

## **N.J. health commissioner denies a request to extend the license of Pascack Valley Hospital past Dec. 28**

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State Health Commissioner Heather Howard has denied a request from Hackensack University Medical Center to extend the license for a hospital at the former Pascack Valley Hospital in Westwood. That license is due to expire on Monday.

The Permit Extension Act of 2008, intended to help developers whose projects were stalled by the recession, does not apply in the case of the Pascack Valley Hospital license, Howard wrote in a letter to the medical center's attorney.

Hackensack had asked for another year, under the act, to have its application to open a 128-bed community hospital in Westwood heard by the State Health Planning Board. An extension would have allowed the issue to be decided by the next health commissioner, one who will be appointed by Governor-elect Chris Christie. Christie made a campaign promise to support the reopening.

The battle between Hackensack and the two hospitals that oppose the reopening now moves to the courts.

Even before Howard's ruling, Hackensack filed suit on Monday in Bergen County Superior Court to win an extension of the hospital license.

But Howard's ruling specified that appeals should be filed in a different venue, the Appellate Division of Superior Court in Trenton.

Nevertheless, Anne Marie Campbell, a Hackensack spokeswoman, said the hospital would pursue the Bergen County action.

No hearings have been scheduled.

Howard's ruling set off a firestorm of comment from state lawmakers and other local politicians, who accused her of ignoring the will of the people and an opportunity to encourage jobs and development. But it was welcomed by the opponents of Hackensack's plan as a move toward rational health planning.

The medical center immediately called upon Governor Corzine to overrule his health commissioner. Howard was wrong and her decision "is an affront to Bergen County voters," said a statement issued by Pete McDonough Jr. of Winning Strategies, a communications strategist for the medical center. He referred to the strong support that residents in 13 northeastern towns showed for Pascack when they passed non-binding ballot questions in November.

State Sen. Gerald Cardinale, R-Demarest, condemned the health department for waiting until "the dying moments of the Corzine administration" to deny an extension of the license, he said.

A Christie appointee “should have been allowed to make this decision,” he said.

A Corzine spokesman, Robert Corrales, declined to comment because the matter is in litigation. No one at Christie’s transition office responded to a request for comment Wednesday.

Assemblywoman Charlotte Vandervalk, R-Westwood, said Howard’s decision “hurts our people, our economy, and shows the wrong-headedness of the current administration. Is it any wonder they were voted out of office?”

State Sen. Paul Sarlo, D-Wood-Ridge, joined in the criticism. Sarlo sponsored the Permit Extension Act and is an executive with a construction firm owned by Joseph M Sanzari, the first vice-chairman of Hackensack’s board of governors.

“This is too important a decision to be made on the way out the door,” Sarlo said. “The prudent approach would be to allow the incoming health commissioner time to become familiar with the record in this application and work out a solution that is satisfactory to all the parties involved.”

Westwood Mayor John J. Birkner Jr. said the fight was not over.

“This is a disappointment, but it doesn’t mean defeat,” he said. Local municipalities may consider joining a lawsuit to assure that the license is extended, he said. He invited state officials to take a tour of Old Hook Road to judge the economic impact that reopening the hospital would have on empty offices and businesses.

Bergen County Freeholder Chairman James Carroll said he would immediately “suggest to my freeholders that we file suit against the state if the license is denied.”

Opponents of the proposed hospital, on the other hand, praised Howard’s action. “We are pleased with the commissioner’s decision,” said Maria Margiotta, a spokeswoman for Englewood Hospital and Medical Center. “It is consistent with policy ... and rational health care planning.”

The Valley Hospital in Ridgewood and Englewood Hospital contend that the region already has enough hospital beds and that reopening the Westwood hospital will destabilize the other hospitals. They have urged that the site be used for outpatient services, which also will benefit the local economy.

“We are encouraged by this news as it reinforces the importance of rational health care planning,” said Megan Fraser, of Valley. All the hospitals should “come together to discuss developing new and needed outpatient medical services at the Pascack Valley Hospital site — services that will serve unmet needs and bring new jobs to the area,” she said.

When Fred Jacobs, the former health commissioner approved the closure of the bankrupt hospital on Dec. 28, 2007, he stipulated that the license could remain inactive for a period of 24 months.

If the license lapses on Dec. 28, Hackensack cannot simply request permission to transfer it to a new facility to be called Hackensack University Medical Center North at Pascack Valley. Instead, Hackensack will have to wait for a “call” for applications to open a new hospital, and

undergo a more thorough review than would have been required under a license transfer.

In a nine-page letter to Hackensack's attorney — William Harla of DeCotiis, FitzPatrick, Cole & Wisler — Howard said, "The Department denies HUMC's request for written confirmation" that the act grants "an automatic extension of HUMC's time to obtain approval" of its application.

Hackensack's application to transfer the license "is still pending and has not been approved, so it cannot constitute a government 'approval'" to be extended under the Permit Extension Act, wrote the health commissioner in her Dec. 23 letter.

The letter that approved the closure of Pascack Valley Hospital and granted a two-year window for the license to be reactivated also is not an "approval" of development, in the sense used by the Permit Extension Act, she wrote.

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