

December 18, 2023

Commissioner James V. McDonald, M.D., M.P.H.
New York State Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

Dear Commissioner McDonald:

Thank you for your commitment to protecting and promoting the health of all New Yorkers. As the elected representatives of the communities directly served by Mount Sinai Beth Israel (MSBI), we are writing to make you aware of our concerns about the potential negative impacts on our constituents if this hospital is permitted to close, as well as the broader impacts on equity and access to health services throughout the city. Mount Sinai's actions since its submission of the closure plan dated October 25, 2023, have included reductions in services and closure of staffed beds, increasing concerns about the loss of health care facilities without proper community awareness. We seek your guidance, and ask for your support for ensuring that community input is heard and incorporated, and that the over 400,000 residents of Lower Manhattan have sufficient access to a hospital and health services.

The Department's Role in Maintaining Continuity of Health Services in Our Communities

The potential loss of the only full-scale hospital in the three-mile stretch between 28th Street and City Hall is devastating for our communities. While MSBI executives have proposed that many of their patients would be better served by urgent care facilities in the area, this overlooks the fact that these facilities are not typically open 24 hours a day, don't accept ambulance drop-offs, and don't have a legal obligation to treat patients in the same way that hospitals do. Additionally, patients who need specialty services and are admitted to a hospital might be far from their communities and families while they recover, creating additional hardships as they heal. **What equity metrics does the Department analyze when reviewing a hospital closure? What is the Department's assessment of the need for hospital beds in Manhattan below 23rd Street, and what is the basis of the Department's assessment? How can the Department ensure access to medical care and emergency medical care, including psychiatric and maternity care?**

Concerns Regarding the Potentially Premature Closure of Services

According to staff and the leadership’s public statements, MSBI has begun to rapidly shut down services, which has raised concern they are in violation of the DHDTCL DAL#: 23-06 Facility Closure Plan Guidelines issued on August 29, 2023: “Any cessation, pause or limitation of a service is a closure that requires a closure plan and requires written approval from the New York State Department of Health... [N]o actions related to the proposed closure, such as discontinuing a service, may be taken prior to receiving approval of the closure plan.” **Has MSBI received written approval from the Department to cease, pause, or limit any services at the 16th Street site? If so, please detail for which services approval was given and why. If not, and the Department believes MSBI is ceasing, pausing, or limiting services in accordance with the law and regulations, please explain why. How is the Department planning to ensure its guidelines are followed?**

We have heard that Mount Sinai is advising employees in letters and other internal communications that Beth Israel is set to close (despite not yet receiving written approval of its plan), directing them to attend a job fair, and advising that they will be offered another role elsewhere in the health system. As a result of staff resignations, Mount Sinai may have the opportunity to claim a lack of staff to safely operate as a reason for cutting services and beds. **What is the Department’s response to Mount Sinai representing to its employees that the closure is impending despite not having the Department’s approval?**

Ensuring Public Awareness and Opportunity to Comment

On November 28, Mount Sinai hosted a town hall meeting to present its closure plan to the public. The location barely held the almost 200 people who showed up, despite the limited public notice provided by Mount Sinai. According to individuals in the audience who introduced themselves as employees of MSBI, they received no notification from Mount Sinai about the town hall. No advertisements about the town hall were posted conspicuously at the 16th Street campus, or in the hospital’s catchment area. Of the flyers we did observe, all were in English only. **What can the Department do to ensure that MSBI makes a good-faith effort to advertise its public meetings about the proposed closure?**

On November 30 we met virtually with your team to discuss the closure process. The Department represented that, while no formal process exists for the solicitation and incorporation of public comment regarding a proposed closure, the Department was open to receiving feedback from the community and staff. **Will the Department announce its openness to receiving public comment? To whom should those comments be sent? How will the comments be factored into the Department’s final decision on the closure plan?**

Thank you for your attention to these questions. Given the pace at which Mount Sinai is proceeding, we would appreciate a response by January 4, 2024.

Sincerely,

Harvey Epstein
Assemblymember
District 74

Kristen Gonzalez
State Senator
District 59

Deborah Glick
Assemblymember
District 66

Carlina Rivera
Councilmember
District 2

Jerry Nadler
Congressmember
District 12

Brian Kavanagh
State Senator
District 27

Grace Lee
Assemblymember
District 65

Keith Powers
Councilmember
District 4

Dan Goldman
Congressmember
District 10

Liz Krueger
State Senator
District 28

Mark Levine
Borough President
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Chris Marte
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District 1