



# Discharged into Debt

New York's Nonprofit Hospitals Garnish Patients' Wages



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## About the Authors

**Amanda Dunker, MPP**, is Director of Health Policy at CSS, where she focuses on consumer advocacy around payment and delivery system reform. Previously, she worked as a Senior Policy Analyst for the Health Division at the National Governors Association Center for Best Practices. She attended the University at Buffalo and the University of Chicago's Harris School of Public Policy.

**Elisabeth R. Benjamin, MSPH, JD**, is Vice President of Health Initiatives at CSS where she oversees the Society's health policy, advocacy, and health consumer assistance programs. Previously she worked at the New York Civil Liberties Union, The Legal Aid Society, and Bronx Legal Services. She attended Columbia Law School, Harvard School of Public Health, and Brown University.

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## EXECUTIVE SUMMARY

This final report in the *Discharged into Debt* series investigates the practice of nonprofit hospitals imposing garnishments on patients' wages after suing them for a medical debt. While nonprofit medical providers should have legitimate means to collect debts, the IRS has determined that some debt collection practices are "extraordinary" and can only be taken after a patient has been evaluated for financial assistance.<sup>1</sup> Examples of extraordinary debt collection practices include reporting patients to credit agencies, filing lawsuits, placing property liens, and garnishing wages.

Most of New York's 212 nonprofit hospitals never sue or very rarely sue patients when they are unable to pay for care. The state budget annually authorizes \$1.1 billion in Indigent Care Pool (ICP) funds to help defray hospitals' uncompensated care losses. But even with this fiscal support, 112 hospitals sued 53,182 patients in civil courts located in all 62 counties between 2015 and 2020.<sup>2</sup> The practice of suing patients is concentrated: just 20 hospitals in 15 counties are responsible for 80 percent of New York's medical debt cases.

Medical debt lawsuits are often brought for relatively small sums, and it is unlikely that their pursuit meaningfully stabilizes a hospital's bottom line. The median amount of medical debt sought in the lawsuits is only \$1,900.<sup>3</sup> While hospitals are always represented by professional debt collection attorneys, patients rarely are, and 98 percent of these cases are won on default.<sup>4</sup> In addition to suing patients for medical debts, hospitals engage in other extraordinary collection practices. A prior report, *Discharged into Debt: Nonprofit Hospitals File Liens on Patients' Homes*, documented that a quarter of New York's hospitals (56) report that they place over 2,200 liens on patients' homes annually.<sup>5</sup>

This report investigates another extraordinary debt collection practice: wage garnishments, or seizing a portion of a patient's paycheck. After securing a court judgment, New York law permits a creditor to enforce a judgment by garnishing 10 percent of a debtor's gross wages.<sup>6</sup>

A random sample of five nonprofit hospitals' wage garnishment cases indicates that the five hospitals sued 12,411 patients, or 23 percent of all hospital lawsuits brought between 2015 and 2020 in New York. The five hospitals reported providing \$6 million in hospital financial assistance, but received \$19 million from the state's ICP, thus securing a \$12.4 million windfall.

Wage garnishments were imposed in six to 46 percent of sampled cases. A random sample of 1,611 wage garnishment cases indicates that the indebted patients work in low-wage occupations, including: health care and social service agencies (24% of employers); manufacturing (20% of employers); and retail (15% of employers). This analysis is consistent with national research that indicates medical debt disproportionately affects people with low incomes and people of color.

In recognition of the pernicious effects of medical debt on low- and moderate-income patients and patients of color, the New York State legislature recently passed a bill that would ban the extraordinary collection practices of imposing liens on patients' primary residences or garnishing their wages (S6522A/A7363A). This bill awaits Governor Hochul's signature. Ten states already prohibit the placement of liens on debtors' primary residences and four states prohibit wage garnishments. Another bill pending before the legislature would reform the state's Hospital Financial Assistance Law, lessening the need to sue patients in the first place (S7625/A8441).

**In 2019, North Shore University Hospital garnished wages from Milagros E., a home health worker, to recoup a default judgment of \$4,371. Milagros told the court that she had not appeared "because I was trying to fix [a] pay[ment plan], but they want an amount that I can't afford."**

**[Milagros E. CV-051-560-19]**

## INTRODUCTION

Research indicates that New Yorkers find health care unaffordable. A 2022 PerryUndem survey funded by the Robert Wood Johnson Foundation found that 53 percent of New Yorkers say they are not confident they can afford routine health care, and 70 percent are not confident they can afford costs related to a major illness.<sup>7</sup> New York's hospitals impose among the highest prices in the country at 241 percent of Medicare charges.<sup>8</sup> Even patients with insurance report difficulty affording care because of rising deductibles and cost-sharing.<sup>9</sup>

Medical debt impacts a substantial number of New Yorkers. The PerryUndem survey found that 38 percent of respondents said they or a family member are avoiding medical care because they are afraid of the bills, including not filling prescriptions and skipping tests or treatments ordered by their doctors.<sup>10</sup> Thirty-four percent said they are facing financial hardships because of medical debt, including being put into collections, being unable to pay for basic necessities like food, or using up all of their savings.<sup>11</sup>

National research indicates that medical debt is pervasive, and it disproportionately hurts people of color and patients with low incomes. In 2021, the *Journal of the American Medical Association* published an analysis of the medical debt of nearly 40 million unique individuals. The researchers found that medical debt predominately impacts patients who live in low-income zip codes.<sup>12</sup> In 2022, the federal Consumer Financial Protection Bureau (CFPB) issued an analysis that describes how \$88 billion of medical debt accounts for 58 percent of all consumer debt. The CFPB study also found that Black and Hispanic people and low-income people of all races and ethnicities are more likely to have medical debt than the national average.<sup>13</sup>

These national disparities hold true in New York State, with many communities of color experiencing over twice the amount of medical debt in collections than their white counterparts (e.g., Albany, Erie, Monroe, Onondaga, Rockland, Schenectady, Westchester counties).<sup>14</sup> Another report in this series, *Discharged into Debt: Medical Debt and Racial Disparities in Albany County*, analyzed a random sample of civil court cases in Albany county and found that area nonprofit hospitals sue patients who reside in zip codes with a disproportionate number of Black and Hispanic residents and people who live in low-income households.<sup>15</sup>

All of New York's hospitals are nonprofit 501(c)(3) charities pursuant to state law. They do not pay taxes and benefit from a \$1.1 billion Indigent Care Pool (ICP) fund, designed to "assist in paying for the cost of care for low income individuals."<sup>16</sup> In exchange for ICP funds, hospitals are required to develop and offer financial assistance policies to patients whose incomes are below at least 300 percent of the federal poverty level.<sup>17</sup> Eighty percent of the hospitals that sued patients received more in ICP funds than they reported offering in financial assistance in 2017. Nonprofit hospitals are also bound by Internal Revenue Service rules that prohibit them from pursuing "extraordinary" collection practices, such as filing lawsuits, placing property liens, garnishing wages, and reporting to collection agencies without determining if a patient is eligible for financial assistance.<sup>18</sup>

## WAGE GARNISHMENT LAW

After winning a judgment in a medical debt case, the hospital's attorneys can secure an order from a court that is filed with the patient's employer requiring the employer to withhold a portion of their wages. These wages then are sent directly to the hospital or its collection attorneys. This practice is interchangeably called a wage garnishment or an income execution. Under the federal Consumer Credit Exemption Act, all states and the District of Columbia must limit wage garnishments to 75 percent of weekly wages or 30 times the federal minimum wage.<sup>19</sup>

The New York Civil Practice Law and Rules provide little protection for the wages of medical debtors. A prevailing party may garnish—or deduct—ten percent of the patient's gross wages (their income before taxes are removed), up to 25 percent of an individual's disposable income.<sup>20</sup>

Other states are far more protective of debtors. Four states, Pennsylvania, North Carolina, South Carolina, and Texas, exempt all wages from garnishment.<sup>21</sup> Two states limit the amount of a person's income that can be garnished based on the type of debt. Utah, for example, increases its wage garnishment income protection limit to 85 percent if the debt is an education loan.<sup>22</sup> Similarly, Vermont increases its wage garnishment income protection limit to 85 percent if the debt is from a "consumer credit transaction."<sup>23</sup>

Wage garnishments can have punishing consequences for patients. An unexpected paycheck reduction damages those patients who are already struggling financially—and many are. In 2019, over 30 percent of Americans said they could not come up with \$400 in an emergency.<sup>24</sup> Nationally, 22 percent of Americans are living paycheck-to-paycheck and are at risk of falling behind on their housing and other bills.<sup>25</sup>

## METHODOLOGY

To prepare the *Discharged into Debt* series of reports, CSS developed a database of civil lawsuits filed against patients in New York State between 2015 and 2020. The database was created by searching public civil court records for all hospitals that file Institutional Cost Reports (ICRs) with the New York Department of Health, including any known name variations (212 hospitals in total, some of which are different campuses of the same hospital and thus file lawsuits under one name). In all, 53,182 hospital medical debt cases were identified.

Data regarding the amount of ICP funding awarded to each hospital was provided in response to a Freedom of Information Law (FOIL) request filed with the New York State Department of Health. Hospitals that receive ICP funds must provide data about the amount of financial assistance provided to patients each year in their ICRs. See appendix A.

The five hospitals studied in this report were selected because they are situated in lawsuit hotspots and represent the geographic diversity of the state. Together the five hospitals are responsible for 23 percent of all hospital lawsuits filed between 2015 and 2020. Three are in urban areas (Albany, Binghamton, and Syracuse) and two are in rural areas (Corning and Gloversville).<sup>26</sup>

Two methods were used to secure patient-specific wage garnishment data. First, income execution documents were analyzed of a random sample of lawsuit files available in public court databases for the five hospitals. The random samples were large enough for a 5 percent margin of error and a 95 percent confidence interval. Obtaining enough datapoints for that margin of error necessitated more searches than the required sample size because of missing files. In total, 2,088 searches were conducted in order to gather a representative sample of 1,611 cases displayed in Table 1.

**Table 1. Sample Sizes**

| Hospital               | County   | Lawsuits, 2015–2020 | Sample Size  |
|------------------------|----------|---------------------|--------------|
| Albany Memorial        | Albany   | 1,198               | 292          |
| Crouse Health Hospital | Onondaga | 5,596               | 361          |
| Guthrie Corning        | Steuben  | 2,265               | 330          |
| Nathan Littauer        | Fulton   | 1,503               | 309          |
| Binghamton Hospital    | Broome   | 1,849               | 319          |
|                        |          | <b>12,411</b>       | <b>1,611</b> |

In addition, FOIL requests were filed with the Sheriff’s offices in seven counties seeking records of income executions sought by the hospitals in the lawsuit database. Two Sheriff’s offices either rejected the request or did not respond. Due to the inconsistency of the remaining responses, detailed data from the requests were not used for this report. However, as displayed in Table 2, the responses were complete enough to indicate that 23 hospitals are garnishing wages in these five counties for medical debt.

The court files included the judgment amounts and the patients’ employers, but did not include any detail about the debtor’s job title or wages. The employers were categorized using the Bureau of Labor Statistics, North American Industries Classification System (NAICS) codes. A complete list of employers of the patients whose wages were garnished is provided in Appendix B. Examples of wages paid by various employers were collected from two popular employment websites, Indeed.com and Salary.com.

**Table 2. Hospitals That Garnished Patients’ Wages Between 2015–2020**

| County  | Hospital Name   |
|---------|---|
| Broome  | UHS Binghamton  |
| Fulton  | Nathan Littauer Hospital, Saratoga Hospital, St. Mary’s Hospital  |
| Oneida  | Community Memorial Hospital, Faxton St. Luke’s Healthcare, Oneida Healthcare Center, Rome Memorial Hospital, St. Elizabeth Medical Center, St. Joseph’s Hospital Health Center                              |
| Steuben | Guthrie Corning Hospital, Guthrie Robert Packer, Ira Davenport Hospital, St. James Mercy  |
| Suffolk | Brookhaven/Long Island Community, Huntington, John T. Mather, North Shore University (including its hospitals in Forest Hills, Glen Cove, Manhasset, and Plainview), NYU Winthrop, South Nassau Communities |

## FINDINGS

### A MINORITY OF NONPROFIT HOSPITALS ARE RESPONSIBLE FOR A MAJORITY OF MEDICAL DEBT SUITS AGAINST PATIENTS

While most of New York’s 212 nonprofit hospitals never or very rarely sue patients, the analysis of all 62 state civil court filings indicate that 112 hospitals sued 53,182 patients between 2015–2020.<sup>27</sup> Just 20 hospitals are responsible for 80 percent of these medical debt cases. Most of these cases are concentrated in 15 counties: Albany, Bronx, Broome, Chautauqua, Fulton, Kings, Nassau, New York, Oneida, Onondaga, Oswego, Rensselaer, Steuben, Suffolk, and Queens. Some of New York’s wealthiest and most illustrious hospital systems—including Northwell, St Peter’s Health Partners, New York University, Guthrie, New York Presbyterian, and Albany Medical Center—sued the most.<sup>28</sup>

A systematic sample of the 53,182 court files indicated that the median amount of medical debt sought in the lawsuits is only \$1,900.<sup>29</sup> While hospitals are always represented by professional debt collection attorneys, patients rarely are and 98 percent of these cases are won on default.<sup>30</sup> Finally, roughly a quarter of New York’s hospitals (56) reported to the New York State Department of Health that they placed over 4,800 liens on patients homes in 2017 and 2018.<sup>31</sup>

New York’s Hospital Financial Assistance Law (HFAL) requires hospitals to offer financial assistance (or free or discounted care) to patients who earn under 300 percent of the federal poverty level on a sliding scale (about \$37,000 for one person or \$77,000 for a family of four). All hospitals who receive ICP funding must comply with the HFAL. However, a considerable number of New York’s hospitals routinely fail State Department of Health desk audit questions about their financial assistance policies, indicating a lack of compliance with the HFAL.<sup>32</sup> Moreover, as described in Appendix A, 80 percent of the hospitals sued received more ICP funds than they reported providing in financial assistance to patients.

A review of over 2,700 civil court case files indicates that when hospitals sue patients, they typically do not provide proof that patients were informed of or screened for their eligibility for financial assistance under the HFAL. Patients struggling with hospital bills report that they have been incorrectly denied financial aid or were unaware that such a policy exists.<sup>33</sup> A geographic analysis of hospital lawsuits reveals that many of the defendants live in communities where the median income is below the HFAL eligibility threshold.<sup>34</sup>

**Valerie T. was a patient sued by Mather Hospital after being admitted through their emergency room. This occurred after the hospital had already received \$8,600 from her insurance company. The initial lawsuit, for \$5,402, included over \$1,000 in interest and court fees. Valerie told the court that she had never been served and was unaware of the original lawsuit and said “I spoke to [the hospital’s debt collectors] trying to make attempts for payment and explain situation that I am single parent, and that I worked for Toys R Us at the time and it went out of business. I cannot afford 10 percent of my salary.”**

**[Valerie T. CV-002856-19/CE]**

## WAGE GARNISHMENTS AT FIVE NEW YORK NONPROFIT HOSPITALS

Table 3 indicates the number of lawsuits filed, the number of randomly selected files that included wage garnishments, percent of the sampled cases with wage garnishments and a projection of the number of patients likely to be subjected to wage garnishments. The selected five hospitals garnished patients' wages in between 6 percent (Crouse Health Hospital) and 46 percent (Binghamton Hospital) of the sampled cases. If the random sampling accurately captured these hospitals' typical practice, it would mean 2,216 patients had their wages garnished by the five representative hospitals.

All five hospitals receive funding from New York's ICP program to support them in caring

for low-income patients. Table 4 indicates that in 2019, the total amount of ICP funds received by the five hospitals was \$19 million and the amount of financial assistance they reported offering to patients was just \$6 million. Several of the selected hospitals provided very little financial assistance to their patients. For example, Albany Memorial provided just \$27,410 in financial assistance to its patients; Guthrie Corning offered just \$3,291. For 2017, the year the 2019 ICP distribution is based on, the five hospitals collectively only reported providing \$6 million in free or discounted care to their patients eligible for financial assistance. That means they received a windfall of over \$12 million in one year.

**Table 3. Estimated Number of Wage Garnishments, 2015–2020 (highest to lowest)**

| Hospital                          | Total Number of Lawsuits, 2015–2020 | Sample Size  | Sampled Cases with Wage Garnishments | Estimated Wage Garnishments Filed, 2015–2020 |
|-----------------------------------|-------------------------------------|--------------|--------------------------------------|--|
| UHS Binghamton Hospital           | 1,849                               | 319          | 147 (46%)                            | 851  |
| Guthrie Corning                   | 2,265                               | 330          | 76 (23%)                             | 521  |
| Nathan Littauer (Fulton County)   | 1,503                               | 309          | 64 (21%)                             | 316  |
| Albany Memorial                   | 1,198                               | 292          | 46 (16%)                             | 192  |
| Crouse Health Hospital (Syracuse) | 5,596                               | 361          | 22 (6%)                              | 336  |
| <b>Total</b>                      | <b>12,411</b>                       | <b>1,611</b> |                                      | <b>2,216</b>                                 |

**Table 4. Indigent Care Pool Funding Compared to Financial Assistance Provided to Patients**

| Hospital               | Indigent Care Pool Funding, 2019 | Financial Assistance Provided to Eligible Patients, 2017 | Excess/Shortfall    |
|------------------------|----------------------------------|--|---------------------|
| Albany Memorial        | \$1,249,174                      | \$27,410   | \$1,221,764         |
| Crouse Health Hospital | \$5,007,343                      | \$774,836  | \$4,232,507         |
| Guthrie Corning        | \$1,540,026                      | \$3,291  | \$1,536,735         |
| Nathan Littauer        | \$2,911,766                      | \$151,625  | \$2,760,141         |
| UHS (entire system)    | \$7,869,618                      | \$5,211,135  | \$2,658,483         |
| <b>Total</b>           | <b>\$18,577,927</b>              | <b>\$6,168,297</b>                                       | <b>\$12,409,630</b> |



The average judgment pursued by the five hospitals in the 355 randomly sampled case files was just \$2,430, approximately \$500 higher than the statewide median of \$1,900 per case.<sup>35</sup> Multiplying this average judgment amount by the estimated number of wage garnishment cases (2,216) means that the five hospitals' total ICP windfall would more than cover what they were taking from patients' paychecks (\$5,384,880).

Table 5 displays the median income for the residents of the counties that each of the five hospitals are based in. In all cases, the median county income is under 300 percent of the federal poverty level for a family of four. Albany county has the highest median income of \$68,327, but that equates to 246 percent of the federal poverty level, well below the 300 percent of federal poverty level threshold for a family of four. In other words, it is highly likely that most, if not all, of the patients who were sued had incomes that are under the state HFAL eligibility threshold.

**Table 5. Median Income in the Hospitals' Home Counties**

| County                     | Median Household Income | Percent of Poverty Level for a Household of Four |
|----------------------------|-------------------------|--|
| Albany (Albany Memorial)   | \$68,327                | 246%   |
| Broome (UHS)               | \$52,237                | 188%   |
| Fulton (Nathan Littauer)   | \$51,663                | 186%   |
| Onondaga (Crouse Hospital) | \$62,668                | 226%   |
| Steuben (Guthrie Corning)  | \$55,349                | 199%   |

In August 2020, Mather Hospital garnished the wages of Gabriel R., who earned \$500 a week at CVS. This patient had made three automatic payments from his checking account as part of a payment plan before the hospitals' debt collector stopped taking the payments. Eight months later, Gabriel saw that the hospital had garnished his wages. He told the court, "When I asked why they stopped withdrawing monthly payments the gentleman I spoke to stated it was the decision of their office to cease payments due to the pandemic and they tried to reach me to confirm that it was okay to continue withdrawing the monthly payments. Not until my pay was garnished did I find out the law office was trying to reach me. I do not think it is fair for me to be penalized for a decision the law office made to discontinue the payment without consulting me first." The debt collector said that they could not leave a phone message for him because it would be "illegal" and had never tried writing to him. The entire judgment amount was \$3,536 at a 9 percent interest rate.

**[Gabriel R. CV-003597-19/CE]**

## NONPROFIT HOSPITALS ARE GARNISHING WAGES OF PATIENTS WHO WORK FOR LOW-WAGE EMPLOYERS

Neither New York’s Hospital Financial Assistance Law nor the wage garnishment law require the prevailing party to ascertain the financial circumstances of debtors before they impose the extraordinary debt collection practices such as wage garnishments or imposing a lien on a primary residence. Medical debt collection lawyers are not required to demonstrate that a patient was told of financial assistance and no assessment of a patient’s income was ever provided in the thousands of court files that were reviewed for the *Discharged into Debt* series.

The court files do not indicate the specific occupations of the patients who were sued for medical debt. However, the files do indicate the names of their employers. Table 6 displays the employers of the patients whose wages were garnished categorized the employers by the Bureau of Labor Statistics, North American Industries Classification System (NAICS) codes. A complete list of employers is in Appendix B.

The most common industry in which patients worked is Health Care and Social Assistance (86 cases), which typically employ low- or moderate-wage workers. The largest subgroups in this category are social service providers and assisted living (29) and skilled nursing facilities (22).

Although the court files do not indicate the patients’ annual salaries or job titles, many of the social assistance organizations in the sample (such as the ARC of Chemung County) provide services for people with disabilities. According to the Indeed employment website, employee salaries at the ARC are \$13.49 per hour (Community Advocate) and \$16.18 per hour (Program Coordinator), or roughly \$26,000-\$31,500 a year, around 100 percent of the federal poverty level for a family of four.<sup>36</sup> A residential supervisor at the ARC makes as much as \$47,934 a year, about 179 percent of the federal poverty level

**Table 6: Patient Employers Listed in the Court Files of Wage Garnishment Cases**

| NAICS Industry                               | Number of Wage Garnishments from Sample | Percent |
|--|---|---------|
| Healthcare & Social Assistance               | 87                                      | 24.5%   |
| Manufacturing                                | 71                                      | 20.0%   |
| Retail Work                                  | 50                                      | 14.1%   |
| Construction                                 | 21                                      | 5.9%    |
| Wholesale Trade                              | 19                                      | 5.4%    |
| Profession, Scientific, & Technical Services | 18                                      | 5.1%    |
| Public Administration                        | 17                                      | 4.8%    |
| Accommodation & Food Services                | 15                                      | 4.2%    |
| Other Services                               | 12                                      | 3.4%    |
| Educational Services                         | 12                                      | 3.4%    |
| Transportation & Warehousing                 | 11                                      | 3.1%    |
| All Others                                   | 22                                      | 6.2%    |
| <b>Total</b>                                 | <b>355</b>                              |         |

for a family of four. Employees of the Broome Developmental Disabilities Service Office had their wages garnished more than any other in this category (9 cases).

Wages in the skilled nursing facilities category also appear to be relatively low. According to Indeed.com, the income of a Syracuse-based health care worker ranges from \$15.06 per hour for a health aide to \$21.37 for a nursing assistant.<sup>37</sup> Health care salaries in the Binghamton area are about the same. One patient in a garnishment case was employed by Willow Point Rehabilitation and Nursing

Center, in Vestal New York, where the posted salaries range from a unit aide making \$13.50 an hour to a registered nurse making \$26.36 an hour, or \$26,300 to \$52,600 a year, respectively about 94 percent and 201 percent of the federal poverty level for a family of four.<sup>38</sup>

There were also 20 cases in which hospitals garnished wages from hospital employees, whether their own or another nearby hospital. For example, Guthrie Corning Hospital garnished wages from two of its own employees and Nathan Littauer did so from one of its employees. Salaries reported at Nathan Littauer range from \$29.09 an hour for a medical technician to \$35.47 an hour as a respiratory therapist (\$56,000–\$68,000 a year, around 200 to 250 percent of the federal poverty level for a family of four).<sup>39</sup>

The second most common industry was manufacturing, with 71 cases. Some of these cases may have been filed against higher skilled workers. However, many of these patients are likely to be lower-paid employees at places like Fage, Frito Lay, or Kraft Foods. Fage dairy workers' salaries range from \$35,000 (machine operator) to \$38,000 (production supervisor), a little above the poverty level for a family of four.<sup>40</sup> Employees of Corning Shared Services (part of the glassware factory) had their wages garnished more than any employer from any category in the sample—17 times. Corning salaries include \$31.78 (maintenance technician), \$48,144 (machine operator), and \$93,674 (software engineer).<sup>41</sup>

The third largest group of employers is another low-paying industry, retail trade (50 cases). Fifteen of these cases were employees of big box stores like Wal-Mart and Target. The most common employer in this group was Wal-Mart (6 cases). Walmart salaries in New York range from \$16.31 per hour (retail associate) to \$28 per

hour (cashier), around \$32,600 to \$54,600 per year, ranging from poverty level to just under 200 percent of the federal poverty level for a family of four.<sup>42</sup> There were 11 cases in which employees of grocery stores and delis had their wages garnished.

Finally, many patients had wages garnished from public service jobs including government (17) or education (12). For example, employees of Albany, Binghamton, North Colonie, Prattsburgh (in Steuben County), and Rensselaer public school districts all had their wages garnished by hospitals. The median salary for an Albany teachers' aide is \$29,064 to \$55,489 for public school teacher according to Salary.com, poverty level and 200 percent of the federal poverty level, respectively.<sup>43</sup>

Salary searches across employers indicate that nearly every one of the patients whose wages were garnished worked for employers who offered poverty or near poverty wages—well below the income eligibility threshold of 300 percent of the federal poverty level required by the state Hospital Financial Assistance Law. As a result, many of these patients were likely eligible for financial assistance, but either were never told of its existence or had difficulty applying for it.

## CONCLUSION

Thousands of working New Yorkers experienced punishing wage garnishments of 10 percent of their gross pay between 2015 and 2020 because they were unable to pay their hospital bills. Medical providers often argue that they only sue patients who can afford the cost of their care and that imposing a wage garnishment is the only way to recover funds owed. But the data described in this report refutes this claim. As shown above, medical debtors whose wages are being garnished typically work for low-wage employers, including social service agencies, manufacturing, health care, and retail.

Moreover, even in the unlikely event a patient had income that rendered them ineligible for financial assistance, hospitals and other medical providers have many less draconian alternatives to garnishing their wages. For example, a provider can still sue a patient, secure a judgment, and attach other resources, such as second homes, cars, boats, stocks, and other assets. Garnishing a patients' livelihood simply

makes it impossible for them to makes ends meet, feed their families, and make the rent.

To adequately protect patients from the considerable financial strain of wage garnishment, New York State should:

1. Ban wage garnishments for medical debt. New York State should follow the lead of four other states that prohibit wage garnishments by prohibiting medical providers from garnishing their patients' wages. The New York State legislature passed a bill that would achieve this as well as prohibiting medical providers from placing property liens on patients' primary homes (S6522A/A7363A). Governor Hochul should sign the bill.
2. Modernize New York State's Hospital Financial Assistance Law. The HFAL does not work for thousands of patients. A bill before the Legislature, S7625/A8411, would modernize the HFAL by: (a) requiring all hospitals to use a uniform application form; (b) raising the income eligibility for discounted care up to 600 percent of the federal poverty level, or around \$67,000 for an individual or \$110,000 for a family of four; and (c) permitting patients to apply for financial assistance at any time during the collection process. These reforms which ensure that fewer patients are subjected to extraordinary collection practices and that more receive the financial assistance that they are eligible for.

**Samaritan Hospital garnished wages from Deborah A., one of its own employees, which was the first time she became aware of the lawsuit filed against her. The debt collectors had served the papers to someone at Deborah's prior address. The judgment was for \$1,091, of which \$381 was interest and court fees. Deborah said "I never received any notice this was coming... If I had received it, I would have acted upon it immediately. I requested a reduction of garnishment because I am a single person with a monthly income of \$1,100. I have no other means of financial assistance."**

**[Deborah A., CV-004449-15/TR]**

## Endnotes

- 1 Billing and Collections – Section 501(r)(6), <https://www.irs.gov/charities-non-profits/billing-and-collections-section-501r6>.
- 2 See Appendix C for lawsuits by county.
- 3 Amanda Dunker and Elisabeth Benjamin, “Discharged into Debt: New York’s Nonprofit Hospitals are Suing Patients,” March 2020, Community Service Society of New York, page 9.
- 4 CSS database derived from the New York State Civil Courts database of civil litigation in all 62 counties available at <https://iapps.courts.state.ny.us/webcivil/ecourtsMain>.
- 5 Elisabeth Benjamin and Amanda Dunker, “Discharged into Debt: Nonprofit Hospitals File Liens on Patients’ Homes,” November 2021, Community Service Society of New York.
- 6 N.Y.C.P.L.R. Section 5231.
- 7 Robert Wood Johnson Foundation, “How New Yorkers Feel about Affordability and Healthcare Reform: Results from a Statewide Survey,” March 2022, <https://www.rwjf.org/en/library/research/2021/11/healthcare-affordability--majority-of-adults-support-significant-changes-to-the-health-system.html>.
- 8 Altarum Healthcare Value Hub, “2021 Healthcare Affordability Scorecard: New York,” <https://www.healthcarevaluehub.org/affordability-scorecard/New-York>.
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- 10 “How New Yorkers Feel about Affordability and Healthcare Reform: Results from a Statewide Survey,” Robert Wood Johnson Foundation, March 2022, <https://www.rwjf.org/en/library/research/2021/11/healthcare-affordability--majority-of-adults-support-significant-changes-to-the-health-system.html>.
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- 20 New York’s wage garnishment rules provide additional limited protections, including: the deductions cannot reduce the workers’ disposable income below what they would earn at minimum wage in a 30-hour work week. For most workers this is \$375 a week. Wages cannot be garnished from workers who have family support payments deducted from their paychecks totaling 25% or more of their disposable earnings.
- 21 42 Pa. Cons. Stat. Ann. § 8127; N.C. Gen. Stat. § 1-362; S.C Code Ann. §§ 15-39-410; Tex. Prop. Code Ann. § 42.001.
- 22 Utah Code Ann. § 70C-7-103(2).
- 23 15 U.S.C. § 1602; Vt. Stat. Ann. tit. 12, § 3170.
- 24 Board of Governors of the Federal Reserve System, “Report on the Economic Well-Being of U.S. Households in 2019 – May 2020,” <https://www.federalreserve.gov/publications/2020-economic-well-being-of-us-households-in-2019-dealing-with-unexpected-expenses.htm>.
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- 28 See Appendix D for a list of lawsuits by health system.
- 29 Amanda Dunker and Elisabeth Benjamin, “Discharged into Debt: New York’s Nonprofit Hospitals are Suing Patients,” March 2020, Community Service Society of New York, page 9.
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- 32 “Still Waiting After All These Years: Many Non-Profit Hospitals’ Financial Aid Policies Fail Health Department Audits,” November 1, 2021, Health Care For All New York blog, <https://hcfany.org/still-waiting/> and Carrie Tracy, Elisabeth Benjamin, and Amanda Dunker, “Unintended Consequences – How New York State patients and safety-net hospitals are short changed,” January 2018, Community Service Society of New York, <https://www.cssny.org/publications/entry/discharged-into-debt-nonprofit-hospitals-file-liens-on-patients-homes>. [https://www.cssny.org/publications/entry/unintended consequences](https://www.cssny.org/publications/entry/unintended-consequences).
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**APPENDIX A: LAWSUITS BY HOSPITAL NAME (2015-2020) & PROVISION OF FINANCIAL ASSISTANCE VS. ICP DISTRIBUTION WINDFALL/SHORTFALL (2019)**

| Hospital                                     | Lawsuits, 2015-2020 | Financial Assistance Provided to Eligible Patients, 2017 | Indigent care pool distribution, 2019 | Excess/Shortfall |
|--|---------------------|--|---------------------------------------|------------------|
| Crouse Health Hospital, Inc.                 | 5,596               | \$774,836  | \$5,007,343                           | \$4,232,507      |
| John T. Mather Memorial Hospital             | 5,579               | \$1,048,037  | \$1,942,741                           | \$894,704        |
| North Shore University Hospital              | 3,405               | \$18,399,351   | \$21,027,011                          | \$2,627,660      |
| NYU Winthrop                                 | 3,000               | \$2,303,367  | \$2,425,667                           | \$122,300        |
| Guthrie Corning Hospital                     | 2,265               | \$3,291  | \$1,540,026                           | \$1,536,735      |
| United Health Services Hospitals, Inc.       | 1,849               | \$5,211,135  | \$7,869,618                           | \$2,658,483      |
| Huntington Hospital                          | 1,830               | \$3,890,971  | \$2,926,371                           | (\$964,600)      |
| Samaritan Hospital                           | 1,795               | \$1,248,063  | \$3,909,248                           | \$2,661,185      |
| Nathan Littauer Hospital                     | 1,503               | \$151,625  | \$2,911,766                           | \$2,760,141      |
| Lenox Hill Hospital                          | 1,334               | \$24,655,242   | \$13,211,498                          | (\$11,443,744)   |
| Long Island Jewish Medical Center            | 1,308               | \$21,912,317   | \$36,521,146                          | \$14,608,829     |
| New York Presbyterian                        | 1,283               | \$42,732,823   | \$46,828,145                          | \$4,095,322      |
| WCA Hospital                                 | 1,266               | \$59,738   | \$1,312,642                           | \$1,252,904      |
| Albany Memorial Hospital                     | 1,198               | \$27,410   | \$1,249,174                           | \$1,221,764      |
| Mount Sinai South Nassau                     | 1,167               | \$2,169,846  | \$5,669,603                           | \$3,499,757      |
| Southside Hospital                           | 1,166               | \$12,420,247   | \$7,639,360                           | (\$4,780,887)    |
| Long Island Community Hospital               | 1,164               | \$3,318,601  | \$10,829,322                          | \$7,510,721      |
| Faxton-St Lukes Healthcare                   | 1,160               | \$1,908,314  | \$2,789,667                           | \$881,353        |
| Albany Medical Center Hospital               | 1,151               | \$8,346,799  | \$8,318,779                           | (\$28,020)       |
| Arnot Ogden Medical Center                   | 1,009               | \$949,627  | \$2,305,693                           | \$1,356,066      |
| Samaritan Medical Center                     | 986                 | \$538,371  | \$2,079,244                           | \$1,540,873      |
| Staten Island University Hospital            | 941                 | \$18,461,205   | \$24,895,931                          | \$6,434,726      |
| Oneida Healthcare Center                     | 758                 | \$140,648  | \$932,196                             | \$791,548        |
| Lourdes Hospital                             | 628                 | \$1,353,442  | \$5,541,929                           | \$4,188,487      |
| Guthrie Cortland Medical Center              | 607                 | \$268,404  | \$1,104,910                           | \$836,506        |
| St. Elizabeth Medical Center                 | 586                 | \$198,093  | \$2,020,484                           | \$1,822,391      |
| Ellis Hospital                               | 564                 | \$2,719,694  | \$5,554,594                           | \$2,834,900      |
| North Shore University Hospital at Plainview | 515                 | \$2,357,184  | \$1,339,876                           | (\$1,017,308)    |
| Garnet Health Medical Center                 | 503                 | \$9,241,304  | \$5,106,415                           | (\$4,134,889)    |
| Glens Falls Hospital                         | 467                 | \$2,738,295  | \$3,510,300                           | \$772,005        |
| Chenango Memorial Hospital                   | 464                 | \$1,058,267  | \$1,501,501                           | \$443,234        |
| St. Peter's Hospital                         | 457                 | \$473,524  | \$4,869,896                           | \$4,396,372      |
| New York Presbyterian Queens                 | 449                 | \$10,299,533   | \$11,623,752                          | \$1,324,219      |
| Long Island Jewish Forest Hills              | 432                 | N/A  | \$36,521,146                          | N/A              |
| Little Falls Hospital                        | 344                 | \$189,281  | \$704,538                             | \$515,257        |
| Auburn Community Hospital                    | 322                 | \$86,182   | \$1,013,611                           | \$927,429        |
| Peconic Bay Medical Center                   | 301                 | \$318,970  | \$2,886,572                           | \$2,567,602      |
| A.O. Fox Memorial Hospital                   | 294                 | \$114,300  | \$1,727,887                           | \$1,613,587      |
| Claxton-Hepburn Medical Center               | 287                 | \$29,207   | \$1,205,992                           | \$1,176,785      |
| North Shore University Glen Cove             | 276                 | \$4,589,527  | \$3,383,789                           | (\$1,205,738)    |
| Brooks Memorial Hospital                     | 253                 | \$15,995   | \$1,583,672                           | \$1,567,677      |

| Hospital                                    | Lawsuits,<br>2015-2020 | Financial<br>Assistance<br>Provided to Eligible<br>Patients, 2017 | Indigent care pool<br>distribution, 2019 | Excess/Shortfall |
|---|------------------------|---|--|------------------|
| Stony Brook Medicine                        | 228                    | \$8,472,702   | \$6,606,076                              | (\$1,866,626)    |
| St. Lukes Cornwall Hospital                 | 205                    | \$2,969,357   | \$3,024,126                              | \$54,769         |
| Saratoga Hospital                           | 175                    | \$2,758,602   | \$3,256,812                              | \$498,210        |
| Long Island Jewish Valley Stream            | 161                    | N/A   | N/A                                      | N/A              |
| New York Presbyterian/Brooklyn<br>Methodist | 158                    | N/A   | N/A                                      | N/A              |
| Massena Memorial Hospital                   | 155                    | \$44,001  | \$1,066,969                              | \$1,022,968      |
| New York Presbyterian/Lower Manhattan       | 152                    | N/A   | N/A                                      | N/A              |
| St James Mercy Hospital                     | 144                    | \$116,934   | \$1,169,288                              | \$1,052,354      |
| Westchester Medical Center                  | 103                    | \$13,701,769  | \$8,783,577                              | (\$4,918,192)    |
| All Others                                  | 1,239                  | N/A   | N/A                                      | N/A              |
| Total                                       | 53,182                 | \$234,786,431   | \$292,728,757                            | \$57,942,326     |

## APPENDIX B: INDUSTRY AND EMPLOYER NAMES OF MEDICAL DEBT PATIENTS WHOSE WAGES WERE GARNISHED

| NAICS Industry                       | Wage<br>Garnishments<br>Filed from Sample | Employers  |
|--------------------------------------|---|--|
| Health Care and<br>Social Assistance | 86  | <p>Social Service Providers and Relief Agencies (29): Achieve, Albany Jewish Community Center, American Red Cross, ARC of Chemung County, Association for Vision, Berkshire Farm, Broome Developmental Disabilities Service Office, Center for Disability Rights, Center for Disability Services, Finger Lakes Developmental Disabilities Service Office, Lexington Center (part of the ARC), New York State ARC, Mohawk Opportunities, Pathways, Inc., United Way of Broome County</p> <p>Assisted Living Facilities, Retirement Communities, and Nursing Care Facilities (22): Absolute Care of Three Rivers Centers, Bridgewater Rehabilitation Center, Central Park Rehabilitation and Nursing Center, Elcor Nursing and Rehabilitation Center, Elizabeth Church Campus United Methodist Homes, Emeritus Woodland Manor, Falls Home Assisted Living, Fulton Center for Rehabilitation, Good Shepard Fairview Home, Hudson Park Rehabilitation &amp; Nursing Center, Kendal at Ithaca, Loretto Geriatric Center, Mountain Valley Hospice, New York State Veteran Home, Pineview Commons, Susquehanna Nursing Home, Willow Point Nursing Home</p> <p>Hospitals and Residential Treatment Facilities (20): Albany Medical Center, Binghamton Psychiatric Center, Guthrie Corning Hospital, Hope House, Nathan Littauer Hospital, Our Lady of Lourdes Memorial Hospital, St. Joseph's Hospital Health Center, St. Mary's Healthcare, St. Mary's Hospital, St. Peter's Health Partners, United Health Services Hospital, University Hospital</p> <p>Outpatient Providers (8): Binghamton VA Outpatient Clinic, Broome OBGYN, Johnstown Community Health Center, Riverside Designs Dental Lab, Twin Tier Eye Care, Vision Works</p> <p>Ambulance Services (4): American Medical Response, Rural Metro Medical Services</p> <p>Other (4): All Metro Health Care, Apria Health Care, Cortland County Child Development Center, Nurse Finders</p> |
| Manufacturing                        | 71  | <p>Action Printwear, Buckingham MFG, Corning Inc. Shared Services, Dataflow Inc., DDS Companies, Dresser Rand, Elliot Nielson Sanlo MFG, El Wood Braiding, Endicott Coil, Endicott Precision, Epimed International, Euphrates Inc., Fage, Felchar MFG, Fulton Boiler Works, Frito Lay Inc., F. M. Howell &amp; Company, I3 Technologies, Keymark Corp., Lockheed Martin, National Pipe &amp; Plastic, Pearl Leather, Perrone Leather, IDM Machining Manufacturer, Integrated Wood Components, Kraft Foods, Progressive Tool Company Inc., Rainbow Lettering, Richardson Brands Company, RJ Valente, Sanmina Sci Corp., Teamworld, Tri City Highway Products, Unicell Truck Equipment, Vulcraft Group, World Kitchen</p>  |



| NAICs Industry  | Wage Garnishments Filed from Sample | Employers   |
|---|-------------------------------------|---|
| Retail Work   | 50                                  | Warehouse Clubs and Supercenters (15): Best Buy, Home Depot, Lowes, Target, Wal-Mart Supermarkets, Grocery Stores, and Delis (11): Aldis, Delhaize America, Golub Corp., Old World Provisions, Tops Friendly Markets, Vestal Bakery & Deli, Wegmans<br>Other (23): American Food & Vending, CVS Pharmacy, Empire Auto Solutions, Gault Toyota, Journey, Kasson and Keller, Matthews Mazda, Masonite International, Medicine Shoppe, Miracle Ear, Nordstrom, Olum's Furniture, Olympia Sports, Pep Boys, Pioneer Window Company, Raymour & Flanagan, Rubi & Quiri, Serafini Nissan Volvo, Swany American Corp. |
| Construction  | 21                                  | Action Fire & Safety Equipment, Broome Bituminous Products, Calkins Drywall, Chemung Heating and Building Company, Crisafulli Brothers Plumbing and Heating, DeBrino Caulking Associates, Diamond Roofing Company, Economy Paving Company, Evans Plumbing and Heating, Frank J. Ryan and Sons, Gorick Construction, Hoefler Communications, Isaac Heating & Air Conditioning, John Mills Electric, Motili, Paolangeli Contractor, Penn-York Insulation, Perfect Painting, Tri Valley Plumbing and Heating, Vestal Asphalt   |
| Wholesale Trade   | 19                                  | Albany Foam and Supply, Antonucci Produce, Astria Solutions – Docstar, British Aerospace Electronics, Fastenal, J & B Importers, Motion Industries, Raymond Corporation, Storeflex Fixture Corp., Tanner Lumber, Toshiba, Taylor Made Group   |
| Professional, Scientific, and Technical Services                      | 18                                  | Capitol Tint and Graphics, CBORD Group Inc., Computer Technology Services, Control Network Communications, Corporate Care Management, DKI Engineering, Federal Express, HRB Resources LLC, Leverpoint, Leven Gouldin & Thompson LLP, Micro Solutions, Modern Marketing Concept, Paychex Inc., Prudent Engineering, Source Corp, Southside Pet Hospital  |
| Public Administration   | 17                                  | Albany County Sheriff's Office, Broome County, City of Albany, Elmira Correctional Facility, NYS Comptroller Office, NYS Department of Corrections, NYS Department of Labor, NYSEG, NYS Office of Children and Family Services, NYS Thruway Authority, Steuben County Highway Department, Steuben County Jail   |
| Accommodation and Food Services                                       | 15                                  | Broadway Diner, Burger King, Dennys, Hill Street Café, Latham '76 Diner, Maines Paper & Food Service, Pearl Street Pub, Radisson Hotel, Real Seafood Plan, Recovery Sports Grill, TGI Fridays   |
| Other Services  | 12                                  | Bates Troy, Century Linen & Uniform, Central New York Community Foundation, Civil Service Employees Association, Choices Hair Studio, Hoffman Car Wash, Mohawk Lift, Morgan Linen, Robison & Smith, Stanton's Collision Carstar   |
| Educational Services  | 12                                  | Albany City School Districts, Alfred State College, Binghamton City School District, BOCES, Creative Kids Preschool & More, Elmira Business Institute, North Colonie Schools, Prattsburgh Central School District, Rensselaer City School District, SUNY Oneonta  |
| Transportation and Warehousing  | 11                                  | Alstom Transportation, Broome County Transit, Exel, NYS Western Railway, Randolph M. Jones Trucking, Serafini Transportation, Southern Tier Logistics, US Post Office, Willow Run Foods,  |
| Information   | 6                                   | Binghamton Press & Sun Bulletin, Charter Communications/Spectrum, Schenectady Daily Gazette, WICZ Fox 40  |
| Real Estate Rental and Leasing  | 6                                   | 602 Partners LLC, Coolidge Properties, HBD Realty Inc., KCS Land Research, Penske Truck Rental, Ryder Truck Rental  |
| Administration and Support/ Waste Management and Remediation Services | 5                                   | Boscov's Travel, Broome Recycling, Medical Answering Service, Nationwide Credit, Securitas  |
| Finance and Insurance   | 3                                   | Columbian Mutual Life Insurance Company, M&T Bank, NBT Mang Insurance Agency  |
| Arts, Entertainment, and Recreation                                   | 2                                   | Binghamton Country Club, Midway Lanes   |

## APPENDIX C: LAWSUITS BY COUNTY POPULATION, 2015-2020

| County         | Lawsuits, 2015-2020 | Population | Rate per 10,000 |
|----------------|---------------------|------------|-----------------|
| Fulton         | 1,652               | 53,646     | 307.9           |
| Steuben        | 2,514               | 96,422     | 260.7           |
| Cortland       | 622                 | 47,865     | 129.9           |
| Broome         | 2,509               | 193,188    | 129.9           |
| Chemung        | 1,028               | 84,895     | 121.1           |
| Chautauqua     | 1,509               | 128,496    | 117.4           |
| Onondaga       | 4,930               | 462,872    | 106.5           |
| Chenango       | 505                 | 47,909     | 105.4           |
| Rensselaer     | 1,607               | 159,185    | 101.0           |
| Albany         | 2,913               | 306,968    | 94.9            |
| Madison        | 664                 | 71,205     | 93.3            |
| Jefferson      | 1,024               | 112,842    | 90.7            |
| Oneida         | 2,040               | 229,959    | 88.7            |
| Suffolk        | 11,337              | 1,483,832  | 76.4            |
| Warren         | 480                 | 64,276     | 74.7            |
| Herkimer       | 412                 | 62,057     | 66.4            |
| Montgomery     | 320                 | 49,302     | 64.9            |
| Otsego         | 322                 | 59,972     | 53.7            |
| Nassau         | 6,938               | 1,356,509  | 51.1            |
| Cayuga         | 389                 | 77,425     | 50.2            |
| St. Lawrence   | 459                 | 108,913    | 42.1            |
| Oswego         | 291                 | 118,339    | 24.6            |
| Richmond       | 993                 | 474,893    | 20.9            |
| Orange         | 719                 | 380,085    | 18.9            |
| Queens         | 3,091               | 2,287,388  | 13.5            |
| Saratoga       | 262                 | 228,502    | 11.5            |
| New York       | 1,437               | 1,631,993  | 8.8             |
| Columbia       | 50                  | 60,371     | 8.3             |
| Ulster         | 98                  | 178,665    | 5.5             |
| Cattaraugus    | 41                  | 77,121     | 5.3             |
| Tompkins       | 51                  | 102,642    | 5.0             |
| Kings          | 1,007               | 2,589,974  | 3.9             |
| Bronx          | 510                 | 1,435,068  | 3.6             |
| Dutchess       | 90                  | 293,754    | 3.1             |
| Niagara        | 59                  | 210,820    | 2.8             |
| Westchester    | 185                 | 968,890    | 1.9             |
| Clinton        | 8                   | 80,583     | 1.0             |
| Schenectady    | 14                  | 154,859    | 0.9             |
| Erie           | 72                  | 919,355    | 0.8             |
| Ontario        | 8                   | 109,511    | 0.7             |
| Monroe         | 15                  | 743,341    | 0.2             |
| New York State | 53,182              | 18,303,892 | 29.1            |

## APPENDIX D: LAWSUITS BY MAJOR HOSPITAL SYSTEM

| Hospital System             | Lawsuits, 2015-2020 |
|-----------------------------|---------------------|
| Northwell                   | 22,964              |
| St. Peter's Health Partners | 3,447               |
| NYU                         | 3,057               |
| Guthrie                     | 2,888               |
| UHS                         | 2,316               |
| New York Presbyterian       | 2,044               |
| Albany Med Health System    | 1,838               |
| Mohawk Valley Health System | 1,746               |
| UPMC Chautauqua WCA         | 1,266               |
| Mount Sinai                 | 1,174               |
| Arnot Health                | 1,035               |
| Bassett Healthcare Network  | 673                 |
| Ascension                   | 628                 |

\*Note: Northwell includes Crouse hospital, which was a clinical affiliate of Northwell during the relevant time period.

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633 THIRD AVE, 10TH FL, NEW YORK, NY 10017  
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