

STATE OF NEW YORK : DEPARTMENT OF HEALTH

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IN THE MATTER

OF

PENINSULA HOSPITAL CENTER
51-15 BEACH CHANNEL DRIVE
FAR ROCKAWAY, NEW YORK 11691

ORDER FOR
SUMMARY
ACTION

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WHEREAS, inspectors with the New York State Department of Health, Wadsworth Center Clinical Laboratory Evaluation Program (“Department”) inspected the clinical laboratory at the Peninsula Hospital Center on February 21 and 22, 2012, and found serious deficiencies in the administration and operation relating to the clinical laboratory operation; and

WHEREAS, the Commissioner of Health, Nirav R. Shah, M.D., M.P.H., issued a summary order pursuant to Section 577(3) of the Public Health Law summarily suspending the clinical laboratory permit of the Peninsula Hospital Center on February 23, 2012, for a period not to exceed 30 days [a copy which is attached and made a part hereof]; and

WHEREAS, the availability of clinical laboratory services is essential to the provision of medical care to patients; and

WHEREAS, the Commissioner of Health of the State of New York, is of the opinion that the continued operation of the Peninsula Hospital Center without the services of its clinical laboratory poses a danger to the health of current and future patients of the Peninsula Hospital Center; and

WHEREAS, it therefore appears to be prejudicial to the interest of the people to delay action for fifteen (15) days until an opportunity for a hearing can be provided in accordance with the provisions of Public Health Law Section 12-a.

NOW, THEREFORE, THE COMMISSIONER OF HEALTH DOES HEREBY ORDER THAT PURSUANT TO PUBLIC HEALTH LAW SECTION 16:

- 1) Immediately upon service of this Order, the Peninsula Hospital Center must notify the Fire Department on the City of New York to divert any ambulances which are bringing any patients for treatment.
- 2) Immediately upon service of this Order, the Peninsula Hospital Center shall not admit any new patients, either through its emergency room or from community physicians.
- 3) Immediately upon service of this Order, develop and implement a transfer plan for inpatients where priority is based on clinical acuity and dependence upon laboratory services;
- 4) Immediately upon service of this Order, cancel all surgeries and procedures; and
- 5) Immediately upon service of this Order, suspend any general activities that depend upon laboratory services.

FURTHER, I DO HEREBY give notice that the Peninsula General Hospital may request a hearing, to be held within fifteen (15) days of service, at the offices of the New York State Department of Health, 90 Church Street New York, New York 10007, to present any proof that the provision of hospital services without the availability of an in-house clinical laboratory does not constitute a danger to the health of the people of the State of New York. If such a hearing is

desired, then the Peninsula General Hospital should submit a written request, within five (5) days of receipt of service of this Order, to the following address: New York State Department of Health, Bureau of Administrative Hearings, Corning Tower, Room 2438, Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12237. This request may also be submitted by FAX at (518) 486-1858 or by email at cdb02@health.state.ny.us. Failure to request a hearing will be considered a waiver of the Peninsula General Hospital's right to a hearing.

DATED: Albany, New York
February 23, 2012

NEW YORK STATE DEPARTMENT OF
HEALTH



NIRAV R. SHAH, M.D., M.P.H.
Commissioner of Health