

**Remarks by  
Richard F. Daines, M.D.  
New York State Commissioner of Health**

**Press Conference**

**Western New York Berger Agreement**

**2<sup>nd</sup> Floor  
NYS Center of Excellence in Bioinformatics and Life Sciences  
701 Ellicott Street  
Buffalo, New York**

**June 30, 2008  
10:30 a.m.**

This is a great day for Buffalo and Western New York, and a great day for the administration of Governor David Paterson, for the Department of Health, and for me.

On this, my lucky 13<sup>th</sup> trip to Buffalo since becoming commissioner, I am delighted to be invited to celebrate the founding of the next great health care system and academic medical center of New York. I am honored to stand here surrounded by the professional and political leaders of Buffalo who have made this possible.

Under this agreement, Erie County Medical Center and Kaleida join together under the unified governance of the Western New York Healthcare System. They join not to fight old battles or to defend parochial interests.

They join because leaders from the community and from both hospitals stepped forward at a critical time and said that it was time for Buffalo to look forward, not backward, to aspire to greatness, not mediocrity, to come together, not wallow in division.

Under this agreement, everyone gains. Joined together, Kaleida and ECMC will be able to focus on their strengths and apply their resources strategically rather than being forced to probe for each other's vulnerabilities and fritter away their resources in defensive shortsighted tactics.

The University at Buffalo will emerge in the catalytic role a great university and medical school can and must play in an academic medical center and in the intellectual and economic development of a region. Five or ten years from now, "trained in Buffalo," and "treated in Buffalo" can have the automatic and positive connotation associated with the world class centers of Boston, New York City, Cleveland or Pittsburgh.

The biggest winners are the residents of Western New York who will benefit from access to integrated, high-quality, local health services. Primary and preventive care will be infused with new energy. Secondary hospital level care will occur in a vastly improved, rationalized and re-capitalized hospital system.

Increasing numbers of patients will stay in Buffalo or come to Buffalo for the highest level of tertiary and quaternary care. The triple synergy of advanced medical care, vibrant medical training, and scientific research will be exploited to attract investment in biomedical research, development and facilities -- as those three factors are uniquely capable of doing in the 21<sup>st</sup> Century.

On a day like this and as a useful guide for the future, it is perhaps worthwhile to pause for a moment to think through how we got here.

Credit must be given to the political insight and will behind the Berger Commission. Conceived and enacted under the last days of one governor and legislature, its recommendations survived that administration's lame duck months to become law under the next governor, and as its impact began to be felt throughout the state, it continued to receive the full support of Governor Paterson and the legislature.

Benefits are beginning to be felt throughout the state with new investment in reconfigured facilities, improving hospital margins, and a new atmosphere of cooperation and planning. In many ways Buffalo was sure to be one of the greatest tests of the combination of goodwill and hard headedness needed to make Berger work. And we've done it.

There are so many whose efforts we should celebrate today. I'll single out a few by name, but they represent whole groups whose contributions were essential.

Jim Kaskie, the chief executive of Kaleida, and his Board have demonstrated why New York State remains committed to the not-for-profit, voluntary, community-based model of hospital establishment.

Mike Young and his Board never failed to speak up for the vital mission and essential contributions of ECMC.

Labor and labor leaders at both organizations have consistently understood that a strong, well-financed, coordinated health care system is in their best interests.

Erie County and Western New York's political leaders have guided and participated but not sought to derail this process.

President Simpson, Dean Cain and Dr. David Dunn have represented both the University's interests and its responsibilities with honor.

I particularly want to recognize Robert Gioia and the Board of the Western New York Healthcare System. It was not without trepidation that last year I reached out 280 miles into a community I did not know well to identify leaders who could unite and direct a new board, call institutions and interests who had every reason to walk away from the table and keep them there through seemingly endless often fruitless negotiations. Robert and your board – I salute you.

I have to say a word of thanks to my staff. Jim Clyne, my Deputy Commissioner, is standing here. He hates attention. We call Jim “the Berger King,” the iron fist in a velvet glove, the guy who dangles the carrots and brandishes the sticks, sometimes the good cop, sometimes the bad cop. And lets his commissioner stand a little above the fray.

And it’s taken those tactics and every bit of his energy, brains and the guile he must have picked up in his former lives in the Assembly and lobbying world to accomplish what he has. In the Department of Health, when the Commissioner gets the credit, it’s always someone like Jim Clyne doing the work.

I apologize for anyone I’ve missed but I want to move on to recognize some very special people and a very special series of events that have resulted in this happy day.

As everyone knows, the negotiations, court cases, campaigns and counter-campaigns continued right down to the wire. Less than a week ago, there was every indication that rather than an agreement, reconfiguration of health care in Buffalo would proceed under draconian court orders, blunt mandates from the Commissioner of Health, or might have descended into chaos.

Instead, we have this historic agreement. Why?

I come from a tradition of small town life where medicine and law and their practitioners played visible and valuable roles beyond the narrow confines of their trades. Time after time it was the doctors in the community who stepped forward when needed to tell their fellow citizens to teach good science in the schools, to fluoridate the water, to build new schools and new hospitals. And their communities believed them.

Judges were not just referees in an adversarial sport called law. Judges were looked to for their ... good judgment, their fairness.

One might think that spirit is vanished or only exists in the smallest of small towns. That pessimism is disproved here. The thorniest aspects of this dispute ended up before Judge Curran, who sought to mediate and solve it to the community’s benefit rather than simply rule and walk away, leaving the messy results for others.

He pushed, probed, demanded answers, and never gave up. Whether it took calling us all together on a Sunday afternoon or talking over his fence to a neighbor, he showed remarkable patience and remarkable vision. Judge Curran - I salute you.

Even more remarkably, at the eleventh hour a group of public-spirited physicians intervened, speaking out for their patients, their profession and for the future. They tipped the balance and won the day for their community. This “Gang of Ten” has earned an ongoing role in shaping the future of the system. Good doctors of Buffalo – I salute you.

You all know the focus and good will Governor Paterson brings to the problems and opportunities of Western New York. He has asked me to convey his congratulations and thanks to all of you who have come together to make this possible.

On a personal note, let me close with how proud I am of what you have chosen to do and how much I appreciate all the respect you have shown me. Because of you, we add this achievement to the multitude of others that makes the New York State Department of Health worthy of the confidence and resources the citizens of New York invest in it.

Don’t think I haven’t pondered, with more anxieties than answers, what might have happened if you hadn’t come to this agreement. What if the clock had run out and the judge had been forced into a “split the baby” decision? Fortunately, none of that happened.

Congratulations on accomplishing this serious business, this nice thing, this near run thing.

I mentioned Deputy Commissioner Jim Clyne earlier and now I want to thank him again and ask for a few comments and some announcements we are able to make today.