemed sufficient if the Ombudsman or the Debtors, as applicable, (1) provides such notice to the Debtors, the Debtors' counsel, the U.S. Trustee, the Department of Justice (HHS/CMS), and to those parties in interest requesting notice in the Debtors' chapter 11 cases; and (2) posts notice as set forth below:

- a. Until the effective date of a chapter 11 plan or, as to any particular facility of the Debtors, until it is closed or it is no longer property of the bankruptcy estates because of the occurrence of the closing date of a sale of such facility or otherwise, the Ombudsman or the Debtors shall post notice of the forthcoming report(s) at each facility, and to the extent possible, in at least two locations as determined by the Ombudsman; and

- b. The Ombudsman or the Debtors shall post a copy of the applicable written report at each facility in the same location(s) as the notice of forthcoming written report and such report shall remain posted until the next report is filed, at which time the prior report may be removed and replaced with the most recent report.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over all matters arising from or related to the implementation or interpretation of this Order.