



NEW YORK STATE SENATOR

Daniel L. Squadron

Simon, Squadron, Stringer Announce Bill for Greater Community Voice and Thorough Health Care Assessment in Proposed Hospital Closures

DANIEL L. SQUADRON December 16, 2014

| ISSUE: [HOSPITALS](#), [NEW YORK CITY](#)



Would Require Improved State Process in Wake of LICH Closure

Simon-Squadron Bill Based on Longstanding Stringer Proposal

BROOKLYN – Today, elected officials, patients, community members, and healthcare workers announced the Local Input in Community Healthcare (LICH) Act, which would establish a clear, transparent, and community-oriented process when hospitals are threatened.

Announcing the legislation were: New York City Comptroller Scott M. Stringer; State Senator Daniel Squadron; Assemblymember-elect Jo Anne Simon; Congressmember Nydia Velazquez; Public Advocate Letitia James; Borough President Eric Adams; Councilmember Carlos Menchaca; representatives from 1199SEIU and NYSNA; LICH patients and community members.

The LICH Act would allow the Commissioner of the State Department of Health (DOH) to only approve a hospital closure application if the needs of the community and impacted stakeholders, including access to emergency medical care, can be adequately met. And, under the proposal, the Commissioner would not be allowed to close a hospital without a significant and thorough community input process dictated by a statutorily imposed timeline.

The proposed closure of LICH ended up in court for nearly two years, during which the judge said that the current regulation governing hospital closures is "unconstitutionally vague." The court proceeding made clear that there was no process for determining the healthcare impact of the hospital's closure on the community or Brooklyn. In addition, there was no role for community input or transparency.

"Health care is a fundamental human right and all New Yorkers should have access to affordable, comprehensive services in their neighborhoods," said **Comptroller Scott Stringer**. "Thank you to Senator Squadron and Assemblywoman-elect Simon for introducing legislation that will ensure a community is not shut out of the process when its essential health care services are threatened."

"This bill would ensure that there's never another situation like LICH," said **State Senator Daniel Squadron**. "Today, there is no confidence for communities that medical needs are taken care of when a hospital closure is threatened. This bill would ensure that a community's healthcare needs and the viability of the institution are core questions when hospitals are threatened. I thank Assemblymember-elect Simon, Comptroller Stringer, 1199, NYSNA, my colleagues, and especially the community, for working for our neighborhood hospitals."

"Today's healthcare system faces competing demands," said **Assemblymember-elect Jo Anne Simon**. "We need this law to ensure that when it comes to providing vital healthcare services the community's voice is heard and their needs are addressed. "I thank Senator Squadron for working with me on this legislation and Comptroller Stringer for his early leadership on this issue, as well as Congresswoman Velazquez and my other colleagues in government and labor for their support of this bill."

"We must all work to ensure that any future changes to the availability of health services only occur after the community's concerns are taken into account," said **Congressmember Nydia M. Velazquez**.

"I commend State Senator Squadron and Assembly Member-elect Simon for taking this bold stand for further transparency and a more participatory process regarding hospital closures," said **Public Advocate Letitia James**.

"This reform will ensure further stakeholder input and a fair timeline for restructuring-- one that serves the needs of the larger community."

"Hospitals are critical institutions, literally and figuratively protecting the heartbeat of the communities it serves," said **Brooklyn Borough President Eric Adams**. "My administration is committed to ensuring every Brooklynite has access to quality health care and services. Should there ever be a necessity to close one of these facilities, it should only take place when there has been significant community input and a holistic consideration of the impact on delivering health care to local residents. I thank City Comptroller Stringer, State Senator Squadron and Assembly Member-elect Simon for helping to advance this important dialogue in Albany."

"A community process--like the one outlined in this legislation--helps ensure that relevant stakeholders are engaged in assessing the outstanding needs of local residents at the point of potential hospital closings," said **Councilmember Carlos Menchaca**. "The role of hospitals in our communities cannot be underscored enough. This common sense legislation can serve as a buffer for communities to have an opportunity to organize and advocate for the maintenance of their critically important healthcare facilities."

"As healthcare workers, we know that being able to get the medical help you need in an emergency is a matter of life and death," said **Manuel Leon, Acting Vice President?, 1199SEIU United Healthcare Workers East**. "And the residents of this community know all too well how frightening and chaotic it can be when a hospital closing is announced, as do residents in other communities throughout this city. This bill will provide a structure for community input before – not after, as is required by current law – a hospital closure is approved, and ensure that the Department of Health takes community needs into account. Our union will work together with our elected officials and community partners to see that it is enacted."

"NYSNA supports this legislation as an important first step in protecting the public's access to critical healthcare services upon which communities rely," said **a NYSNA spokesperson**. "The current structure of regulations governing hospital closures or elimination of healthcare services gives complete discretion to the boards and executives of the hospital and the DOH. Local communities and their elected representatives have no input. This bill will change that dynamic as it both requires the DOH to consider the impact of closures of hospitals and reductions in services on local communities and gives the public a say in this process."

"The policy of willy-nilly hospital closings will be relegated to the history books once our elected officials in Albany enact this bill," said **Jim Walden**. "A grateful community thanks Senator Squadron, AM-Elect Simon and Comptroller Stringer for leading the charge for a better way."

"In Brooklyn there has long been a healthcare void compounded by affordability, limited access, and quality of care. Any decision regarding hospital closures should first consider these issues, especially in already underserved areas."

What is in the best interest of the community and quality of available healthcare within it should be the deciding factor for all proposed hospital closures,” said **State Senator Martin Malavé Dilan**.

"The wave of hospital closures across the state have left communities without the healthcare that they need," said **State Senator Brad Hoylman**. "I thank Senator Squadron and Assembly Member-Elect Simon for this important proposal which will help ensure that the public has a voice in decisions to close healthcare facilities."

"I wholeheartedly support the Squadron-Simon proposal to fundamentally reform the hospital closure process," said **State Senator Bill Perkins**. "Decisions that impact the healthcare and human rights of whole communities must not be made in haste behind bureaucratic barriers. This thoughtful proposal will transform the hospital closure procedure to empower the affected community and provide key stakeholders a meaningful voice throughout the whole process—while ensuring that the healthcare needs of the entire community are protected. From Brooklyn to Harlem and beyond, these are essential safeguards that our constituents deserve."

"I'm very pleased that our State representatives are taking action to reform the closure process for hospitals in New York," said **Councilmember Brad Lander**. "Together, over many months, we urged SUNY and the State to agree to an open and transparent process at LICH, one which meaningfully engaged the community and ensured that their needs were adequately addressed. I am happy that this legislation would compel the State to be in dialogue with the communities directly impacted by their decision-making in the future."

"We recently saw a travesty unfold at LICH in which a hospital that a community depended on was taken from them without their voices even being heard," said **Councilmember Stephen Levin**. "I'm proud to support this legislation and thank Senator Squadron and Assemblymember-elect Simon for introducing it."

Current law only requires a community forum to be held after a hospital has already been closed and does not require the Commissioner to consider the health care needs of the community, including emergency medical care or transitional care, as part of the Commissioner's decision to approve a hospital closure. The proposed legislation is based on a bill carried by then-Assemblymember Stringer that aimed to establish a community-oriented process for siting state facilities.

The LICH ACT would, following the application for closure of a general hospital, require the Commissioner of the State Department of Health to:

- Explain in a report within 30 days of an application for closure:

- The anticipated impact of closure on the surrounding community's access to care, including the uninsured and underserved.
 - What measures DOH and others have taken or plan to take to lessen any negative impacts.
 - Why the State cannot assume financial responsibility for the hospital or identify an alternate operator.
- Hold a community forum within six weeks of application, giving community members and local elected officials the chance to raise questions, voice concerns, and offer alternatives.
- Respond to community input by:
 - Answering, in summary, comments received from community members and local elected officials
 - Explaining why significant alternatives were or were not incorporated into a final closure plan.
 - Identifying any changes to the plan resulting from community concerns or suggestions.
- Only approve the application if needs of the community and impacted stakeholders, including access to emergency medical care, can be adequately met.
- Explain options for transitional medical services to impacted communities, including arrangements for continuity of care.