

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

COVER SHEET - NOTICE OF FILING OF MOTION OR PETITION UNDER  
LOCAL RULES OF CIVIL PROCEDURE

CASE CAPTION:

CIVIL CASE NO CV-20-22-003445

*County of Delaware v. Prospect Crozer, LLC, d/b/a Crozer Health, et al.*

NATURE OF MATTER FILED: (please check one)

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Petition Pursuant to Rule 206.1<br>(Petition for Preliminary Injunction) | <input type="checkbox"/> Response to Petition | <input type="checkbox"/> Motion for Judgment on the Pleadings Pursuant to Rule 1034(a) |
| <input type="checkbox"/> Motion Pursuant to Rule 208.1   | <input type="checkbox"/> Response to Motion   | <input type="checkbox"/> Summary Judgment Pursuant to Rule 1035.2                      |
| <input type="checkbox"/> Family Law Petition/Motion Pursuant to Rule 206.8                                   |   |  |

**FILING PARTY IS RESPONSIBLE FOR SERVICE OF THE RULE RETURNABLE  
DATE OR HEARING DATE UPON ALL PARTIES**

A motion or petition was filed in the above captioned matter on the \_\_\_\_ day of \_\_\_\_\_, which:

☐ Requires you, Respondent, to file an Answer within twenty (20) days of the above date to this notice, or risk the entry of an Order in favor of the Petitioner. Answers must be filed and time stamped by the Office of Judicial Support by 4:30 PM on the following date \_\_\_\_\_.

☐ Requires all parties, to appear at a hearing/conference on the \_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_ in Courtroom \_\_\_\_, Delaware County Courthouse, Media, Pennsylvania. At this hearing/conference you must be prepared to present all testimony and/or argument, and must ensure that your witnesses will be present.

☐ Was timely answered, thus requiring the scheduling of the following hearing in the above captioned matter on: \_\_\_\_\_ at 10:00 AM in Courtroom \_\_\_\_.

At this hearing, all parties must be prepared to present all testimony and/or argument and **must ensure that their witnesses will be present.**

☐ Qualifies as an Uncontested Motion or Petition, and as such requires neither an answer from the Respondent nor the scheduling of a hearing in this matter.

☐ Has been assigned to Judge \_\_\_\_\_.

**FOR OFFICE USE ONLY**

Mailing date: \_\_\_\_\_

Processed by: \_\_\_\_\_

_____	:	COURT OF COMMON PLEAS
COUNTY OF DELAWARE	:	DELAWARE COUNTY
Plaintiff,	:	
	:	No. _____
vs.	:	
	:	
PROSPECT CROZER, LLC, et al.,	:	
	:	
Defendants.	:	
_____	:	

**[PROPOSED] PRELIMINARY INJUNCTION**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2022, upon consideration of Plaintiff's Petition for Preliminary Injunction on an Expedited Basis, and after notice to Defendants<sup>1</sup> and hearing, this Court finds that the rights of Plaintiff are clear, the need for relief is immediate, and injunctive relief is necessary to avoid injury that is irreparable and cannot be fully compensated for by damages.

**IT IS HEREBY ORDERED THAT:**

1. Defendants are enjoined from, and shall immediately cease, carrying out any actions in furtherance of closing or terminating services ("Closure Actions") at the following behavioral health units or departments:

- a) Delaware County Memorial Hospital: Outpatient Substance Abuse Clinic;
- b) Crozer Chester Medical Center: Inpatient Acute Substance Abuse/Addiction Unit (First Steps);
- c) Crozer Chester Medical Center: The Crisis Center; and

---

<sup>1</sup> Defendants are Prospect Crozer, LLC, d/b/a Crozer Health; Prospect DCMG, LLC, d/b/a Crozer Health and Delaware County Memorial Hospital; Prospect CCMC, LLC, d/b/a Crozer-Chester Medical Center and Crozer-Chester Medical Center Community Campus; and Prospect Medical Holdings, Inc.

- d) Community Campus: All Mental Health and Substance Use Disorder Treatment Outpatient Services including: Mental Health Outpatient Treatment, including the Clozaril Clinic; Blended Case Management; Certified Peer Specialist; Psychiatric Rehab; School Based Services; Drug Free Intensive Outpatient and Outpatient levels of cares, including Suboxone and vivitrol services; Methadone Maintenance, Intensive Outpatient and Outpatient levels of care; Center of Excellence; Intake, Assessment and Referral; Case Management Services; Al's Pals; and Youth Prevention.

2. For purposes of this Order, Closure Actions include, but are not limited to: representing to patients or potential patients that any services will be terminated; refusing to schedule patients or potential patients for appointments on the basis that any services will be terminated; refusing care to patients or potential patients on the basis that any services will be terminated; and/or discharging patients on the basis that services will be terminated.

3. Defendants shall not take any Closure Actions at the behavioral health units or departments described in Paragraphs 1(a), (b), (c), or (d) until at least **120 days** after the Health Director of Delaware County approves a written Closure Plan submitted by Defendants in compliance with Delaware County Code § 6-95.H(5), as amended by Emergency Ordinance 2022-5.

4. In no event shall Defendants take any Closure Actions with respect to the behavioral health units or departments described in Paragraphs 1(a), (b), (c), or (d) until the following dates:

- a) Paragraph 1(a): October 5, 2022  
b) Paragraph 1(b): October 21, 2022

c) Paragraph 1(c): October 17, 2022

d) Paragraph 1(d): October 17, 2022

5. If Defendants have not yet provided the Health Director of Delaware County with an initial written Closure Plan in compliance with Delaware County Code § 6-95.H(5), as amended by Emergency Ordinance 2022-5, by June 20, 2022, Plaintiff may make further application to this Court to appoint a special master or temporary manager to ensure that Defendants prepare and abide by an initial written Closure Plan.

6. Pursuant to Pennsylvania Rule of Civil Procedure 1531(b), no bond is required because the Plaintiff is a political subdivision of the Commonwealth.

BY THE COURT:

\_\_\_\_\_  
J.

BALLARD SPAHR LLP  
BY: Edward D. Rogers, No. 69337  
Robert J. Clark, No. 308105  
Michael R. McDonald, No. 326873  
Paul K. Ort, No. 326044  
Kayla R. Martin, No. 330601  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103-7599  
T: (215) 665-8500  
F: (215) 864-8999  
E: rogerse@ballardspahr.com  
clarkr@ballardspahr.com  
mcdonaldm@ballardspahr.com  
ortp@ballardspahr.com  
martink@ballardspahr.com

COUNTY OF DELAWARE, SOLICITOR'S OFFICE  
William F. Martin, No. 39762  
201 W. Front St.  
Media, PA 19063  
T: (610) 891-4074  
F: (610) 891-4816  
E: martinw@co.delaware.pa.us

*Attorneys for Plaintiff*

COUNTY OF DELAWARE,

Plaintiff,

vs.

PROSPECT CROZER, LLC, et al.,

Defendants.

: COURT OF COMMON PLEAS  
: DELAWARE COUNTY

: No. CV.2022-003445

**PETITION FOR PRELIMINARY INJUNCTION ON EXPEDITED BASIS**

The County of Delaware ("Plaintiff" or "County"), by and through its solicitor and undersigned counsel, hereby petitions this Court to enter a preliminary injunction enjoining Defendants, Prospect Crozer, LLC, d/b/a Crozer Health; Prospect DCMG, LLC, d/b/a Crozer Health and Delaware County Memorial Hospital; Prospect CCMC, LLC, d/b/a Crozer-Chester Medical Center and Crozer-Chester Medical Center Community Campus; and Prospect Medical Holdings, Inc. (collectively, "Crozer Health" or "Defendants"), from carrying out any and all actions in furtherance of the Closures (as defined herein), and if necessary appointing a special master or temporary manager to ensure that Defendants prepare an adequate Closure Plan and comply with that plan. Given the immediate and irreparable threat to the health, safety, and

welfare of County residents as a result of Defendants' actions and non-actions, Plaintiff respectfully requests that this Court schedule a hearing on this Petition on an expedited basis.

In support of this Petition, Plaintiff states:

## **I. INTRODUCTION**

1. Defendants operate three healthcare campuses—Delaware County Memorial Hospital, Crozer-Chester Medical Center, and Crozer-Chester Medical Center Community Campus. From these campuses, Defendants serve as the largest provider of certain behavioral and mental health services in the County, treating thousands of patients each year.

2. In April 2022, without any prior notice and by a series of letters delivered to various parties, the County learned that Defendants had unilaterally decided to cease operation of behavioral health departments and programs at their three County campuses (as defined *infra*, the “Closures”).

3. Defendants announced that the Closures would go into effect between June 10 and June 19, 2022, providing the County with approximately 60 days' notice or less of the impending shutdowns. Meanwhile, Defendants have stopped accepting new patients and taken other actions in preparation for ending their services.

4. The Closures threaten a public health disaster. The patients served by Defendants are some of the County's poorest and most vulnerable, and suffer from conditions ranging from substance abuse disorders and addiction, suicidal and homicidal ideations, depression, anxiety, psychosis, and other acute and severe mental health crises. If allowed to proceed on Defendants' timeline, the Closures will result in an interruption (if not total cessation) of care for thousands of individuals suffering from these illnesses, potentially causing grave harm to those individuals and their communities.

5. In addition to causing serious and irreparable harm, Defendants' threatened conduct violates the law. Delaware County Code § 6-95.H, as amended by Emergency Ordinance 2022-5, requires, among other things, that: (1) hospitals provide a "Closure Plan"<sup>1</sup> to the Delaware County Department of Human Services ("DHS") 120 days in advance of the anticipated date of closure of behavioral health units or departments; and (2) hospitals shall not close behavioral health units or departments except pursuant to a written Closure Plan approved by the Health Director of the County. A copy of the Emergency Ordinance is appended to the Complaint as Exhibit A.

6. Defendants have not provided a Closure Plan to the County, let alone one that has been approved or that meets the requisite timeline. Any further actions toward closing health programs or services at healthcare campuses in the County are, therefore, contrary to the law.

7. Urgent injunctive relief is necessary to stave off a public health emergency and ensure that the County and its residents have the time and resources necessary to manage the safe and orderly transition of Defendants' patients.

## **II. FACTS**

8. The facts relevant to this Petition are stated more fully in Plaintiff's Complaint, as well as in the Affidavit of Sandra Garrison ("Garrison Aff."), attached as Exhibit 1 and incorporated herein by reference.

9. Defendants operate three major healthcare campuses in the County: Delaware County Memorial Hospital, Crozer-Chester Medical Center, and Crozer-Chester Medical Center Community Campus.

---

<sup>1</sup> The law spells out the subjects a "Closure Plan" must address. *See* Del. Cty. Code § 6-95.H(5)(a)–(m).

10. Through these campuses, Crozer Health is the dominant provider of certain behavioral health services in the County. It employs 45 psychiatrists—the largest staff of board-certified and board-eligible psychiatrists in the County—as well as 22 advanced practice professionals. Services include emergency care, outpatient counseling, and inpatient psychiatric treatment. In total, Crozer Health has 106 beds dedicated to behavioral health treatment: 34 adult psychiatric beds, 20 geriatric psychiatric beds, and 52 substance abuse beds.

11. Crozer Health providers deliver comprehensive physical and emotional diagnosis and treatment for a range of issues, including Attention Deficit/Hyperactivity Disorder (AD/HD), Depression, Generalized Anxiety Disorder, Obsessive-Compulsive Disorder, Panic Disorder, Personality Disorders, Phobias, Postpartum Depression, Post-Traumatic Stress Disorders, Substance Abuse and Addiction, and Suicidal Behavior. Crozer Health also provides intervention to children, adolescents, and adults who are experiencing behavioral disturbances such as suicidal ideations, homicidal ideations, psychosis, depression, or anxiety.

12. The patient population treated by these health services include some of the County's most vulnerable, such as:

- a) approximately 5,800 patients who qualify for the HealthChoices program, a state-funded healthcare subsidy;
- b) thousands of individuals who receive funding from the County Drug and Alcohol Office and many of whom require intensive treatments and interventions for drug and alcohol addiction and related conditions; and
- c) residents living around the southeastern border of the County, historically home to a disproportionate share of the County's lowest-income residents, who, among



other challenges, lack transportation options and other means necessary to obtain care from more remote facilities.

13. In letters delivered to various parties, on April 8, April 20, and April 21, 2022, Crozer Health announced that it would cease providing the following programs and services effective between June 10 and 19, 2022 (collectively, the “Closures”):

Location	Services	Closure Date
Delaware County Memorial Hospital (501 N. Lansdowne Ave, Drexel Hill, PA)	Outpatient Substance Abuse Clinic	June 10, 2022
Crozer Chester Medical Center (1 Medical Center Blvd, Upland, PA)	Inpatient Acute Substance Abuse/Addiction Unit (First Steps); the Crisis Center	June 11 and 19, 2022
Community Campus (301 W. 15 <sup>th</sup> Street, Chester, PA)	All Mental Health and Substance Use Disorder Treatment Outpatient Services including: Mental Health Outpatient Treatment, including the Clozaril Clinic; Blended Case Management; Certified Peer Specialist; Psychiatric Rehab; School Based Services; Drug Free Intensive Outpatient and Outpatient levels of cares, including Suboxone and vivitrol services; Methadone Maintenance, Intensive Outpatient and Outpatient levels of care; Center of Excellence; Intake, Assessment and Referral; Case Management Services; Al's Pals; and Youth Prevention	June 19, 2022

14. These April letters—some of which were not even delivered directly to Plaintiff—constituted the first time the County learned of the Closures. Copies of these letters are appended to the Complaint as Exhibits B–E.

15. Even though the effective dates of the Closures have not yet passed, Crozer Health has already begun taking steps to implement them. These steps include scheduling final appointments for patients, ceasing to accept new patients, and refusing to reopen certain services

(specifically, an inpatient substance abuse and addiction treatment unit called “First Steps”) that Crozer Health had temporarily suspended but promised to resume.

16. The Closures have attracted substantial attention from the press. For example, the *Delco Times* and the *Philadelphia Inquirer* have published lengthy articles on the devastating effects that the Closures would have, including interviews with affected patients and policymakers. The *Philadelphia Inquirer* interviewed a Crozer Health patient who described her reaction to the Closures: “My first thought was ‘Oh my goodness, what am I going to do?’” She continued, “Finding a therapist that takes Medicaid has always been a struggle. Finding a therapist that takes Medicaid that can accommodate someone who works is even harder.” Peggy Malone, President of the Crozer-Chester Nurses Association and nurse in the psychiatric inpatient unit, stated that the shuffling of patients resulting from the Closures will be “extremely unsafe for these patients.”<sup>2</sup>

17. The *Delco Times* quoted County Council Chair Dr. Monica Taylor’s statement that “We were in a behavioral health crisis before this. . . . There were waiting lines for beds and it’s irresponsible for a provider like Prospect to put our community’s health and welfare at risk.”<sup>3</sup>

18. If permitted to proceed as announced, the Closures will wreak havoc on the ability of County residents to obtain critical behavioral and mental health care and will place

---

<sup>2</sup> Abraham Gutman, *Crozer Health Is Planning on Shutting Down Mental Health Services. Delco Patients Are Scrambling* (“Patients Scrambling”), *Phila. Inquirer* (May 11, 2022), <https://www.inquirer.com/health/crozer-mental-health-services-delaware-county-20220511.html>. A copy of this article is attached as Exhibit 2.

<sup>3</sup> Kathleen E. Carey, *Delco Council Says Crozer Health Trying to Extract As Much Money As Possible* (“Extract Money”), *Del. Cty. Daily Times* (May 5, 2022), <https://www.delcotimes.com/2022/05/05/delco-council-says-crozer-health-trying-to-extract-as-much-money-as-possible/>. A copy of this article is attached as Exhibit 3.

extraordinary burdens on County personnel and departments tasked with coordinating the provision of behavioral health services to vulnerable County residents.

19. Rapid discharge of the County's most vulnerable individuals without full plans for continuity of treatment will harm those individuals, present a danger to their communities, and significantly burden County resources.

20. A transition of thousands of patients under any circumstances would pose a challenge because of the needs of behavioral health patients and constraints in the existing market of service providers that have been exacerbated by the Covid-19 pandemic.

21. Patients who are in addiction recovery, or who are experiencing a mental health crisis, are especially vulnerable to interruptions in continuity of care. Further, many patients develop connections with their therapists after extensive work and would need to "start-over" with a new therapist, potentially extending the timeline for progress and recovery.

22. Simply put, more time is needed to prepare for and mitigate the consequences of the impending Closures.

23. The County does not currently have sufficient capacity in its provider network to assimilate all Crozer Health behavioral health patients. In order to transition patients to other providers as a result of the Closures, the County will need to work with other providers to expand their treatment capacities and potentially implement new services. Successfully managing the transition from the Closures will require, by way of example:

- a) working with existing providers to obtain additional staffing (which is in short supply) or expand their facilities;

- b) identifying providers who are or can be approved for treating patients who participate in state-funded healthcare programs (a significant portion of the patients treated by Crozer Health);
- c) providing administrative lead time to navigate contractual and other requirements necessary for providers to participate in certain County health programs;
- d) identifying ways to facilitate patients' access to healthcare campuses that are in more remote areas of the County and farther away from the patient population they will now be asked to serve; and
- e) taking other steps to ensure continuity of care, especially for individuals suffering from acute behavioral and mental health crises or who are at significant risk of relapse in recovery.

24. On April 20, 2022, the Delaware County Council enacted Emergency Ordinance 2022-5, which amended Section 6-95.H of the Delaware County Code to require that, as relevant here: (1) hospitals must provide a Closure Plan to DHS 120 days in advance of the anticipated date of closure of behavioral health units or departments; and (2) hospitals shall not close behavioral health units or departments except pursuant to a written Closure Plan approved by the County's Health Director. *See* Del. Cty. Code § 6-95.H(5)(a)–(m) (listing the information a Closure Plan must contain).

25. Crozer Health has not provided any Closure Plan to DHS, notwithstanding its stated intent to cease operating behavioral health services in barely over a month from the date of this filing. Accordingly, Defendants' actions and inaction violate Delaware County Code § 6-95.H.

26. The urgency of the relief the County seeks cannot be understated. Absent Court action, the Closures risk potentially catastrophic consequences for the County and its residents.

### **III. THE COUNTY IS ENTITLED TO INJUNCTIVE RELIEF.**

27. Under Pennsylvania law, a party seeking preliminary injunctive relief must show:

(1) the injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by damages; (2) greater injury would result from refusing the injunction than from granting it, and, concomitantly, the issuance of an injunction will not substantially harm other interested parties in the proceedings; (3) the preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct; (4) the party seeking injunctive relief has a clear right to relief and is likely to prevail on the merits; (5) the injunction is reasonably suited to abate the offending activity; and, (6) the preliminary injunction will not adversely affect the public interest.

*SEIU Healthcare Pa. v. Commw.*, 104 A.3d 495, 502 (Pa. 2014).

28. As set forth below, Plaintiff satisfies each of these prerequisites and is therefore entitled to injunctive relief.

#### **A. Injunctive Relief is Necessary to Avoid Immediate and Irreparable Harm to the County and the Public.**

29. Delaware County Code § 6-95.H, as amended by Emergency Ordinance 2022-5, provides, in relevant part: (1) “A hospital shall not close any units or departments as part of a general hospital closing or engage in a significant impact until closing except pursuant to a written Closure Plan approved by the Health Director,” and (2) “an initial Closure Plan shall be provided to the Department of Health no later than 120 days from the anticipated date of closure.” Del. Cty. Code § 6-95.H(2), (3). The Code enumerates the information the Closure Plan must contain, including, *inter alia*, details about continuity of care for patients, agreements with other providers to transition patient care, timelines for winding down services, and plans for supervising compliance with the Closure Plan. *See id.* § 6-95.H(5).

30. Despite announcing that Closures will take effect in a matter of weeks, Defendants have not provided the County with a written Closure Plan. Therefore, by taking acts in furtherance of the Closures, Defendants have violated and continue to violate County law.

31. Violation of a county code constitutes *per se* irreparable harm. *See, e.g., Abbonizio v. City of Philadelphia*, No. 974-cd-2019, 2020 Pa. Commw. Unpub. LEXIS 298, at \*25–26 (Pa. Commw. Ct. June 5, 2020) (holding that a violation of the Philadelphia Code amounted to irreparable harm); *SEIU Healthcare Pa.*, 104 A.3d at 508 (“[W]here the offending conduct sought to be restrained through a preliminary injunction violates a statutory mandate, irreparable injury will have been established.”). Defendants’ plain violation of County law establishes immediate and irreparable harm to the County and public.

32. Moreover, the Closures risk critical and disastrous consequences for public health. Defendants are crucial behavioral health providers in Delaware County—providing services to some of the County’s most vulnerable and disadvantaged community members. Crozer Health’s anticipated closure dates would substantially compromise the medical care of the County’s most vulnerable citizens, risking those citizens’ well-being and the safety of the communities to which they return. This, too, constitutes irreparable harm. *See Allegheny Anesthesiology Assocs. v. Allegheny Gen. Hosp.*, 826 A.2d 886, 893 (Pa. Super. Ct. 2003) (determining that “the prospect of death, enhanced by injury or serious disruption to the ongoing care of” patients, is of “paramount importance” in assessing irreparable harm); *see also, e.g., New Castle Orthopedic Assocs. v. Burns*, 392 A.2d 1383, 1387–88 (Pa. 1978) (explaining that negative consequences for patient care and services can constitute irreparable harm); Gutman, *Patients Scrambling*, *supra* n.2 (quoting a Crozer Health patient whose initial reaction to the Closures announcement was,

“[o]h my goodness, what am I going to do?”); Carey, *Extract Money*, *supra* n.3 (describing the severity of the Closures and noting “[w]e were in a behavioral health crisis before this[.]”).

**B. Greater Injury Would Result from Refusing the Injunction than from Granting It.**

33. The impending public health emergency occasioned by Defendants’ conduct risks far greater injury than any conceivable burden Defendants face from complying with the law.

34. The Closures, among other consequences, will result in a dramatic reduction in behavioral health services, tax the County’s remaining healthcare service providers, eliminate convenient care options for certain patients, sever continuity of care for individuals with serious behavioral health needs, and require the expenditure of significant County resources to address resulting health emergencies.

35. In contrast, the costs Defendants might incur to comply with their legal obligations will be no greater than their current operating costs and, in any event, will pale when compared to the potential public harm the Closures will entail. This weighs in favor of granting the injunction. *See Commw. Dep’t of Pub. Welfare v. Court of Common Pleas*, 485 A.2d 755, 760 (Pa. 1984) (“[A]lthough there may be some added financial burden placed on the Department in continuing to maintain the . . . facility, that burden, when weighed against the potential damage to the individuals, is not substantial.”); *Harris v. Bd. of Supervisors*, 366 F.3d 754, 766 (9th Cir. 2004) (“[F]aced with a conflict between financial concerns and preventable human suffering, the court has little difficulty concluding that the balance of hardships tips decidedly in plaintiffs’ favor.” (alterations omitted) (internal quotation marks omitted)).

**C. The Injunction Would Preserve the Status Quo.**

36. Plaintiff easily satisfies the third element for a preliminary injunction. An injunction here would serve only to require Crozer Health to continue operating its health care

facilities as it currently does, maintaining the status quo until a Closure Plan is approved and implemented. This element, too, weighs in favor of granting an injunction. *SEIU Healthcare Pa.*, 104 A.3d at 509 (holding that an injunction will restore the status quo because it “will restore the parties to their status as it existed before the [defendant] attempted to close the twenty-six [c]enters”).

**D. The County Has a Clear Right to Relief and Is Likely to Prevail on the Merits.**

37. As explained *supra*, the announced Closures plainly violate County law, specifically, County Code § 6-95.H. In addition to setting forth substantive requirements governing the closure of certain health services, the law authorizes the County Solicitor, upon a determination that an entity is violating the Code, to “institute an action in a court of competent jurisdiction to compel compliance with this Section and otherwise enforce the County’s police and regulatory powers to protect public health and safety.” *Id.* § 6-95.H(6). The law further authorizes the exact judicial relief Plaintiff is seeking here. *Id.* § 6-95.H(7). On its face, the Code prohibits Defendants from proceeding as they have announced, giving the County a clear right to relief.

38. The Code is clearly a valid exercise of the authority vested in the County by state law. Delaware County has been a home-rule county for over forty years. “Any county which has adopted a home rule charter has the general authority to adopt ordinances as may be required and may exercise any power and perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time.” *Fross v. County of Allegheny*, 20 A.3d 1193, 1202 (Pa. 2011) (internal quotation marks omitted). *Accord* Del. Cty. Home Rule Charter § 201 (“[T]he County shall have and may exercise any power or perform any function not



expressly denied by or inconsistent with the Constitution of the United States, the Constitution and laws of the Commonwealth, or provisions of this Charter.”).

39. “A home-rule municipality’s exercise of legislative power is presumed valid, absent a specific constitutional or statutory limitation.” *Pa. Rest. & Lodging Ass’n v. City of Pittsburgh*, 211 A.3d 810, 817 (Pa. 2019). Further, “[a]ll grants of municipal power to municipalities governed by a home rule charter . . . shall be liberally construed in favor of the municipality.” 53 Pa. C.S. § 2961; *see also* 16 P.S. § 6107-C(g) (incorporating 53 Pa. C.S. § 2961 into the statute governing home rule counties).

40. The purpose of Section 6-95.H, in part, is to “ensure the continued provision of medical services to the residents of the County” and prevent “an immediate threat to the health, safety and welfare of County residents[.]” Del. Cty. Code § 6-95.H. Pennsylvania courts have long recognized local governments’ authority to protect the health and general welfare of the public, and Section H furthers these goals. *See Taylor v. Harmony Twp. Bd. of Comm’rs*, 851 A.2d 1020, 1025 (Pa. Commw. Ct. 2004) (recognizing that local governments “have the power to enact legislation aimed at protecting the health, safety, and welfare of citizens . . .”).

41. Defendants’ patent violation of the Code demonstrates that the County has a clear right to relief and is likely to prevail on the merits. *See Norris Square Civic Ass’n v. Saint Mary Hosp.*, 86 B.R. 393, 398 (Bankr. E.D. Pa. 1988) (“We therefore have no hesitancy in concluding that, in effecting its plan to close its facility, the [hospital] must comply with all applicable federal, state, and local laws.”). As such, this Court is empowered to enjoin Defendants from proceeding with the Closures until they comply with the Code.

**E. The Injunction Is Reasonably Suited to Abate the Offending Activity.**

42. The requested injunctive relief would ensure Defendants’ compliance with the law and mitigate the potential public health disaster the law was enacted to prevent. By requiring

Crozer Health to coordinate with the County on a comprehensive Closure Plan aimed at ensuring an orderly transition of medical services as a means to preserve patient care, an injunction will abate the unlawful Closures and give the County the opportunity to secure the welfare of its residents. Plaintiff satisfies this element for granting an injunction.

**F. The Injunction Will Serve the Public Interest.**

43. Should the Closures proceed as planned, the public at large—not to mention the thousands of patients who risk losing vital care—will face immediate and irreparable harm. Plaintiff, in fact, seeks this preliminary injunction solely to protect the public interest. If Defendants close without submitting an approved Closure Plan at least 120 days before the date of closure, vulnerable and economically disadvantaged patients will experience a significant gap in behavioral health services, strain County resources, and place communities at risk. Such a result is unacceptable and unnecessary. “[W]hen the Legislature declares particular conduct to be unlawful, it is tantamount to categorizing it as injurious to the public.” *SEIU Healthcare Pa.*, 104 A.3d at 509. Awarding Plaintiff this injunctive relief will serve the public interest and stave off potential catastrophe.

**44. CONCLUSION**

WHEREFORE, for the foregoing reasons, Plaintiff, the County of Delaware, respectfully requests that this Court schedule a hearing on the foregoing Petition on an expedited basis, and after notice and hearing, enter an Order for preliminary injunctive relief. The requested Order would:

(1) compel Defendants to immediately cease carrying out any actions in furtherance of closing or terminating services at the behavioral health units or departments listed in the Proposed Preliminary Injunction;

(2) order Defendants not to take any actions in furtherance of closing or terminating services at those behavioral health units or departments until at least **120 days** after the Health Director of Delaware County approves a written Closure Plan submitted by Defendants in compliance with Delaware County Code § 6-95.H(5), as amended by Emergency Ordinance 2022-5; and

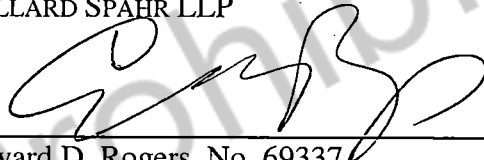
(3) grant such other relief as set forth in the Proposed Preliminary Injunction and as the Court may deem warranted.

Respectfully submitted,

Dated: May 18, 2022

By:

BALLARD SPAHR LLP



Edward D. Rogers, No. 69337

Robert J. Clark, No. 308105

Michael R. McDonald, No. 326873

Paul K. Ort, No. 326044

Kayla R. Martin, No. 330601

*Attorneys for Plaintiff*

COUNTY OF DELAWARE,  
SOLICITOR'S OFFICE  
William F. Martin, No. 39762

**CERTIFICATION OF GOOD FAITH EFFORT**

I, Paul Keller Ort, hereby certify that I have given all parties affected by the within application as much advance notice as reasonably possible of the date and time I intended to present this application to the court. The method by which notice was sought to be given was by personal service (currently in progress) to the following address(es) on May 18, 2022.

Crozer Health  
100 W Sproul Road  
Springfield, PA 19064

Prospect Medical Holdings, Inc.  
Prospect Crozer, LLC  
Prospect DCMH, LLC  
Prospect CCMC, LLC

(Address)

(Name of party to whom notice was given)

3415 South Sepulveda Boulevard  
9<sup>th</sup> Floor  
Los Angeles, CA 90034

Prospect Medical Holdings, Inc.

(Address)

(Name of party to whom notice was given)

Crozer Health  
1 Medical Center Boulevard  
Upland, PA 19103

Prospect Medical Holdings, Inc.  
Prospect Crozer, LLC  
Prospect DCMH, LLC  
Prospect CCMC, LLC

(Address)

(Name of party to whom notice was given)

Date: May 18, 2022

  
\_\_\_\_\_  
Paul K. Ort

\_\_\_\_\_  
215.864.8287

# **EXHIBIT 1**

COUNTY OF DELAWARE	:	COURT OF COMMON PLEAS
	:	DELAWARE COUNTY
Plaintiff,	:	
	:	No. _____
vs.	:	
	:	
PROSPECT CROZER, LLC, et al.	:	
	:	
Defendants.	:	

**AFFIDAVIT OF SANDRA GARRISON**

Sandra Garrison, being of full age, being duly sworn according to law, deposes and says:

1. I currently serve as the Chief of Human Services and Community Support of the County of Delaware, Pennsylvania ("County") and in this position I am responsible for the overall collaboration of County Departments addressing the human and wellness needs of the County; including monitoring service providers.

2. The County contracts with providers who offer a comprehensive suite of community services intended to support and improve the quality of life, wellness, and social equity for County residents, with emphasis on improving outcomes for the most vulnerable and underserved. These services are primarily funded through state and federal grant programs. One of my objectives as Chief of Human Services and Community Support is to ensure residents are provided with a coordinated approach to service delivery.

3. Previously, I served as the Director of the County's Department of Human Services ("DHS") beginning November 2018 until May 2022. As DHS Director, I coordinated the administration and delivery of human services across the County, including behavioral health services (mental health, and drug and alcohol).

4. As Chief of Human Services and Community Support and Director of DHS, my job responsibilities have included ensuring that County residents have access to and receive appropriate and quality behavioral health services.

5. Part of my job involves overseeing the HealthChoices program for County residents. The HealthChoices program is a state program that funds behavioral health services for individuals who qualify for Medical Assistance. The County contracts with the state to oversee the provision of behavioral health services that are paid for in part by HealthChoices. The County is required to ensure high-quality care and timely access to appropriate mental health and drug and alcohol services funded through HealthChoices, and to facilitate effective coordination with other needed services.

6. In the course of my duties, I interact regularly with behavioral health service providers in the County, including Crozer Health. Crozer Health is a healthcare provider that operates multiple locations in Delaware County, including Delaware County Memorial Hospital, Crozer Chester Medical Center, and Community Campus. These facilities provide a full suite of services to County residents, including extensive behavioral health services.

7. Crozer Health is the dominant provider of certain behavioral health services in the County. For example, in fiscal year 2020-2021, Crozer Health received over 54% of Human Services Block Grant funds expended by the County for the behavioral health services in their continuum. These funds were allocated to the County by the state to meet the human service needs of County residents.

#### **The Announced Closures of Behavioral Health Facilities**

8. In April 2022, in my capacity as Director of DHS, I first learned through correspondence from Crozer Health that Crozer Health intended to permanently close the following behavioral health services on the following dates ("Closures"):

<b>Location</b>	<b>Service</b>	<b>Date</b>
Delaware County Memorial Hospital (501 N. Lansdowne Ave, Drexel Hill, PA)	Outpatient Substance Abuse Clinic	June 10, 2022
Crozer Chester Medical Center (1 Medical Center Blvd, Upland, PA)	Inpatient Acute Substance Abuse/Addiction Unit (First Steps)	June 11, 2022
Crozer Chester Medical Center (1 Medical Center Blvd, Upland, PA)	The Crisis Center	June 19, 2022
Community Campus (301 W. 15th Street, Chester, PA)	All Mental Health and Substance Use Disorder Treatment Outpatient Services including: Mental Health Outpatient Treatment, including the Clozaril Clinic; Blended Case Management; Certified Peer Specialist; Psychiatric Rehab; School Based Services; Drug Free Intensive Outpatient and Outpatient levels of cares, including Suboxone and vivitrol services; Methadone Maintenance, Intensive Outpatient and Outpatient levels of care; Center of Excellence; Intake, Assessment and Referral; Case Management Services; AI's Pals; and Youth Prevention	June 19, 2022

9. The foregoing Closures will result in a chaotic reduction of essential services that could jeopardize thousands of the County's most vulnerable residents and their communities. The unilaterally announced closing dates simply do not provide the County with enough time to ensure a safe and orderly transition of patients to replacement service providers.

10. The services identified above are critically important to the safety and wellbeing of County residents. For example, the Crisis Center at Crozer Chester Medical Center currently provides intervention to children, adolescents and adults who are experiencing behavioral crises such as suicidal and homicidal ideations, psychosis, depression and anxiety. The closure of the Crisis Center would leave the County with no on-site crisis center, which would force patients



suffering mental health crises to be treated in emergency rooms and potentially remain there until a hospital inpatient bed can be located.

11. The First Steps unit at Crozer Chester Medical Center was temporarily suspended in January 2022 allegedly due to staffing issues, but Crozer Health originally stated that it intended to resume services as soon as safely possible. It has not done so. First Steps provided integrated treatment to, among others, patients at high risk of overdose or who had experienced a recent overdose, IV drug users, pregnant people, and individuals who had struggled with chronic relapses, including individuals with chronic medical and mental health complications. Absent a substitute provider, the individuals who receive treatment from First Steps would face immediate risk of withdrawal, including acute withdrawal symptoms.

12. The Community Campus provides numerous substance use disorder outpatient services to County residents. For example, the Center for Excellence provides high quality, comprehensive professional services to patients suffering directly or indirectly from opioid use, addiction and associated behaviors, including vivitrol injections to treat opioid and alcohol dependence and relapse prevention including identifying early warning signs for relapse. The Methadone Maintenance program provides treatment to help patients advance in the recovery process and to address the impact on the brain and body resulting from chronic opiate use, including Methadone (a powerful drug used for treatment of drug addiction) and mandatory therapy. The patients served include expectant mothers managing addiction, some of whom are incarcerated.

13. The Closures will place new burdens on mental health and substance use disorder systems already taxed by the COVID-19 pandemic and the resulting increase in mental health issues and substance abuse.

14. The effect of the Closures is compounded by other recent cuts to Crozer Health services such as the temporary suspension of First Steps in January. Crozer Health has also cancelled its intended opening of on-site crisis and detox programs at Delaware County Memorial Hospital, and will no longer pursue a new extended acute care program at its Upland campus.

15. In anticipation of the upcoming Closures, Crozer Health has already ceased accepting new patients for outpatient mental health counselling and base case management.

#### **The Patient Population Affected By The Closures**

16. Crozer Health currently serves some of the most vulnerable communities in the County.

17. The majority of patients served by Crozer Health are HealthChoices patients. In 2020 and 2021, approximately 5,800 HealthChoices patients in the County were served by Crozer Health each year, plus an unspecified additional number of patients whose care is funded through supplemental County funds or private insurance.

18. As of April 18, 2022, Crozer Health is serving over 300 patients whose care is paid for with supplemental County funds from the County Drug and Alcohol Office. These County-funded patients do not otherwise have access to health insurance because they cannot obtain Medical Assistance (or private insurance). The County-funded patients served by Crozer Health include 94 patients in Methadone treatment and 100 patients in intensive outpatient treatment. In the fiscal year to date, Crozer Health has served over 2,000 patients funded by the County Drug and Alcohol Office.

19. The thousands of HealthChoices and County-funded patients being served by Crozer Health are a vulnerable and needy population with serious mental health treatment challenges

and/or substance and alcohol addictions. Some of their conditions are acute and severe and these individuals may be a danger to themselves or the community if left untreated.

20. The Closures will also have a disproportionate impact on the most economically disadvantaged areas of the County—specifically, the southeastern border of the County. Crozer Chester Medical Center and Community Campus are located next to Chester City, and Delaware County Memorial Hospital is located near Upper Darby. These areas have historically been home to a disproportionate portion of the County’s lower-income residents. These residents often face logistical difficulties in accessing behavioral health care, including lack of transportation options. If their local facilities close, many of these patients will struggle to obtain care from more remote facilities.

21. Residents of Chester City and Upper Darby generate a disproportionate number of emergency mental health calls compared to other municipalities in the County. Overall, Delaware County Emergency Services received approximately 3,000 mental health crisis calls in each of 2020 and 2021, and has already received more than 1,000 so far in 2022. The breakdown of the call data by municipality confirms that the City of Chester and Upper Darby are consistent outliers in terms of call volume, each outnumbering by the next highest-volume borough (Ridley Township) by approximately 300 calls in 2020 and 2021.

### **The Need for an Orderly Transition Plan**

22. I first became aware that Crozer Health had determined to close its Outpatient Substance Abuse Clinic at Delaware County Memorial Hospital on or around April 8, 2022.

23. I first became aware that Crozer Health had determined to permanently close its Inpatient Acute Substance Abuse/Addiction Unit (First Steps) at Crozer Chester Medical Center on April 20, 2022.

24. I first became aware that Crozer Health had determined to close the Crisis Center at Crozer Chester Medical Center and all Community Campus mental health and substance use disorder treatment outpatient services on April 21, 2022.

25. Due to the Closures, the thousands of HealthChoices patients (and additional County-funded or privately insured individuals) who receive behavioral health services at Crozer Health will need to be transitioned to other similar programs.

26. For the reasons set forth above, this time is inadequate to develop orderly transition plans for the patients served by the affected behavioral health facilities. Rapid discharges of the County's most vulnerable and disadvantaged individuals without full plans for continuity of treatment will harm those individuals, present a danger to their communities, and significantly burden County resources.

27. A transition of thousands of patients under any circumstances would pose a challenge because of the needs of behavioral health patients and constraints in the existing market of service providers. This challenge is only exacerbated by the compressed timeframe envisioned by the Closures.

28. County residents who are in addiction recovery, or who are experiencing a mental health crisis, are especially vulnerable to interruptions in continuity of care. Further, many patients develop connections with their therapists after extensive work and would need to "start-over" with a new therapist, potentially extending the timeline for progress.

#### **Challenges to Developing An Effective Transition Plan**

29. DHS has determined that the County does not currently have sufficient capacity in its provider network to assimilate all Crozer Health behavioral health patients, and therefore DHS needs to work with its current behavioral health services provider network to increase existing

capacity, as well as reach out to other area providers to discuss the possibility of implementing new services. But DHS faces substantial obstacles to timely ensuring continuity of care, including the following:

- Because Crozer Health dominates the field of certain behavioral healthcare services in the County, the existing provider network lacks the capacity to absorb all of the Crozer Health patients, and would need to develop additional capacity. To ramp up, the providers will need to obtain additional staffing (which is in short supply) and may need to expand their facilities.
- The struggle to locate alternative providers is exacerbated by the fact that many of Crozer Health's patients are funded through HealthChoices. The County can only deal with providers who accept such coverage, which limits the universe of potential substitute. Further, selected providers need to enter into contracts with the County's Behavioral Health Managed Care Organization prior to delivering services, requiring additional administrative lead time to navigate the contracting process.
- In general, behavioral health services tend to have significant waitlists for outpatient treatment.
- Some potential substitute providers are remote or potentially inaccessible to residents used to receiving care in their local communities.

30. The County is presently engaging in discussions with current and potential providers to fill the sudden voids that will left by the Closures.

31. Specifically, DHS has met with several agencies with whom it currently contracts for behavioral health services to determine the present capacity for new clients, the ability to expand capacity, and the willingness to initiate new programming. In addition, we are communicating

with new providers interested in coming into the County. And we are coordinating with behavioral health managed care organizations in locating and onboarding providers. We are also evaluating our current programing to determine if different options would be more beneficial to our residents, including mobile (van-based) crisis units.

32. Also, we have met with all providers who operate substance use programs and are interested in working with County residents to determine what options exist to fill the gaps left by the Closures. We have asked all providers to submit a budget and program description for any and all services they can provide to address the current crisis initiated by Crozer Health's decision to rapidly cease operations of its mental health and substance use services.

33. Our plan is to review the provider submissions and be prepared to present an initial tranche of contract amendments and contracts for County Council's consideration at the upcoming Council meeting. Even if this initial tranche of agreements could be timely implemented before mid-June, there would still be substantial gaps in provider coverage that could take months more to resolve.

34. If Crozer Health carries out the Closures in June, the County's diligent and ongoing efforts to ensure an orderly transition will be insufficient to ensure continuity of care to the County's most vulnerable residents.

35. I declare that the foregoing affidavit is made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities, and that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: May 18, 2022



Sandra Garrison  
Chief of Human Services and Community Support  
Delaware County, Pennsylvania

# **EXHIBIT 2**



NEWS

SPORTS

BUSINESS

OPINION

POLITICS

ENTERTAINMENT

SL

4 w

Health



# Crozer Health is planning on shutting down mental health services. Delco patients are scrambling.

Crozer Health, the embattled hospital system owned by a for-profit entity, is planning on shutting down most of its mental and behavior services in June.



ADVERTISEMENT

Ryan Smith near his home in Darby.  
JOSÉ F. MORENO / Staff Photographer

by Abraham Gutman  
Published May 11, 2022

When police found Ryan Smith in the midst of a manic episode outside his Darby Township apartment in February, they took



Tuesday, May 17, 2022

Today's Paper



NEWS

SPORTS

BUSINESS

OPINION

POLITICS

ENTERTAINMENT

SL

4 w

But Crozer's for-profit owner, Prospect Medical Holdings Inc., is currently planning on shutting down the crisis center along with most of the system's mental and behavioral health services.

"I'm not sure where they would send us to when we're having a crisis," said Smith, who was transferred to Belmont Behavioral Hospital, where he stayed for about two weeks.

Crozer Health, a four-hospital system in Delaware County, has struggled for years. In October, Prospect Medical Holdings put up for-sale signs on the properties. Since then, Crozer has announced service cuts and layoffs.

ADVERTISEMENT

Tuesday, May 17, 2022

Today's Paper



NEWS

SPORTS

BUSINESS

OPINION

POLITICS

ENTERTAINMENT

SL  
4 W

Last month, WHYY reported that Crozer is planning on shutting down most of its mental and behavioral health units in June. Delaware County Memorial Hospital in Drexel Hill will lose its outpatient substance-use clinic June 10. Crozer-Chester will close its inpatient substance-use unit June 11, and its crisis center along with all mental health and substance-use disorder outpatient services at Community Campus June 19.

Despite the announcement, Kevin Spiegel, Chief Executive Officer of Crozer, is hopeful that the services could remain open — provided the county increases its reimbursement to the system for them.

Crozer and Delaware County leadership will meet next Tuesday. According to Delaware County Council Chair, Monica Taylor, there are still unanswered questions about Crozer's finances that she hopes to get answered in that meeting.

ADVERTISEMENT



But already some units have been closed for months and patients have been told to look for care elsewhere.

Crozer employees, elected officials, and patients worry that if Crozer continues with the planned closure of these services, people seeking mental or behavioral health treatment in Delaware County will be left with even fewer options at a time when many people are struggling with pandemic-related issues.

Peggy Malone, the president of the Crozer-Chester Nurses Association and a nurse in the psychiatric inpatient unit, predicts overworked emergency departments and patients will suffer. "Our emergency rooms already have less staff on every shift," Malone says, "and now we're going to tax that system by putting our mentally ill crisis patients in there who need special observation. It's extremely unsafe for these patients."

Malone has worked at Crozer for 33 years and has spent the last five years at the

Tuesday, May 17, 2022

Today's Paper



NEWS

SPORTS

BUSINESS

OPINION

POLITICS

ENTERTAINMENT

SL  
4 w

isn't shutting down.

ADVERTISEMENT

ADVERTISEMENT

Search For

The closures, Malone says, will have an impact on the ability of providers to ensure follow-up and continued care. "A lot of our psychiatrist patients go through our outpatient clinics, and they get their medications and therapy and see their counselors through that. They're taking away all those services," she says. "All we are going to have is a unit where to put them in for immediate care." After their release, they'll have to find other care.


Tuesday, May 17, 2022

Today's Paper



NEWS

SPORTS

BUSINESS

OPINION

POLITICS

ENTERTAINMENT

SL

4 w



Frontline health-care professionals, nurses, paramedics, technical specialists, and professionals, prote ... [Read more](#)  
JESSICA GRIFFIN / Staff Photographer

Rachel Rubinstein, a 32-year-old insurance representative from Brookhaven, has been struggling with depression, agoraphobia, and severe panic attacks since childhood. From 2018, she has been going to weekly therapy and visits a psychiatrist every other month for medication management at the outpatient clinics of Crozer in Chester.

On April 25, Rubinstein says, she was attending her weekly therapy session virtually when her therapist broke the news to her that the practice will close June 19. "My first thought was 'Oh my goodness, what am I going to do?'" Rubinstein recalls

ADVERTISEMENT



NEWS

SPORTS

BUSINESS

OPINION

POLITICS

ENTERTAINMENT

St  
4 w

In addition to her appointments in the outpatient clinics, Rubinstein visited the crisis center in the past and has called during panic attacks when she was alone and felt unsafe. "The people there who answer the phone, the social workers, actually do a great job at talking you down."

For the last two weeks, Rubinstein has been looking for a therapist and a psychiatrist. As a working person on Medicaid, she is struggling even more than someone with private insurance and a flexible schedule would. "Finding a therapist that takes Medicaid has always been a struggle. Finding a therapist that takes Medicaid that can accommodate someone who works is even harder," she says.

The loss of Crozer's services comes at a time when demand for behavioral and mental health services has outpaced supply in the region. In the Philadelphia area, a preexisting mental health backlog has been exacerbated by increased demand due to the stressors of the pandemic.

Tuesday, May 17, 2022

Today's Paper



NEWS

SPORTS

BUSINESS

OPINION

POLITICS

ENTERTAINMENT

SL

4 W

It also comes at a time of turmoil for regional health facilities and their patients. Just in the last few months, two Tower Health hospitals in Chester County have closed, and the U.S. Department of Veterans Affairs is proposing to close two hospitals in Coatesville and University City.

In April, the Delaware County Council passed an ordinance requiring Prospect to give 180 days' notice before services are shut down. Taylor, chair of the council, says that in the past nonprofit hospitals worked with the county on transitioning services. Prospect has "just cut programs and are not working in any way to transition these individuals into other programs or support them through that transition," she says.

In addition to the conversations with Crozer, the county has been working with other providers to expand existing programs and

Tuesday, May 17, 2022

Today's Paper



NEWS

SPORTS

BUSINESS

OPINION

POLITICS

ENTERTAINMENT

St  
4w

care system, may lead to a sale.

It's unclear whether any of these alternatives will be ready in time to ensure that care for current Crozer patients isn't interrupted if a resolution isn't reached.

A few months after his manic episode, Smith says that he is doing better. He believes he is on the right regimen of medications, but finding the support he needs is a struggle. "It's hard to get good help if you are mentally ill in Delaware County."

Published May 11, 2022



Abraham Gutman



I write about mental health, how it affects people's lives, and the systems meant to provide support.

ADVERTISEMENT

## Latest Headlines

How to get a passport in Philadelphia

Pa. State Troopers will help patrol Chester this summer amid a shortage of officers

The sexual assault trial for a former Philly detective opened with clashing visions of his time on the force

What to know about Bryce Harper's elbow injury: Treatment, surgery outlook and can hitting make it



# **EXHIBIT 3**

Copying Prohibited

**Delco council says Crozer Health trying to extract - Delaware County Daily Times (Primos - Upper Darby, PA) - May 5, 2022**

May 5, 2022 | Delaware County Daily Times (Primos - Upper Darby, PA) | Kathleen E. Carey

**MEDIA –** As Crozer Health readies to pull the plug on critical behavioral health care services in the county, Delaware County Council admonished the system, saying it's only interested in extracting money as county officials look elsewhere to care for its residents.

"Prospect's actions can only be described as callous, as inhumane," county Councilman Kevin Madden said of Crozer's parent company, Prospect Medical Holdings Inc. "And for an organization that's ostensibly in the space of providing care for those in medical need, it's horribly ironic. They seem only interested in extracting as much money as they possibly can from this community."

Last month – the day after county council issued an emergency ordinance meant to stem the tide of a litany of medical service closures and reductions – Crozer Health sent the county a letter saying it would terminate a significant amount of substance abuse, behavioral and mental health services in the county

By June 10, the outpatient substance abuse clinic at Delaware County Memorial Hospital would end. A day later, the "First Steps" inpatient acute substance abuse and addiction unit at Crozer-Chester Medical Center in Upland would close.

On June 19, the Crisis Center at CCMC would close, along with all mental health and substance abuse treatment services at the Community Campus in Chester, including school-based services, intake, assessment and referral, case management, and psychiatric rehabilitation.

"There is no reason, none, to spring such horrible actions in such a short period of time other than to try to extract as much money as possible," Madden said.

His and other council members' comments came following an update by Sandra Garrison, director of the county Department of Human Services.

"The county has worked with and is continuing to work with Prospect," she said. "In addition to the conversations with Prospect, the county has engaged in discussions with current and potential providers to fill the voids left by Prospect's departure."

She said her department has met with several agencies with whom the department currently contracts to determine the present capacity for new clients, the ability to expand capacity and the willingness to initiate new programming. In addition, department staff is having conversations with providers interested in coming into the county.

Conversations with substance abuse providers have already occurred. Today, county staff are having discussions with mental health agencies for what they can provide.

"The plan is to review these submissions in the coming days and present initial contracts' amendments at the next council meeting this month," Garrison said, as she thanked these providers for their willingness to serve Delaware County's residents.

After thanking the Human Services staff, council Chair Dr. Monica Taylor expressed gratitude for the providers.

"Thank you to our providers," she said. "There are so many of them who already within our county and those who are in the Southeast region and in Philadelphia who have reached out to us to say, 'Hey, we can provide this service. We can help here. We can help there.' So thank you. We have such a strong network."

She spoke to the severity of the situation.

"We were in a behavioral health crisis before this," Taylor said. "There were waiting lines for beds and it's irresponsible for a provider like Prospect to put our community's health and welfare at risk. This is one of the many reasons why health care should not be privatized because they are not invested in our community. They are invested in their bottom line."

Councilwoman Christine Reuther refuted notions that the county did not care or was not doing anything.

"We're going to do our best to fill the gap," she said, noting how Human Services staff have diligently been working through weekends to find providers for these services. "We have not been sitting on this. We recognize how terrifying it can be for somebody with a diagnosis or a family member who's trying to support somebody with an issue to hear that their service provider is going to be throwing that person out."

She said the county wants to find providers who "are interested in serving Delaware County residents not just interested in taking money out of Delaware County."

That said, Reuther said if there's a way to keep Prospect services continuing, they'd like to do that.

However, she noted that a large number of patients and clients of these Crozer services received notices by their health care providers that they were seeing that they would be there for their last visit.

"It's a terrible way to treat people," Reuther said. "It's really inexcusable."

In addition, county council unanimously approved advertising a request for proposals for a consultant to perform an analysis of a countywide Advanced Life Support service.

Last month, Crozer Health sent a letter to at least seven municipalities, telling them their Advanced Life Support response vehicle, also known as the chase car, would be terminated if they didn't make payment arrangements. For Glenolden, Prospect Park, Tinicum, Norwood and Ridley Park, that price tag was \$336,000.

A similar letter was sent to Aston and Brookhaven.

At least one paramedic said such a move would cripple the county.

All of these towns have EMTs, emergency medical technicians, who provide Basic Life Support. A chase car is either a car or an ambulance staffed with a paramedic and dispatched to the call alongside the EMTs. Paramedics have longer training and provide Advanced Life Support, such as the same electrocardiogram that cardiologists do in the hospital setting.

On April 20, Delaware County Council passed an emergency ordinance, requiring additional notification of time if hospital closures or significant modifications of service were to occur in light of this and of all the changes in the Crozer Health system through the start of the year.

Councilwoman Elaine Paul Schaefer said fate works in funny ways.

"I've gotta say I kinda feel like we may end up in a better place here," she said. "It makes me think that we were living in a world where this big gargantuan gorilla gobbled up all the contracts and didn't leave any room for the smaller providers and ... we may be finding a new space here where the huge array of other providers ... and we end up with better services."

"This is a terrible situation to be in," Schaefer continued, "but it may end up that we end up with better services for our residents because of your work."

In his comments, Councilman Richard Womack may have summed up the county's approach.

"We will move forward with or without Prospect," he said.

Crozer Health, owned by the for-profit Prospect Medical Holdings Inc., is in the process of being acquired by the non-profit ChristianaCare Health System. In February, a letter of intent was signed by the two entities with the deal expected to close by the end of the year.

Copyright © 2022 Delaware County Daily Times.