



State of New Jersey
DEPARTMENT OF HEALTH
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Commissioner

April 12, 2022

VIA ELECTRONIC AND FIRST-CLASS MAIL

Richard Pineles, Managing Member
Bergen Passaic LTACH, LLC
55 South Newman Street
Hackensack, NJ 07601

Re: CN# ER 20040905;07
Former CN#s ER 2019-12666-02, ER
040905-02-43 E/T
Bergen Passaic Long Term
Acute Care Hospital
Total Project Cost: \$2,294,000
Expiration Date: January 24, 2023

Dear Mr. Pineles:

This letter is intended to replace the previous letter issued by the Department on September 22, 2021, denying the request for an extension of time to implement the above certificate of need. After careful reconsideration of the facts of this matter, please be advised that pursuant to N.J.A.C. 8:33-5.1(a)(6), the Department of Health (Department) is approving Bergen Passaic Long Term Acute Care Hospital's (Facility) expedited review certificate of need (ERCN) application (CN# ER 20040905;07), which was submitted as a request for an extension of time. CN# ER 20040905;07 had been scheduled to expire on July 24, 2021, and the request for an extension of time was submitted on May 3, 2021.

By way of history, the original certificate of need (CN) which was granted on December 10, 2004, for the establishment of a 72-bed freestanding long term acute care hospital at the facility in Bergen County, was set to expire on December 10, 2006. However, the CN was extended to June 10, 2008, then to December 10, 2009, and further extended by the Permit Extension Act of 2008 (Act), P.L. 2008, c. 78, as amended by P.L. 2009, c. 336, P.L. 2012, c. 48, and P.L. 2014, c. 84. The Act was signed on September 6, 2008, and provided that, for a CN specific to development in existence during the period of time from January 1, 2007, through July 1, 2010, the running period of the approval

was automatically suspended for the extension period through July 1, 2010. Amendments to the Act extended the expiration date of the Permit Extension Act through December 31, 2012, and December 31, 2015, respectively. Pursuant to the Act, as amended, the expiration date of CN# ER 040905-02-43 was extended through June 30, 2016.

Thereafter, following the expiration of the Act, the Department further extended the CN to June 29, 2018, then to January 24, 2020, and finally to July 24, 2021. In accordance with the above request, the Department is extending the facility's certificate of need for one additional 18-month time period from the previous expiration date of July 24, 2021 to January 24, 2023.

The decision to approve the facility's extension application is based on a review of the documents submitted, which includes an agreement with Palisades Medical Center, a division of Hackensack Meridian Health, whereby the facility proposes to establish a hospital-within-a-hospital to be located at Palisades Medical Center in North Bergen, NJ.

In response to the current submission, the Department is granting this extension of time. Please be aware that any beds not licensed upon the expiration of this extension of time will be considered unimplemented and therefore void.

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 in N.J.A.C. 8:33-3.9. However, in accordance with N.J.A.C. 8:33-3.9(a), a change of cost of an approved certificate of need is exempt from certificate of need review but 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 a license 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 the 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 the facility 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 Licensure Program.

The Department, in approving this application, has relied solely on the facts and information presented to us. The Department has 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 to your residents. If you have any questions concerning this certificate of need or regarding the licensure of these 72 long term acute care beds, please do not hesitate to email Antonella Ventura, Quality Assurance Coordinator, Certificate of Need and Healthcare Facility Licensure Program, at Antonella.ventura@doh.nj.gov.

Sincerely,

Robin C. Ford

Robin C. Ford, MS
Deputy Commissioner
Health Systems

cc: Robert J. Fogg, Archer Attorneys at Law (By Electronic Mail)
Stephen Baker, HMM (By Electronic Mail)
Michael Burns, HMM (By Electronic Mail)
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Michael J. Kennedy, DOH (By Electronic Mail)