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Long Island College Hospital:

Brooklyn Justice Issues Order to Hold Contempt Hearing & Enters Modified Temporary Restraining Order, SUNY Diverts Ambulances from LICH

(Brooklyn, NY) Yesterday, Justice Johnny Lee Baynes issued an order that set a hearing for contempt of the Temporary Restraining Order which prohibits the closure of Long Island College Hospital. The order also included a modified Temporary Restraining Order that reinforces SUNY's obligation to maintain staffing at LICH at the same level it was as of February 20th, 2013.

The modified TRO eliminates the ban on communication between SUNY and the DOH but orders the SUNY defendants to maintain staffing, including particular requirements regarding the residency programs and the staffing of the Psychiatry Department.

In the face of the Court's Order, Downstate administrators nonetheless directed that as of 6:00 a.m. this morning ambulances are to be diverted away from LICH, and physicians at LICH are to begin transferring patients to Downstate's East Flatbush campus and other hospitals. The diversion and transfer of patients unnecessarily compromise patient safety and violate the order barring SUNY and Downstate from taking any actions toward closing the hospital. The Court also asked the parties for the names of individuals who are responsible for the violation of the Court's order. Defendants in the case include the SUNY Board of Trustees, as well as SUNY, SUNY Downstate and SUNY Downstate President John F. Williams, MD.

The courtroom turned dramatic yesterday when a union staff person received a text message from hospital workers breaking the news of the planned ambulance diversion. Lawyers for the plaintiffs shared the information with the Court which said that diverting ambulances would be a clear violation of the order. The Court said that it hoped to hear better news about LICH's emergency room situation at conference with lawyers he set for next Monday to review status of compliance with the modified TRO.

Justice Baynes also mentioned the possibility of designating a Special Master or Administrator for the hospital.

"LICH nurses, doctors, and caregivers are continuing to provide the very best care to patients, but SUNY is trying to sabotage our hospital at every turn," said **Jill Furillo, RN executive director of the New York State Nurses Association**. "We're glad that the Court is taking SUNY's actions -- and the

impact these actions could have on Brooklyn patients -- very seriously. We will continue to do whatever it takes to keep LICH and all Brooklyn hospitals open for care."

"This ruling is yet another victory for patients and the community, and we hope that SUNY abides by the judge's orders and does not reduce staffing or services," said **1199SEIU President George Gresham**. "We will continue to be vigilant and watch every move by SUNY as we work with nurses, doctors, advocates and the DOH to find a solution which preserves LICH's vital services and good jobs."

"We are astonished that in the face of a clear order to maintain operations at LICH, Downstate management has issued directives to divert ambulances and transfer patients from LICH," said **Toomas Sorra, MD, President of Concerned Physicians of LICH**. "These directives unnecessarily compromise patient safety. LICH's Emergency Department is safe, open, fully staffed and ready to receive patients. We implore SUNY management and the Board of Trustees to correct this violation of the court's order."

The hearing yesterday came after healthcare advocates held a rally in front of LICH calling for both LICH and Interfaith Medical Center to stay open as full service hospitals and demanding that legislators not use the Brooklyn healthcare crisis as an excuse to allow Wall Street to take over struggling hospitals. Interfaith Medical Center is expected to submit 90 day closure plan to the Department of Health imminently.

Background on the fight to keep LICH open for care:

Attorneys for NYSNA, 1199SEIU, and the Concerned Physicians of LICH previously won an injunction against the SUNY Trustees, validating claims that their first meeting and vote to close LICH violated New York's Open Meetings Law. Two weeks later, Justice Baynes ruled that SUNY's vote to close the hospital was improper and unlawful.

On March 18th, SUNY Trustees held another meeting in Purchase, far from the community of Brooklyn patients and caregivers that would be impacted, and voted again to close the hospital.

On April 1, 2013, NYSNA, 1199SEIU and the Concerned Physicians of LICH filed a second case, claiming that SUNY's submission of the LICH closure plan to DOH was improper and that the regulations governing closure are impermissibly vague. On the same day, Justice Baynes issued a temporary restraining order, barring any further action on the LICH closure plan pending a hearing on the underlying claims in the case.

On April 26th, SUNY withdrew their plan to close LICH. The withdrawal came the day after the New York City Council unanimously voted in favor of a resolution in support of LICH sponsored by Brad Lander and Stephen Levin and with support from Speaker Christine Quinn, and after months of pressure from Brooklyn healthcare advocates.

But SUNY has continued to take actions in furtherance of closure, including by failing to replace staff, failing to maintain psychiatry services, and by eliminating the residency program at LICH.

Closing LICH would harm patients across Brooklyn and particularly residents of Red Hook, a neighborhood that relies solely on LICH for healthcare and is designated a "Health Professional Shortage Area" by the US Department of Health and Human Services.

The campaign to save LICH has been powered by a diverse coalition of patients, caregivers, elected leaders and community groups, including New York Communities for Change, the Commission on the Public's Health System, Save Our Safety Net Coalition, Red Hook Initiative, National Action Network and Rev. Al Sharpton, Brooklyn Heights Association, Cobble Hill Association, Carroll Gardens Association, Friends of Sunset Park, and many more.

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*The **New York State Nurses Association** is the voice for over a hundred thousand frontline nurses. We are New York's largest union and professional association for registered nurses.*

***1199SEIU United Healthcare Workers East** is the largest and fastest-growing healthcare union in America. We represent over 350,000 nurses and caregivers throughout Massachusetts, New York, New Jersey, Maryland, Washington, D.C. and Florida. Our mission is to achieve quality care and quality jobs for all.*

***Concerned Physicians of LICH, LLC** represents the organized physicians of LICH. The mission of Concerned Physicians is to ensure that LICH remains open and that patients in the community continue to have access to high quality health care and innovative treatment.*