

Ex-CEO testifies in patient care suit

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Revelations that as many as 12 patients were committed involuntarily to a Bergen County psychiatric facility and forgotten for years were described by a county attorney as a "powder keg" on which hospital officials needed to "keep a lid," according to sworn testimony Thursday by the hospital's former chief executive.

Taking the stand in defense of a "whistle-blower" lawsuit against Bergen Regional Medical Center, Joseph Gallagher, the former president and CEO, acknowledged that Dennis Oury, an attorney for the county agency holding the hospital license, suggested in a private 2005 meeting that news about the overlooked patients would be damaging.

"Did he say, 'We need to keep a lid on this powder keg'?" asked Helayne Weiss, an attorney for the plaintiff.

"I believe he did say that, yes," Gallagher said.

Gallagher's testimony is part of a lawsuit brought against the hospital by former employee Diane Burger, who says she alerted supervisors in 2005 to cases of a dozen psychiatric patients, committed against their will and forced to take medications for as long as 10 years without a legal review of their cases.

Burger, 54, resigned abruptly -- in frustration, she said -- in March 2005. She claims her work environment became toxic after her revelations. She asked to rescind her resignation a few days later, but officials would not allow the 31-year employee to return to work.

Burger's lawsuit seeks lost wages and damages from the hospital.

But it also has shed some light on overlapping management entities at Bergen Regional, the state's largest hospital, and how they interact. On one end is the profit-minded company that runs the medical center; on the other are the political concerns of Bergen County's administration, which holds the hospital license.

Those interests came together in one room in Hackensack in March 2005, when officials discussed a patient named "GP," who had been found committed involuntarily for 10 years without a review. The discovery had resulted in a contempt order from a judge and a fine of \$2,500.

Against this backdrop, Burger unearthed 11 more patients who may have lingered at the hospital involuntarily without their cases being revisited. Weiss, Burger's attorney, suggested that both the county, which is responsible for setting hearing dates for involuntary patients, and hospital management were motivated to keep the unfolding matter under wraps.

"Would it be embarrassing for the hospital if it had come out?" Weiss asked.

"It wouldn't be helpful," Gallagher replied.

Weiss continued later: "You're saying Dennis Oury, as attorney for the [Bergen County Improvement Authority] was concerned about the public perception of [patient] GP?"

In a somewhat combative exchange with Gallagher, Weiss asked the former CEO why he declined at that meeting to tell county officials about the 11 other patients that Burger had unearthed.

"Wouldn't it have been appropriate for you to bring up the issue of the 11 patients?" Weiss repeatedly asked him.

Gallagher said he was concerned primarily with an order by a judge to compile a master list of all patients committed involuntarily, along with a corresponding list of when they should be scheduled for a review. He said Oury's concern probably was the same.

"So, Dennis Oury makes a comment: 'We need to keep a lid on this powder keg,' " Weiss said.

"I believe he was referring to the order that the judge wrote," Gallagher said, adding that Oury likely was talking about the contempt order from the previous month.

Neither the BCIA, which holds the hospital's license, nor the county administration is named in the suit. Oury is also not a defendant, and he was not in court Thursday.

The suit names the for-profit hospital company; its corporate parent, Solomon Health Management; Gallagher; and Douglas Stewart, the former vice president for behavioral health -- Burger's direct boss.

Contacted by phone Thursday afternoon, Oury said it was unlikely he even made the "powder keg" statement -- let alone attended the meeting.

"Doesn't sound like something I would say," he said. "Those aren't words I would use."

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