



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

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

September 22, 2021

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

Dear Mr. Pineles:

Please be advised the Department of Health (Department) is in receipt of Bergen Passaic Long Term Acute Care Hospital's (facility) certificate of need (CN) application, which was submitted as a request for an extension of time under the expedited review process. Pursuant to N.J.A.C. 8:33-3.10(a)(2), and for the reasons set forth below, the Department hereby denies the facility's request for another extension.

The original 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. By way of history, 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.

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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. The Department indicated that the July 24, 2021 date would be the final extension granted, subject to the conditions noted. Those conditions included the understanding that the project would be fully implemented on or before July 24, 2021. Further, the facility was required to implement the first phase (25 beds) as soon as the available medical-surgical floor at the facility could be converted with minor renovations, as outlined in the submission and that the final phase (47 beds) was to be implemented prior to July 24, 2021. The facility was also advised that the Department would not consider another extension of time. The facility was also reminded that, in accordance with N.J.A.C. 8:33-3.10(a)(3), “[i]f the project has not been licensed by the Department's Office of Certificate of Need and Healthcare Facility Licensure, within the original or, if applicable, extended time frame identified within this subchapter, the certificate of need shall automatically be deemed to be terminated.” The facility has presented no evidence that either of the above-described conditions have been satisfied, nor that any progress has been made toward implementing these beds. Accordingly, the Department hereby denies the facility's request for another extension of time regarding this 17-year-old CN. As such, pursuant to N.J.A.C. 8:33-4.5(b), the fee submitted by the facility for the extension is enclosed.

ADMINISTRATIVE HEARING

Bergen Passaic LTACH, LLC is entitled to a hearing at the Office of Administrative Law (OAL) to challenge the denial of the request for an extension of time.

Bergen Passaic LTACH, LLC must advise the Department within 30 days of receipt of this letter to request an OAL hearing regarding this matter.

Please forward your OAL hearing request to:

Attention: OAL Hearing Requests
Office of Legal and Regulatory Compliance
New Jersey State Department of Health
P.O. Box 360
Trenton, New Jersey 08625-0360

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Please note that corporations are not permitted to represent themselves in OAL proceedings. Therefore, if Bergen Passaic LTACH, LLC is owned by a corporation, representation by counsel is required.

If you have any questions concerning this matter, please do not hesitate to contact Michael Kennedy at Michael.Kennedy@doh.nj.gov.

Sincerely,



Marcela Ospina Maziarz, MPA
Deputy Commissioner
Health Systems

Enclosure

c: Michael Kennedy
Gary Spiewak
Robert J. Fogg, Esquire (By Electronic Mail)