



EASTERN NIAGARA HOSPITAL

521 East Avenue
Lockport, New York 14094
(716) 514-5700

June 8, 2022

Mr. Keith McCarthy
Associate Commissioner
Office of Addiction Services and Supports
1450 Western Ave.
Albany, NY 12203-3526

RE: 2021.077 - Recovery Center of Niagara, LLC – New OASAS Provider – Part 818 and Part 816.7 Services

Dear Mr. McCarthy:

I would like to provide an update to you regarding the Niagara County Community Services Board meeting that was held on May 16, 2022 and the Board's approval to advance the Recovery Center of Niagara, LLC application on to OASAS. The Deputy Director presented the Recovery Center's application to the Board and asserted that the Recovery Center will meet a need and enhance substance abuse services in Niagara County. Current providers in Niagara County disagree.

Niagara County Service Provider Concerns

The Board ignored the concerns expressed at the meeting regarding the impact the Recovery Center's opening will have on existing substance abuse service providers in Niagara County. Leaders from **four** providers publicly spoke at the Board meeting and detailed disruption to the current service delivery system that is expected should the Recovery Center open. Leaders were present from the following Niagara County substance abuse providers:

- Northpointe Council - which operates a part 816 Detoxification Program
- Cazenovia Recovery Services - which operates residential substance abuse treatment and support services
- Eastern Niagara Hospital - which operates *Reflections*, a Part 818 Substance Use Inpatient Rehabilitation program
- Mount Saint Mary's Hospital - which operates *Clearview*, a Part 818 Substance Use Inpatient Rehabilitation Program

These providers expressed concerns that the anticipated opening of the Recovery Center will have a negative impact on existing services as a result of (1) the current staffing crisis, (2) lack of demonstrated need in the county, and (3) lack of coordination with current local providers.

These four current substance abuse providers expressed serious concerns regarding the far reaching impact that the Recovery Center's opening will have on the current service delivery system in Niagara County. Although dismissed by the Board, these concerns cannot be ignored by OASAS or the Behavioral Health Service Advisory Council. We implore both the Council and OASAS to further investigate these community issues and postpone approval of the Recovery Center until a plan for the proper integration of the Recovery Center's services into the existing network of community providers is in place.

Despite this lack of community provider engagement, the Recovery Center's application states that emergency services will be provided by Eastern Niagara Hospital. We write to inform OASAS and the Council that, in fact, no linkage agreement has ever been requested of ENH. Not only has no linkage agreement been proposed, but the Recovery Center's immediate opening could force the premature closure of ENH. Should ENH close prematurely, no nearby emergency department services will be accessible to detox patients who often require emergency medical services. Without coordinating the opening of the Recovery Center with ENH, the Recovery Center cannot rely on ENH to provide emergency room services to its detox patients.

In addition to the serious disruption to existing providers and services, serious inconsistencies with the Recovery Center's application warrant further review and discussion.

New York City Linkage Agreements

The Recovery Center's application includes three linkage agreements with Brooklyn and New York City providers, despite the fact that operator Donna Mae DiPola publicly stated at the May 16th Board meeting "we will not be taking patients from the 5 boroughs." It does not appear that the community has been fully informed on this topic. The existing substance abuse providers in Niagara County state there is not a need for additional Detox and Inpatient Rehabilitation beds for Niagara County residents as available beds are present at current facilities. Despite this, a for-profit provider from NYC expects to serve 1,000 patients with Detoxification and 600 patients with Inpatient Rehabilitation. It does not take long for one to deduce that NYC owners with NYC linkage agreements will be filling the beds in Newfane with NYC patients. If this is in fact the case, the community deserves to know and provide input.

Why is the legal name stated: "Elev8 Center New York LLC" with an address of 151 West 136 Street, New York, NY on the OASAS Service Provider Fiscal Viability Information Form included with the application submitted by Recovery Center of Niagara? This is inconsistent with the rest of the application.

ENH and other providers acknowledge there is an opioid crisis. However, the approval of a new for-profit provider with no coordination with existing providers and no plan to staff without impacting current services deserves pause. We request that the concerns of four well respected and long-established substance abuse service providers in Niagara County be given the due consideration required to adequately evaluate the Recovery Center's impact on the community, both positive and negative. In addition, we respectfully request that the Recovery Center of Niagara, LLC's application be removed from the June 16, 2022 Behavioral Health Services Council agenda so that coordination with existing providers can be properly demonstrated in order for the Recovery Center to ensure its staffing plan and opening will not force the closure of existing service providers.

We welcome the opportunity to discuss these matters further. Thank you for your consideration.

Sincerely,



Anne McCaffrey
President and CEO

Cc: Senator Robert Ortt
Assemblyman Michael Norris
Mr. John Syracuse, Newfane Town Supervisor
Mr. Richard Abbott, Niagara County Legislator
Mr. David Godfrey, Niagara County Legislator
Mr. CJ Urlaub, President, Mount Saint Mary's Hospital
Ms. Ann Briody Petock, ENH Board Chair



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June 14, 2022

Ms. Hilda Rosario Escher
Chair, NYS Behavioral Health Services Advisory Council
44 Holland Avenue.
Albany, NY 12209

RE: 2021.077- Recovery Center of Niagara, LLC.- New OASAS Provider- Part 818 and Part 816.7 Services

Dear Ms. Escher:

I write today to supplement my upcoming presentation to the Behavioral Health Services Advisory Council at the June 16, 2022 meeting addressing Eastern Niagara Hospital's ("ENH") concerns regarding the Recovery Center of Niagara, LLC's (the "Recovery Center") application. ENH respectfully requests that the Council delay the approval of the Recovery Center's application until the community provider concerns that follow are adequately evaluated. The approval of a new for-profit provider with no coordination with existing providers and no plan to staff the new programs without impacting existing treatment services deserves pause.

May 16, 2022 Community Services Board Meeting

On May 16, 2022, the Niagara County Community Services Board (the "Board") approved the Recovery Center's application. At this meeting, the Niagara County Department of Mental Health Deputy Director presented the Recovery Center's application to the Board and asserted that the Recovery Center will meet a need and enhance substance abuse services in Niagara County. Current providers in Niagara County disagree.

The Board ignored the concerns expressed at the meeting regarding the impact the Recovery Center's opening will have on existing substance abuse service providers in Niagara County. Leaders from **four** providers publicly spoke at the Board meeting and detailed disruption to the current service delivery system that is expected should the Recovery Center open:

- **Northpointe Council**: which operates a part 816 Detoxification Program;

- Cazenovia Recovery Services: which operates residential substance abuse treatment and support services;
- Eastern Niagara Hospital: which operates *Reflections*, a Part 818 Substance Use Inpatient Rehabilitation program; and
- Mount Saint Mary's Hospital: which operates *Clearview*, a Part 818 Substance Use Inpatient Rehabilitation Program.

These providers expressed concerns that the anticipated opening of the Recovery Center will have a negative impact on existing services as a result of the (1) current staffing crisis, (2) lack of demonstrated need in the county, and (3) lack of coordination with current local providers. What follows is a summary of the concerns each provider raised at the Board meeting.

Eastern Niagara Hospital – Reflections:

Board members and administrators from Eastern Niagara Hospital (“ENH”) expressed concern about the hospital’s ability to continue the entirety of hospital operations should the Recovery Center continue to aggressively recruit its staff away. ENH read statements from the Niagara County 2022 Local Services Plan that clearly articulated the known staffing crisis in the county. The following statements were read:

- “The lack of qualified applicants to fill position vacancies across the mental hygiene system is negatively impacting the mental hygiene service system and its operations as a whole. Without the necessary workforce, agencies’ ability to provide essential services, accomplish all other established goals and maintain fiscal viability cannot occur.”
- “Agencies have been unable to recruit and retain a culturally diverse and qualified workforce that possess the essential skills sets to perform duties across all areas and job titles, including direct service, care management, counseling, qualified health professionals and prescribers. Without question, the staff crisis has had a negative impact on those in need.”

Administrators also cited a Local Services Work Force Survey distributed by The Niagara County Department of Mental Health. The results of the survey were as follows:

- “The majority of respondents reported workforce recruitment and retention issues in most all position types...OASAS respondents identified a 26.3% vacancy rate for direct support professional positions and a 30% vacancy rate for licensed professional positions. Vacant positions take up to 12 months to fill.”

An ENH Board Member, who is also a Niagara County Legislator and is chair of Niagara County Public Safety Committee, detailed the devastating impact of ENH prematurely closing on the entirety of its health services in Niagara County. He expressed concerns to the Board that should the Recovery Center open and adversely impact ENH’s continuance – the result will lead to the loss of the hospital’s emergency department and ultimately will derail the volunteer EMS systems in Niagara County with longer wait times.

Northpointe Council:

Marlon Thornton, Vice President of Residential Services, from Northpointe Council read a statement on behalf of CEO Kristi Yerger. Ms. Yerger indicated that Northpointe has been

servicing Niagara County for 52 years. Ms. Yerger's statement addressed two main concerns. First, that the Recovery Center's opening will have a "crippling effect" on the current staffing shortage, a crisis known to the Board and Niagara County Department of Mental Health. Second, Ms. Yerger explained that the Recovery Center's opening is a duplication of services and that current Detox services that Northpointe offers are not fully utilized. Providing further detail and evidence that there is not a current need for detox services, Ms. Yerger's advised that current utilization of Detox services at Northpointe are under 30%, with more than 70 % of detox beds open and available. Ms. Yerger's statement concluded that the opening of the Recovery Center could "severely reduce Northpointe's ability to provide services."

Cazenovia Recovery:

Kristin Minervini, Director of Human Resources at Cazenovia Recovery read a statement from CEO Sue Bissonette. Ms. Bissonette described a "staffing challenge that is unbearable, with no sign of improving." She expressed concerns that the remaining staff will likely be siphoned off which will impact all current providers. She expressed a dire forecast stating, "many pre-existing programs will have no choice but to close" should the Recovery Center open right now.

Mount Saint Mary's Hospital – Clearview:

CJ Urlaub, President of Mount Saint Mary's Hospital (Clearview), described the staffing crisis at his hospital with 90 open nursing positions currently in Niagara County. As a result of this staffing shortage, Mount Saint Mary's Hospital has had to decrease inpatient acute care (Med/Surg) beds. Mr. Urlaub also asked the Board how the need can be demonstrated, stating that last year "we increased from 45 to 69 beds and every day we have had capacity."

These four current substance abuse providers expressed serious concerns regarding the far reaching impact that the Recovery Center's opening will have on the current service delivery system in Niagara County. Although dismissed by the Board, these concerns cannot be ignored by OASAS or the Behavioral Health Services Advisory Council. We implore both the Council and OASAS to further investigate these community issues and postpone approval of the Recovery Center until a plan for the proper integration of the Recovery Center's services into the existing network of community providers is in place.

Recovery Center Application Inconsistencies

In addition to the serious disruption to existing providers and services, serious inconsistencies with the Recovery Center's application warrant further review.

The Recovery Center's application included three linkage agreements with Brooklyn and New York City providers, despite the fact that operator Donna Mae DePola publicly stated at the May 16th Board meeting "we will not be taking patients from the 5 boroughs." It does not appear that the community has been fully informed on this topic. The existing substance abuse providers in Niagara County state there is not a need for additional Detox and Inpatient Rehabilitation beds for Niagara County residents. Despite this, a for-profit provider from NYC expects to serve 1,000 rehab and 600 detox patients. It does not take long for one to deduce

that NYC owners, with NYC linkage agreements will be filling the beds in Newfane with NYC patients. If this is in fact the case, the community deserves to know and provide its input.

The Board has ignored the concerns of existing non-profit, local service providers. The Recovery Center and its leadership has failed to engage in any "good neighbor" or collaboration meetings with existing community providers. Sending a form letter to local providers without any real engagement or coordination is not sufficient when multiple providers have indicated to the Board that the proposed program will inhibit rather than enhance substance abuse treatment services to Niagara County residents. These are providers who have been committed to the treatment needs of patients in Niagara County for decades. OASAS practice and policy requires that new providers coordinate with existing local service providers. This has not been done here.

Despite this lack of community provider engagement, the Recovery Center's application states that emergency services will be provided by Eastern Niagara Hospital. We write to inform the Council and OASAS that, in fact, no linkage agreement has ever been requested of ENH. Not only has no linkage agreement been proposed, but the Recovery Center's immediate opening could force the premature closure of ENH. Pursuant to a NYS Department of Health-endorsed plan, Catholic Health System ("CHS") is expected to complete construction in the summer of 2023 on a new hospital to replace ENH hospital services. Should ENH be forced to close before the new CHS hospital is operating, no nearby emergency department services will be accessible to detox patients who often require emergency medical services. Without coordinating the opening of the Recovery Center with ENH, the Recovery Center cannot rely on ENH to provide emergency room services to its detox patients. Under the foreseeable circumstance that the approval and opening of the Recovery Center leads to ENH having to close its doors to not just Reflections, but the entirety of Hospital and emergency room services, the next closest hospital to the Recovery Center would be over 30 minutes away. This is not a safe alternative for detox patients requiring emergency services.

Although intended to address the opioid crisis in Niagara County, the uncoordinated opening of the Recovery Center will have the opposite effect. If ENH is forced to close prior to the opening of the new CHS hospital, patients in Niagara County seeking emergency medical attention for overdoses will suffer. Currently, ENH treats approximately 14,000 Emergency Department patients per year. In a typical month, ENH treats approximately 5 – 10 patients who have overdosed and require immediate emergency medical treatment to save their lives. If ENH closes as a result of the Recovery Center's opening, who will provide lifesaving treatment to these patients?

Conclusion

The Board placed no value on the crippling staffing concerns raised by the four local substance abuse providers at the May 16, 2022 meeting. But this issue cannot be ignored. On September 27, 2021, Governor Hochul issued *Executive Order Number 4: Declaring a Statewide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York*, stating that "the

current staffing shortages in hospital and other healthcare facilities are expected to impact availability of care, threatening public health and safety; and severe understaffing in hospitals and other healthcare facilities is expected to effect the ability to provide critical care and to adequately serve vulnerable populations..." Neither the Council nor OASAS should ignore the impact that the Recovery Center will have on exacerbating this staffing crisis in Niagara County.

Moreover, the Recovery Center has already begun a campaign to poach ENH employees. Multiple ENH employees have reported receiving calls and emails from Recovery Center representatives soliciting them to work for the Recovery Center.

There is undoubtedly an opioid crisis. However, this undeniable crisis does not necessarily translate into the need for additional beds. This is clearly the case in Niagara County where each of the four providers who addressed the Board on May 16, 2022 identified that they were not at full capacity.

While the Council and OASAS' goal is unquestionably to help those suffering from alcohol and substance abuse addiction, the approval of the Recovery Center's application will actually dismantle the existing service delivery system and negatively impact those seeking services at long-standing, local providers. Ignoring these documented concerns could result in a significant disruption to healthcare and substance abuse treatment services in Niagara County, ultimately harming the individuals we all seek to serve.

We request that the concerns of four well respected and long-established substance abuse service providers in Niagara County be given the due consideration required to adequately evaluate the Recovery Center's impact on the community, both positive and negative. In addition, we respectfully request that the Council delay approval of the Recovery Center's application so that coordination with existing providers can be properly demonstrated in order for the Recovery Center to ensure its staffing plan and opening will not force the closure of existing service providers.

We look forward to presenting these concerns at the June 16, 2022 Behavioral Health Services Council meeting and answering any questions the Council may have. Thank you for your consideration.

Sincerely,



Anne McCaffrey
President and CEO

CC: Keith McCarthy, OASAS Associate Commissioner
Jennifer Farrell, OASAS Intergovernmental Relations