



Department  
of Health

# Health Equity Impact Assessment

## Webinar Series: Program Documents

September 14, 2023

Office of Health Equity and Human Rights

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### Housekeeping

1. Open the Q & A box to type in your questions.
2. Watch for links in the Chat box.
3. A recording of today's presentation will be posted on the HEIA website, and a FAQ document will be sent to attendees.



Department  
of Health

## Topics Covered

- Background on Health Equity Impact Assessments (HEIAs)
- Independent Entities (IEs)
- HEIA Program Documents
- Q & A, if time permits

## Background

## Background

- Legislation S1451A/A191 in the 2019-2020 Legislative Session:
  - An HEIA must be filed with a Certificate of Need (CON) application for construction or substantial reduction of a hospital or health related service.
  - Governor signed this legislation on December 22, 2021.
- Another legislation S7885/A8834 in the 2020-2021 Legislative Session:
  - Clarified types of changes that will require an HEIA.
  - Pushed effective date to June 22, 2023.
  - Regulations were passed on June 29th, 2023.



## Purpose of the HEIA

- To understand the health equity impacts of a specific project that will be undertaken by a health care facility
- To understand impacts specific to groups that are medically underserved
- To ensure that community input and assessment of barriers and factors that may contribute to mitigating health disparities are considered when a CON application is submitted



## Impact of the HEIA

The goal of health equity impact assessments is to advance health and racial equity, particularly in medically underserved groups, by having health equity considerations become standard practice in the planning and execution of health care facility projects.



The HEIA demonstrates  
**New York's commitment**  
towards continuing to  
**advance equity**  
& address inconsistent access to determinants of health.



## Facilities Subject to the HEIA Requirement

- **Article 28 facilities:**
  - General Hospitals
  - Residential Health Care Facilities (Nursing Homes)
  - Diagnostic and Treatment Centers, including Ambulatory Surgery Centers
  - Midwifery Birth Centers
- **Not subject to HEIA:** Diagnostic and Treatment Centers (D&TCs) whose patient population is 50% or more Medicaid eligible or uninsured (combined).



## Independent Entities



## Who Will Conduct the HEIA?

Independent Entity (IE) means an individual or organization with:

Mandatory expertise and experience (all)	Preferred expertise and experience (one or both)
<ul style="list-style-type: none"> <li>• Health equity</li> <li>• Anti-racism</li> <li>• Community and stakeholder engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Health care access</li> <li>• Delivery of health care services</li> </ul>



## Anti-Racism

Racism is a public health crisis that poses a threat to the health, safety, and quality of life of all New Yorkers.

- Anti-racism in healthcare is a process of actively identifying and dismantling racist policies, structures, and practices. This involves implementing interventions that use an intersectional analysis and that have the potential to impact multiple systems.
- It is required that the independent entity have an expertise in the field of anti-racism in addition to community and stakeholder engagement and health equity.



## Who Will Conduct the HEIA?

### The IE cannot be someone who:

- Helps compile or writes any part of the CON application being submitted for this specific project, other than the HEIA;
- Has a financial interest in the outcome of this specific project's CON application (i.e, individual is a member of the facility's Board of Directors or advisory board); or
- Has accepted or will accept a financial gift or incentive from the Applicant above fair market value for the cost of performing the HEIA.



## Who Will Conduct the HEIA?

- The Department is not issuing a list of pre-approved IEs.
- Be creative in identifying an IE and work within healthcare, university/academic, and public health networks to identify an IE with the required expertise.
- Use the Conflict-of-Interest form to confirm that the IE is indeed qualified and independent.
- Start looking for an IE early in the project planning process to ensure timely completion of the HEIA.



## How much will the Independent Entity cost?

- The Department is currently not regulating or capping the cost of independent entities.
- There is no required or preferred process for contracting and payment with the IE. This is a legal business transaction that should occur in consultation with the facility and IE's legal counsel.
- There is no financial assistance being offered to offset the cost of the HEIA.



## HEIA Program Documents





## Required Documents

The following HEIA documents must be submitted with Certificate of Need application in the NYS Electronic Certificate of Need system:



## Requirement Criteria Form

- All applicants submitting a CON application **must** complete the HEIA Requirement Criteria Form.
- For Diagnostic and Treatment Centers (D&TC), if you check "No" for both questions in Section A, you do not have to complete Section B and the CON application is considered exempt from the HEIA requirement.
- Exempt applicants, due to the D&TC carve out, do not need to submit Medicaid and uninsured data with the form.

## Requirement Criteria Form

- Section B must be completed by all Article 28 facilities.
- If you check “Yes” for one or more questions in this section, all required HEIA documents must be completed and submitted with the CON application.
- If you check "No" for all questions in this section, you must submit the Requirement Criteria form, with section B filled out, along with the CON application to show an HEIA is not required.



## Requirement Criteria Form

- **Limited** review project applicants should review the first and last rows in Table B.
- **Administrative** and **Full** review applicants should review rows 2 through 5 in Table B.
  - Establishment of an operator (new or change in ownership)
  - Mergers, consolidations, & creation of, or changes in ownership of, an active parent entity
  - Acquisitions
  - All other changes to the operating certificate



## Requirement Criteria Form

To determine a substantial reduction or expansion of beds, services, or operating hours:

- Calculate the percentage change from the number of certified/authorized beds and/or certified/authorized services, as indicated on the facility's operating certificate, specific to the category of service or care.

$$\left( \frac{\text{Original number} - \text{New number}}{\text{Original number}} \right) \times 100 = \% \text{ Change}$$

$$\left( \frac{50 \text{ certified beds} - 45 \text{ certified beds}}{50 \text{ certified beds}} \right) \times 100 = 10\%$$



## Requirement Criteria Form: Questions

- For nursing homes, the Requirement Criteria form requires baseline services to be counted as 1 service (rather than 13) and thus the addition of a single service will almost always cross the 10% threshold and trigger an HEIA. However, if the baseline services were counted as 13 separate services, nursing homes that sought to add a single service (e.g. adding dialysis stations) would not necessarily trigger the HEIA. The added expenses of the HEIA may discourage small projects that would greatly improve the quality of life and care experienced by residents in nursing homes.



## Requirement Criteria Form: Questions

- Is an HEIA required if an applicant is relocating an existing clinic to an extension clinic at a different address?
- Are the Statewide Health Care Facility Transformation Program based projects required to complete the Requirement Criteria form? Is there an exception for such projects?
- If a healthcare facility has multiple projects/updates scheduled this year, does an HEIA need to be completed for each project/update?



## Requirement Criteria Form: Questions

- Do closure plans submitted to the Department require an HEIA?
- Once a project is determined to require HEIA, are you expecting the applicant to submit the HEIA with the CON application on date of CON submission? Or just the Criteria Form and then later HEIA?



# Conflict-of-Interest Form

The form must be completed in its entirety, signed by the IE, and submitted with the HEIA

- Section 1 – Definitions
- Section 2 – Disqualifications
- Section 3 – General Information
- Section 4 – Attestation & Signature

**New York State Department of Health**  
**Health Equity Impact Assessment Conflict-of-Interest**  
*This Conflict-of-Interest form must be completed in full, signed by the Independent Entity, and submitted with the Health Equity Impact Assessment.*

**Section 1 – Definitions**  
**Independent Entity** means individual or organization with demonstrated expertise and experience in the study of health equity, anti-racism, and community and stakeholder engagement, and with preferred expertise and experience in the study of health care access or delivery of health care services, able to produce an objective written assessment using a standard format of whether, and if so how, the facility's proposed project will impact access to and delivery of health care services, particularly for members of medically underserved groups.  
**Conflict of Interest** shall mean having a financial interest in the approval of an application or assisting in drafting any part of the application on behalf of the facility, other than the health equity assessment.

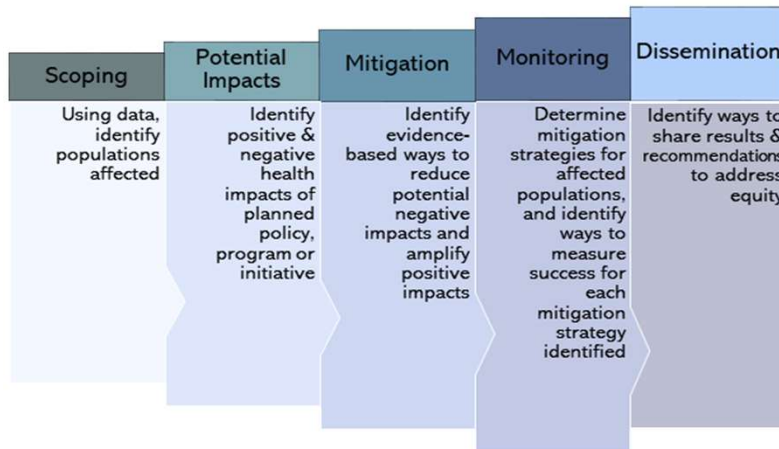
**Section 2 – Independent Entity**  
 What does it mean for the Independent Entity to have a conflict of interest? For the purpose of the Health Equity Impact Assessment, if one or a combination of the following apply to the Independent Entity, the Independent Entity **HAS** a conflict of interest and must **NOT** perform the Health Equity Impact Assessment:

- The Independent Entity helped compile or write any part of the Certificate of Need (CON) application being submitted for this specific project, other than the Certificate of Need application for the facility's project cannot be the same individual(s) conducting the Health Equity Impact Assessment);
- The Independent Entity has a financial interest in the outcome of this specific project's Certificate of Need application (i.e. individual is a member of the facility's Board of Directors or advisory board); or
- The Independent Entity has accepted or will accept a financial gift or incentive from the Applicant above fair market value for the cost of performing the Health Equity Impact Assessment.

**Section 3 – General Information**  
**A. About the Independent Entity**  
 1. Name of Independent Entity: \_\_\_\_\_  
 2. Is the Independent Entity a division/unit/branch/associate of an organization (Y/N)?  
 If yes, indicate the name of the organization: \_\_\_\_\_

# HEIA Template

Five-step approach to conducting a health equity impact assessment



## HEIA Template: Overview

<b>Section A. Executive Summary</b>	Executive summaries of: <ul style="list-style-type: none"> <li>• CON Project (250 words or less)</li> <li>• HEIA Findings (500 words or less)</li> </ul>				
<b>Section B. Assessment (28 questions)</b>	<b>Step 1. Scoping</b>	<b>Step 2. Potential Impacts</b>	<b>Step 3. Mitigation</b>	<b>Step 4. Monitoring</b>	<b>Step 5. Dissemination</b>
	11 questions	11 questions	4 questions	2 questions	0 questions
<b>Section C. Attestation and Mitigation</b>	<ul style="list-style-type: none"> <li>• Signature of facility leadership attesting to having reviewed the HEIA;</li> <li>• Mitigation plan for potential negative impacts (1000 words or less)</li> </ul>				



## HEIA Template: Section B Assessment

- Applicants must consider the demographics of the service area and identify each medically underserved group impacted by the CON project, in Step 1, question 2.
- In subsequent answers, they should identify the *impacts* for each group. However, if the impacts are the same for several different groups, it is not necessary to break out the groups in each answer.
- If the IE determines a question in the Template is not applicable to the project, indicate N/A and provide justification.



## Meaningful Engagement

- Feedback should be sought from a variety of sources in the project's service area.
- Methods of obtaining stakeholder feedback should be reasonable and culturally competent based on the type of stakeholder being engaged.
- This is an opportunity for stakeholders to give direct feedback about the facility's proposed project



## What sources can the Independent Entity use?

The HEIA Template Instructions provide examples of sources the IE might use to complete the HEIA.

- Stakeholder Interviews
- Community Health and Community Service Needs Assessments
- U.S. Census Bureau Data
- Medical Literature
- Grey Literature



## Data Tables

- The **Meaningful Engagement** tab in the HEIA Data Table requests a list of stakeholder contacts, engagement methods, stakeholder views, and statements provided directly by stakeholders.

7	Female
8	Sex ratio (males per 100 females)
9	Under 5 years
10	5 to 9 years
11	10 to 14 years
12	15 to 19 years

	A	B	C	D	E	F	G	H	I
	Name/Organization - if organization, please include contact(s)	Date(s) of group did they outreach	What required stakeholder represent?	If other, please describe	Is this person/group a resident of the project's service area?	Method of engagement (i.e. phone calls, community forums, surveys, etc.)	Is this group supportive of this project?	Did this group provide a statement?	If a statement was provided (250 word max), please include below.
1									
2									
3									
4									
5									
6									



## Data Tables

- Scoping Sheet 1** and **Scoping Sheet 2** in the HEIA Data Table include a review of demographics for the service area.
- Demographic data is publicly available through the U.S. Census Bureau website: <https://www.census.gov/data.html>.
- Links to U.S. Census Bureau "how-to" instruction videos and U.S. Census Bureau instruction sheets are provided in the HEIA Template Instructions.





## Public Posting of Documents

- The redacted full CON application and HEIA must be posted online on the facility's webpage and NYSE-CON system.
- The redactions should include any sensitive/private applicant information and financial details.
- The NYS Department of Health reserves the right to change any of the redactions it deems necessary in consultation with the applicant.



## Public Posting of Documents

- If a new operator does not have a website, how can they comply with the requirement to publicly post the HEIA and redacted CON application?



## How will HEIA findings impact a CON application?

- The HEIA will be reviewed and evaluated by the validity, strength, and value of the information presented.
- The Department will consider positive/negative findings from the HEIA alongside the other components of the CON application.
- Negative findings from the HEIA will not necessarily mean the CON application will be delayed or not approved.

## Q & A

## Contact

HEIA Main Webpage:

[https://www.health.ny.gov/community/health\\_equity/impact\\_assessment.htm](https://www.health.ny.gov/community/health_equity/impact_assessment.htm)

HEIA Program Documents:

[https://www.health.ny.gov/facilities/cons/health\\_equity/](https://www.health.ny.gov/facilities/cons/health_equity/)

HEIA Program Contact:

[HEIA@health.ny.gov](mailto:HEIA@health.ny.gov)

