



State of New Jersey
DEPARTMENT OF HEALTH
PO BOX 360
TRENTON, N.J. 08625-0360
www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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Commissioner

July 2, 2018

VIA ELECTRONIC & FIRST-CLASS MAIL

Patricia O'Keefe, Ph.D., RN, NE-BC
President, Morristown Medical Center
Vice President, Atlantic Health System
Morristown Medical Center
100 Madison Avenue
Morristown, NJ 07960

Re: Morristown Medical Center
CN# ER 180102-14-01
Addition of 6 PICU Beds
Total Project Cost: \$ 4,764,264.40
Expiration Date: July 2, 2023

Dear Dr. O'Keefe:

In the October 2, 2017 New Jersey Register, the Department of Health (Department) published a Certificate of Need (CN) Call for a limited number of additional Pediatric Intensive Care Unit (PICU) beds. The call was issued following a review of the statewide PICU utilization data for 2014 through 2016. This review noted that Pediatric Intensive Care Units are generally small in number, and therefore, there may be a need for an increase in PICU beds in order to ensure appropriate access during periods of increased demand. Based on the review, the call was limited to providers that are currently licensed to provide PICU beds in Essex, Middlesex, Monmouth, Morris and Passaic counties. Considering that the need for PICU beds is limited, the Department determined that any additional beds approved would have a minimal impact on the healthcare system as a whole and, therefore, would be subject to the expedited CN review process, rather than the full CN review process, in accordance with N.J.A.C. 8:33-5.1(b)(2).

Please be advised that the Department is approving Morristown Medical Center's (Morristown) expedited review certificate of need (CN) application, submitted on January 2, 2018, pursuant to the CN Call and N.J.A.C. 8:33-5.1(b)(2), for the addition of six (6) pediatric intensive care unit (PICU) beds at Morristown, which is located at 100 Madison Avenue, Morristown, in Morris County. This application was submitted based on the above noted CN Call Notice for additional PICU beds. As a result of this approval and following licensing application approval, the total number of PICU beds at

Morristown will increase from nine (9) to 15. This application is being approved at the total project cost as noted above.

N.J.S.A. 26:2H-8 provides for the issuance of a certificate of need only where the action proposed in the application is necessary to provide required health care in the area to be served, can be economically accomplished and maintained, will not have an adverse economic or financial impact on the delivery of health services in the region or statewide and will contribute to the orderly development of adequate and effective health care services. In making such determinations, the Department must take into consideration: a) the availability of facilities or services that may serve as alternatives or substitutes; b) the need for special equipment and services in the area; c) the possible economies and improvement in services to be anticipated from the operation of joint central services; d) the adequacy of financial resources and sources of present and future revenues; e) the availability of sufficient manpower in several professional disciplines; and f) such other factors as may be established by regulation.

The Department believes that the criterion regarding the availability of facilities or services which may serve as alternatives or substitutes is not applicable inasmuch as the services in this application will have a minimal impact on the health care system as a whole. In addition, as noted below, information provided by Morristown supports the need for the addition of six (6) new PICU beds.

According to the applicant, from January 2015 through November 2017, Morristown had to divert 132 PICU patients to another hospital, which could have had a negative effect on patient safety. In addition, during the noted timeframe the hospital has had periods of 100% occupancy rates, when it had to request permission from the Department for the addition of temporary PICU beds. Staff believes the addition of the six (6) PICU beds at Morristown would not have an adverse effect on any of the hospitals already providing this service. These beds would only enhance the existing PICU services provided in Morris County and improve access to both the general population currently being served and the medically underserved in the region, particularly at times of high occupancy.

The Department notes that while the addition of professional staff will be required to accommodate the implementation of the six (6) new PICU beds, the Department is confident that there is sufficient available personnel to staff the addition of beds in the area.

The Department believes this project can be economically accomplished and maintained, including the acquisition of any additional specialized equipment. According to the applicant, Atlantic Health System-Morristown Medical Center possesses adequate financial resources and will have sufficient future revenues to sustain the operation of the additional beds once licensed. For the 12-month period immediately following licensure of the additional six (6) PICU beds, it is estimated that there would be a total of 583 patients, an increase of 45 patients. The applicant projects a positive net income by the end of the first year of the addition of the six (6) PICU beds.

Finally, the Department has taken into consideration the applicable regulations for the services subject to expedited review (i.e., N.J.A.C. 8:33-5.3). The Department finds that Morristown has provided an appropriate project description, which includes information as to the total project cost, utilization statistics, and justification for the proposed project (N.J.A.C. 8:33-5.3(a)(1)); assurance that all residents of the area, particularly the medically underserved, will have access to services (N.J.A.C. 8:33-5.3(a)(2)). In addition, Morristown demonstrated a track record of substantial compliance with the Department's licensing standards (8:33-5.3(a)(3)(ii)).

Please be advised that this approval is limited to the proposal as presented and reviewed. An additional review by the Department may be necessary if there is any change in scope, as defined at N.J.A.C. 8:33-3.9. However, a change in cost of an approved certificate of need is exempt from certificate of need review subject to the following:

- 1) The applicant shall file a signed certification as to the final total project cost expended for the project at the time of the application for licensure for the beds/services with the Certificate of Need and Healthcare Facility Licensure Program.
- 2) Where the actual total project cost exceeds the certificate of need approved total project cost and is greater than \$1,000,000, the applicant shall remit the additional certificate of need application fee due to the Certificate of Need and Healthcare Facility Licensure Program. The required additional fee shall be 0.25 percent of the total project cost in excess of the certificate of need approved total project cost.
- 3) The Department will not issue a license for beds/services until the additional fee is remitted in full.

This approval is not intended to preempt in any way any municipality's authority to regulate land use within its borders and shall not be used by you to represent that the Department has made any findings or determination relative to the use of any specific property. Please be advised that services may not commence until such time as a license has been issued by the Certificate of Need and Healthcare Facility Licensing Program.

Any approval granted by this Department relates to Certificate of Need and/or Licensing requirements only and does not imply acceptance by a reimbursing entity. Issues involving reimbursement are solely between the facility and the third-party payer. The Department is neither a party to such matters nor an arbiter of disputes between the parties.

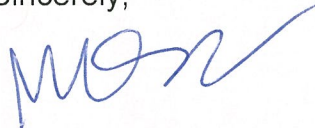
In accordance with N.J.A.C. 8:33-3.2(a), please be advised that any health care facility, which has closed or substantially ceased operation of any of its beds, facilities or services requires a certificate of need to be initiated, for any consecutive two-year period, and shall be required to obtain a certificate of need before reopening such beds, facilities or services.

Furthermore, please be advised that, regardless of any management agreement between the licensee and another entity, the licensee is responsible for all financial, operational, and management control. Oversight of the facility is the licensee's non-delegable duty. All health services provided by the facility and the revenue generated by a facility from providing these health services are the responsibility of the licensee.

Finally, the Department, in approving this application, has relied solely on the facts and information presented to us. The Department offers no opinion as to whether the proposed ownership or business organization is in compliance with the Codey Act, Board of Medical Examiners administrative rules, the federal anti-referral (Stark) and federal anti-kickback laws. We have not undertaken an independent investigation of such information. If material facts have not been disclosed or have been misrepresented, the Department may take appropriate administrative regulatory action to rescind the approval or refer the matter to the Office of the Attorney General.

We look forward to working with you and helping you to provide a high quality of care. If you have any questions concerning either this certificate of need or the licensure of the PICU beds, please do not hesitate to telephone Mr. John A. Calabria, Director, Certificate of Need and Healthcare Facility Licensure Program, at (609) 292-8773.

Sincerely,



Marcela Ospina Maziarz, MPA
Deputy Commissioner
Health Systems

cc: J. Calabria (electronic copy)