

Englewood, Ridgewood hospitals go to court to stop reopening of Pascack Valley Hospital

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Opponents have gone to court again to stop the reopening of Pascack Valley Hospital in Westwood

In the latest salvo in a three-year battle, The Valley Hospital in Ridgewood and Englewood Hospital and Medical Center asked the state Appellate Court Thursday for permission to appeal Health Commissioner Poonam Alaigh's decision to call for applications for a new general hospital in Bergen County.

The Commissioner's Feb. 18 call was "arbitrary, capricious, and contrary to law," according to Englewood's brief. It was crafted to allow only one hospital — Hackensack University Medical Center — to apply, the opponents say. And it was issued without a proven need for an additional hospital, they say.

"What's driving this call is Bergen County politics, not demonstrated need, and that is illegal," said Englewood spokeswoman Maria Margiotta. "We maintain that opening a new hospital in Bergen County is unnecessary and disruptive."

"The provision of healthcare programs and services should not be based on politics," said Valley's spokeswoman, Megan Fraser. "Those services should be carefully planned and developed to best serve all people of New Jersey."

The state Health Department and Hackensack medical center each have 10 days to file an answer, said Tamara Kendig, a spokeswoman for the state judiciary. Once the answers are filed, the motions will be considered by an appellate panel, she said.

Hackensack "is confident in the legal soundness of the state's recent decision" to call for applications, Nancy Radwin, a hospital spokeswoman, said in a statement. The medical center "strongly believes the state has complied with the relevant regulations," she said.

The health commissioner has complete authority on decisions as to whether to call for applications, she added.

The health department itself had no comment, said Donna Leusner, a spokeswoman.

The two hospitals want to block Hackensack's proposal to reopen Pascack Valley with a for-profit partner as a 128-bed community hospital — a plan endorsed by Gov. Chris

Christie during his campaign.

Valley and Englewood contend there is no need for a new hospital.

“This maneuver flies in the face of rational healthcare planning,” said Valley’s brief, by attorneys Frank R. Ciesla and Douglas S. Eakeley. If the call proceeds, it will “subvert the process established to ensure the orderly provision of high quality health care services to the state.”

Englewood said “the commissioner has disregarded her own regulations.” Bergen County has ample hospital beds, said the brief by James M. Hirschhorn and Andrew W. Schwartz of the law firm Sills Cummis & Gross, and the existing hospitals have absorbed the patient load formerly handled by Pascack Valley Hospital, so there is no need to issue a call.

Residents of the Pascack Valley and Northern Valley towns, along with their elected officials, have demanded the reopening of Pascack Valley Hospital with rallies, petitions, and letters. They cite the additional driving time to hospitals in Ridgewood, Hackensack, Teaneck and Englewood and sometimes crowded conditions at those hospitals.

“I can assure you, the residents of northeastern New Jersey are prepared to fight twice as hard” for their hospital, Westwood Mayor John J. Birkner Jr. said Thursday. The opposition from Valley and Englewood was expected, he said.

But the opponents’ briefs say that health regulations prohibit the health commissioner from considering factors like “community desire.” The factors to be considered, by law, “do not include stimulating the local economy or impacting local employment,” said Valley’s brief.

Alaigh’s Feb. 18 call limited applicants for the proposed Bergen County hospital to those who have control over the intended site and can get the new facility licensed within two years. It was issued in response to a petition Hackensack filed in December.

“This was the first petition to us to issue a [Certificate of Need] for a new hospital in the last 25 years,” Alaigh told a state Senate Health Committee meeting last week. The petition coincided with the health department’s obligation to make a call for new hospitals every five years — a statewide call which she postponed.

“Making a call doesn’t mean it’s going to open,” she told the committee, in response to a question from state Sen. Loretta Weinberg, its chairwoman.

Weinberg noted that “there were some unusual circumstances around the way this call was structured.” With so many hospital closures in urban areas, Weinberg said, it was surprising that Bergen County — with four non-profit hospitals and a county hospital —

should be the target area for new applications.

Alaigh's call, in fact, emphasized that the health department "reserves the right to disapprove all applications." The department has not concluded that there is a need for a hospital, it said.

Hackensack bought the Westwood facility at bankruptcy with Touro University, and operates a satellite emergency department there. Hackensack's joint-venture partner in the proposed reopening is LHP Hospital Group, a Texas-based hospital-management and investment firm.

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