

A Discussion of the New Jersey Supreme Court's Decision in Englewood Hospital & Medical Center v. State of New Jersey

Seminar or Event

10.30.25

Event Sponsor: *New Jersey Chapter – Healthcare Financial Management Association*

Hard Rock Hotel & Casino

1:00pm – 1:50pm

James A. Robertson and **Paul L. Croce** will present the program “A Discussion of the New Jersey Supreme Court’s Decision in *Englewood Hospital & Medical Center v. State of New Jersey*: Is NJ’s Mandate that Hospitals Provide Care to Any Patient Regardless of Ability to Pay an Unconstitutional Taking of Hospital Property Without Just Compensation?” at the New Jersey & Metro Philadelphia HFMA 49th Anniversary Annual Institute. The educational breakout session is scheduled for Thursday, October 30, 2025, from 1:00pm – 1:50pm in the Brighton Ballroom 2 at the Hard Rock Hotel & Casino in Atlantic City, the location of this year’s Institute.

For over 20 years, New Jersey hospitals have tried to receive adequate reimbursement from the State of New Jersey for the uncompensated care they provide to the most vulnerable patient populations in the state. On April 1, 2025, the New Jersey Supreme Court heard the appeal of a group of hospitals challenging the state’s requirement under the Take All Comers Statute (TACS) that hospitals provide admission and appropriate services to any patient who presents at their doors regardless of their ability to pay, or the source of payment, as an unconstitutional “taking” of hospital private property for a public purpose without paying “just” compensation under the 5th Amendment to the United States Constitution. On July 15, 2025, the New Jersey Supreme Court determined that there was no “taking” under the TACS, thereby distinguishing several Supreme Court of the United States (SCOTUS) decisions on the grounds that healthcare is different from every other good or service in our economy. The group of hospitals is now taking steps to request a review by SCOTUS.

This program will discuss the arguments that were made to the New Jersey Supreme Court in *Englewood*, the Court’s decision, and what the decision means for New Jersey hospitals pending a possible SCOTUS review of the

case.

Jim will also present the Institute's keynote welcome address, a federal update on the One Big Beautiful Bill Act (OBBBA) on Wednesday, October 29 from 12:00pm – 1:00pm in the Hard Rock's Seminole Ballroom.

Jim is a partner in the firm's **Healthcare** Department, which he chairs. His practice is reflective of his significant expertise across a wide range of legal disciplines, enabling him to effectively counsel clients on a myriad of healthcare regulatory, corporate and litigation matters. He represents a diverse array of healthcare industry clients including for-profit and not-for-profit healthcare and hospital systems, academic medical centers, nursing homes, home health agencies, medical device manufacturers, pharmaceutical companies, integrated delivery networks, physicians and physician practice groups, and healthcare private equity funds.

Paul is Counsel in the Healthcare Department. His work includes representing clients in hospital reimbursement matters before the Department of Health and the Division of Medical Assistance and Health Services. He provides counsel on issues related to contracting, civil litigation and professional licensing matters, and represents a variety of healthcare industry clients including physicians, dentists, hospitals and for-profit and non-profit healthcare systems.

Additional information about this year's Institute, including registration, is available [online](#).

Related Attorneys



James A. Robertson

Partner
973.577.1784
[Email](#)



Paul L. Croce

Counsel
973.577.1806
[Email](#)