



NEW YORK STATE SENATOR

Brian Kavanagh

DOH Approval of Mount Sinai Merger

BRIAN KAVANAGH June 13, 2023

| ISSUE: **ACCESS TO HEALTHCARE**

June 13, 2023

Patricia Smyth

Cicero Consulting Associates

925 Westchester Avenue, Suite 201 White Plains, New York 10604

Re: 222087-C

Mount Sinai Beth Israel (New York County)

Certify New York Eye and Ear Infirmary of Mount Sinai as a new division of Mount Sinai

Beth Israel with no change to beds or services

Dear Patricia Smyth:

The Department of Health proposes to approve the above application in accordance with the full review provisions set forth in 10 NYC RR section 710.1 (c)(2). Approval of this application is subject to the enclosed contingencies first being satisfied. Also enclosed are confirmations of the approved capacity and a list of proposed services, if appropriate.

In addition to contingencies, the Department proposes to approve this application with the enclosed conditions. You are expected to comply with these conditions throughout the operation of this project, including any and all conditions pertaining to specified timeframes; and comply with representations about the project, as set forth in a letter dated January 23, 2023, from Jeremy Boal, MD.

- Pursuant to the provisions of 10 NYCRR Parts 86 and 710, you may not begin the construction or operation of any aspect of this project, or receive reimbursement for any associated costs, unless all required written approvals are obtained. Before beginning any aspect of this project, you must complete the following steps:
- Enter a complete response to each individual contingency via the New York State Electronic Certificate of Need (NYSE-CON) system by the due date(s) reflected in the Contingencies Tab in NYSE-CON. Failure to meet the due date(s) could result in the project being abandoned as set forth in 10 NYCRR Section 710.10 (c) (1)
- Receive written approval from the Center for Health Care Facility Planning, Licensure and Finance indicating satisfaction of the contingencies.

If the subject facility is currently in operation, you must develop a plan to ensure the health and safety of all patients and staff during construction. This plan must comply with all applicable sections of the National Fire Prevention Association (NFPA) 101 Life Safety Code (2000 Edition) and all applicable sections of the State Hospital Code during construction. The plan may require you to separate residents, patients, staff, and essential support services from the construction site and/or provide them with an alternative means of egress. Please have the plan available to regional office staff at the time of their on-site visit.

You are responsible for ensuring that this project complies with all applicable statutes, codes, rules, and regulations. Should violations be found when reviewing documents, or at the time

of on-site inspections or surveys, you will be required to correct them. Additional costs incurred to address any violations will not be eligible for reimbursement without prior approval by the Department. Also, in accordance with 10 NYC RR section 710.5, any change in the scope of this project must receive prior approval from the Department and may require a new or amended application.

If you have any questions concerning this letter, please contact the Bureau of Project Management at (518) 402-0911.

Sincerely,

James V. McDonald, M.D., M.P.H. Commissioner of Health

APPROVAL CONTINGENT UPON:

1. Submission of documentation, acceptable to the Department, of communication with key stakeholders to discuss the Certificate of Need application that would authorize the proposed merger between Mount Sinai Beth Israel and New York Eye and Ear Infirmary of Mount Sinai. [PMU]
2. Submission of a community engagement plan, acceptable to the Department, regarding any potential future transformation of both New York Eye and Ear Infirmary of Mount Sinai (NYEEI) and Mount Sinai Beth Israel (MSBI), as well as long-term planning of MSBI's delivery of health care services. This should include, but not be limited to, elected officials, community boards, community organizations, staff, and other health care professionals. The plan must also include meeting schedules providing opportunities for community stakeholders to be updated on MSBI's plans for the reconfiguration of its health care

services and, further, illustrate how Mount Sinai will receive and respond to feedback about its plans. [PMU]

3. Submission of a narrative description of the proposed plan to notify patients, staff, and physicians of the proposed merger plan. This plan must include drafts of written notification and meeting schedules, as applicable. [PMU]
4. Submission of a photocopy of an executed Amended and Restated Certificate of Incorporation of Beth Israel Medical Center, Inc., acceptable to the Department. [CSL]
5. Submission of a photocopy of an executed copy of the Merger Agreement, acceptable to the Department. [CSL]
6. Submission of a photocopy of an executed copy of the Merger Certificate, acceptable to the Department. [CSL]

APPROVAL CONDITIONAL UPON:

1.

The applicant will not close any of NYEEI clinical programs and, consequently, there will be no change in access to clinical services for NYEEI's patients as a result of the merger, without the prior approval of the Department. [HSP]

2.

The applicant will not close any of NYEEI inpatient beds as a result of the merger, without the prior approval of the Department. [HSP]

3.

There will be no change in the governing authority of NYEEI as a result of the merger, without the prior approval of the Department. [CSL]

4.

This project must be completed by one year from the date of this letter, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date. [PMU]