



July 27, 2020

Via electronic mail

The Honorable Phil Murphy
Governor, State of New Jersey
P.O. Box 001
State House
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**Re: Rutgers Medical School: Its Commitment to University Hospital and
the City of Newark Must be Reaffirmed**

Dear Governor Murphy:

I am writing to you on behalf of New Jersey Appleseed Public Interest Law Center (“NJ”), a nonprofit legal advocacy organization that, since its establishment in 1998, has been involved in health care advocacy on behalf of New Jersey consumers. For many years, NJA has served as the legal arm of the NJ for Health Care Coalition, has operated the Community Health Care Assets Protection project, which has focused on protecting the public during hospital conversions, mergers and closures, and, most recently, has been an active member of the Newark Community Coalition that is committed to protecting University Hospital, as the State’s only public hospital.

NJA shares the concern, already expressed to you by other groups and individuals, about the negative impact that the proposed merger of the RWJ Medical School, located in New Brunswick, and the New Jersey Medical School, located in Newark, will have on University Hospital. We see University Hospital as an essential public health care asset that must be protected, improved, and promoted by the State for the residents of the Greater Newark area as well as the entire state. New Jersey deserves a public health system that should, at minimum, rival New York City’s system in terms of research, outpatient clinics, low-income population served and medical school partnerships.

Despite the importance of University Hospital to the State and to the City of Newark, the proposed merger of the two Rutgers medical schools has received little, if any, public review.

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The lack of transparency and legislative oversight of the proposed transaction has left the Newark community without the ability to understand and evaluate how the merger will impact medical education, training, clinical services and jobs in Newark, and only reinforces the impression in the community that Rutgers is turning its back on the commitments, known as the “Newark Accords,” that its corporate predecessor, UMDNJ, made to the Newark community at the time the medical school was established.

Although Rutgers University is a public institution funded by the State, the proposed merger seems to have been structured to avoid legislative review and/or regulatory approval. Historically, changes to the medical school structure, function, and location were only accomplished through legislation (which was the case when UMDNJ was broken up, and the two medical schools were renamed). Rutgers’ deliberate decision to bypass the legislative process through its private-public partnership with RWJ-Barnabas Health only raises further suspicions in the community that this merger is a way to shift resources to New Brunswick and the privately owned RWJ/Barnabas Health System and generally away from University Hospital, the City of Newark and the predominately low-income, minority population the hospital serves. It would thus, diminish the strength, capacity and importance of the State’s only public hospital as a medical institution, and also its capacity to serve as an economic engine for the City of Newark.

As a result, NJA believes that recent actions taken by Rutgers Medical School undermine and violate both the State’s commitment to University Hospital as embodied in statute with respect to the Hospital’s relationship to the New Jersey Medical School located in Newark, (N.J.S.A. 18A: 64G-6.1a(a); 64G-6.1i(c); 64M-2(z); and 64M-2(aa)), as well as the State’s commitment to the Newark community made in the Accords. See N.J.S.A. 18A: 64G-6.1(b). Therefore,

- We demand that any merger must maintain all prior commitments to the City of Newark and University Hospital, thus preserving current services and investing in future programs to enhance the quality of health care services and medical education in the City;
- We urge the swift passage of legislation or regulations that will restrict Rutgers University from unilaterally moving or displacing residents, interns and fellows, clinical services, and faculty to other hospitals, regardless of the financial motivations for doing so; and
- We urge you to demand that University Hospital be represented in the decision-making process and have a vote over any move that involves its workforce in order to protect the integrity of the Newark campus and its relationship to the New Jersey Medical School.

Protecting public health care must be a top priority for New Jersey, which has become even more evident during the COVID-19 pandemic outbreak. We need a fully resourced, effective public hospital to lead the way, with an affiliated public medical school that is committed to educating diverse medical professionals, who will serve the minority population of the Greater Newark area and be a leader in ending racial disparities in health care in our State.

The proposed medical school merger will likely hamper University Hospital in this mission, and will undermine the success of your Administration, which has to date taken great strides to reinvest in University Hospital. The Executive Order that resulted in the appointment

of Judith Persichilli as the monitor of University Hospital set a course to rectify the previous administrations' mismanagement. The current CEO, Dr. Shereef Elnahal, has continued to move forward the agenda that Commissioner Persichilli began before joining your Administration; and the community has appreciated Dr. Elnahal's efforts to reach out to Newark neighborhoods in a way that the Hospital's previous administrations failed to do for the past few decades.

NJA believes that the New Jersey Medical School must continue to be a direct partner with University Hospital. Both clinical and financial commitments, if severed or altered in any way, could jeopardize University Hospital's ability to continue the revitalization plan to improve and expand health care services. We therefore urge you to intervene to provide oversight and transparency to the medical school merger process and the master affiliation agreement between Rutgers Biomedical and Health Sciences and RWJ-Barnabas Health. At minimum, the Department of Health must hold public hearings and the Legislature should create a regulatory review process to ensure that any decisions made are done in a manner that protects and invests in public health care across the state, while adhering to the commitments made to protect and provide public health care services to the Greater Newark community.

Thank you for your anticipated consideration of this matter of public importance. If you wish to discuss this further, please contact me at your convenience at 973-735-0523.

Respectfully,

NEW JERSEY APPLESEED
Renée Steinhagen, Exec. Dir.

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