

**STATE OF NEW YORK**  
**PUBLIC HEALTH AND HEALTH PLANNING COUNCIL**

**AGENDA**

*June 16, 2011*  
*10:30 a.m.*

*90 Church Street*  
*4<sup>th</sup> Floor, Room 4A & 4B*  
*New York City*

**I. INTRODUCTION OF OBSERVERS**

Dr. William Streck, Chairman

**II. REPORT OF DEPARTMENT OF HEALTH ACTIVITIES**

**10:30 a.m.**

**A. Report of the Department of Health**

Nirav R. Shah, M.D., M.P.H., Commissioner of Health

**B. Report of the Office of Health Systems Management Activities**

Richard Cook, Deputy Commissioner, Office of Health Systems Management

**C. Report of the Office of Long Term Care Activities**

Mark Kissinger, Deputy Commissioner, Office of Long Term Care

**D. Report of the Office of Public Health Activities**

Dr. Guthrie Birkead, Deputy Commissioner, Office of Public Health

**III. HEALTH POLICY**

**11:00 a.m.**

**Report of the Committee on Health Planning**

John Ruge, M.D., Chair

#### IV. REGULATION

11:15 a.m.

##### Report of the Committee on Codes, Regulations and Legislation

Angel Gutiérrez, M.D., Chair

##### **For Adoption**

- |   |  |                      |
|---|--|----------------------|
| 10-11   | Amendment of Subpart 7-2, Subpart 6-1, and Subpart 6-2 of Title 10 NYCRR (Children's Camps, Swimming Pools, Bathing Beaches) | Under Separate Cover |
| 09-13   | Amendment of Section 2.10 and Part 23 of Title 10 NYCRR (Sexually Transmitted Disease Reporting and Treatment Requirements)  | Under Separate Cover |
| <b>*DEFERRED AT THE REQUEST OF THE DEPARTMENT</b> |  |                      |
| 10-05   | Amendment of Subpart 5-1 of Title 10 NYCRR (Public Water Systems)  | Under Separate Cover |

##### **For Discussion**

- |   |                      |
|---|----------------------|
| Sections 405.1, 700.2, 720.1 and 755.2<br>(Accreditation Standards) | Under Separate Cover |
| Section 405.19<br>(Observation Units)                               | Under Separate Cover |

**\*\*\*Break for Lunch\*\*\***

V. **PROJECT REVIEW RECOMMENDATIONS AND ESTABLISHMENT ACTIONS**

12:30 p.m.

**Report of the Committee on Establishment and Project Review**

A. **APPLICATIONS FOR CONSTRUCTION OF HEALTH CARE FACILITIES** Exhibits #1 - 8

**CATEGORY 1:** Applications Recommended for Approval – No Issues or Recusals, Abstentions/Interests

**CON Applications**

**Ambulatory Surgery Centers – Construction** Exhibit #4

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	102221 C	NYU Hospitals Center (New York County)	Contingent Approval
2.	102364 C	NYU Hospitals Center (New York County)	Contingent Approval
3.	101112 C	Nathan Littauer Hospital Ambulatory Surgery Center (Fulton County)	Contingent Approval

**Residential Health Care Facility - Construction** Exhibit #6

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
2.	102316 C	Hamilton Park Multicare, LLC d/b/a Hamilton Park Nursing and Rehabilitation Center (Kings County)	Contingent Approval

**Transitional Care Units - Construction** Exhibit #7

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
3.	102367 T	St. Francis Hospital (Nassau County)	Contingent Approval
4.	102370 T	<b>DEFERRED AT THE APPLICANTS REQUEST</b> Good Samaritan Hospital of Suffern (Rockland County)	*

5.	102371 T	Brookhaven Memorial Hospital Medical Center, Inc. (Suffolk County)	Contingent Approval
7.	102373 T	Northern Westchester Hospital (Westchester County)	Contingent Approval
8.	102374 T	White Plains Hospital Center (Westchester County)	Contingent Approval

**CATEGORY 2:** Applications Recommended for Approval with the Following:

- ❖ PHHPC Member Recusals
- ❖ Without Dissent by HSA
- ❖ Without Dissent by Establishment and Project Review Committee

**CON Applications**

**Acute Care Services – Construction**

**Exhibit #3**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	102417 C	Queens Hospital Center (Queens County) Recusal – Dr. Martin Recusal – Dr. Sullivan	Contingent Approval

**Hospice – Construction**

**Exhibit #5**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	102407 C	Hospice of Orleans, Inc. (Orleans County) Interest – Mr. Booth	Contingent Approval

**Residential Health Care Facility - Construction**

**Exhibit #6**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	101083 C	Eger Health Care and Rehabilitation Center (Richmond County) Interest – Mr. Fassler Interest - Mr. Kraut	Contingent Approval

**Transitional Care Units - Construction**

**Exhibit #7**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	102365 T	Erie County Medical Center (Erie County) Interest – Mr. Booth	Contingent Approval
2.	102366 T	South Nassau Communities Hospital (Nassau County) Interest – Mr. Kraut	Contingent Approval
6.	102372 T	Glens Falls Hospital (Warren County) Recusal – Dr. Ruge	Contingent Approval

**CATEGORY 3:** Applications Recommended for Approval with the Following:

- ❖ No PHHPC Member Recusals
- ❖ Establishment and Project Review Committee Dissent, or
- ❖ Contrary Recommendations by HSA

**NO APPLICATIONS**

**CATEGORY 4:** Applications Recommended for Approval with the Following:

- ❖ PHHPC Member Recusals
- ❖ Establishment and Project Review Committee Dissent, or
- ❖ Contrary Recommendation by HSA

**NO APPLICATIONS**

**CATEGORY 5:** Applications Recommended for Disapproval by OHSM or  
Establishment and Project Review Committee - with or without  
Recusals

**NO APPLICATIONS**

**CATEGORY 6:** Applications for Individual Consideration/Discussion

**CON Applications**

**Cardiac Services - Construction**

**Exhibit #2**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	102022 C	New York Methodist Hospital (Kings County) Recusal – Mr. Fensterman Recusal – Ms. Regan	No Recommendation

**Acute Care Services – Construction**

**Exhibit #3**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
2.	111257 C	University Hospital SUNY Health Science Center (Onondaga County) Interest – Mr. Booth	Contingent Approval

**Long Term Home Health Care Program – Construction**

**Exhibit #8**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	111177 C	Village Center for Care (Bronx County) Interest – Mr. Fassler Interest – Mr. Kraut *Abstaining – Dr. Torres	Contingent Approval

**B. APPLICATIONS FOR ESTABLISHMENT AND CONSTRUCTION OF HEALTH CARE FACILITIES**

**Exhibits #9 -15**

**CATEGORY 1:** Applications Recommended for Approval – No Issues or Recusals, Abstentions/Interests

**CON Applications**

**Acute Care Services – Establish/Construct**

**Exhibit #9**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	101153 E	Catholic Health System of Long Island, Inc. d/b/a St. Joseph’s Hospital (Nassau County)	Contingent Approval

**Ambulatory Surgery Center – Establish/Construct****Exhibit #10**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	101134 B	Roosevelt SC, LLC (New York County)	Contingent Approval
4.	101167 B	West Side GI, LLC (New York County)	Contingent Approval
6.	111138 B	Putnam GI, LLC d/b/a Putnam Endoscopy ASC, LLC (Putnam County)	Contingent Approval
7.	111194 B	East Side Endoscopy (New York County)	Contingent Approval
8.	111340 E	EPC, LLC d/b/a Endoscopic Procedure Center (Onondaga County)	Contingent Approval

**Diagnostic and Treatment Centers – Establish/Construct****Exhibit #11**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	082140 E	Ralph Lauren Center for Cancer Care and Prevention (New York County)	Contingent Approval
2.	092199 E	East Coast Rehabilitation, Inc. d/b/a Columbus Center for Medical Rehabilitation (Queens County)	Approval
5.	102256 E	South Brooklyn Medical Administrative Services, Inc. (Kings County)	Contingent Approval
6.	102363 E	<b>REMOVED BEING HANDLED ADMINISTRATIVELY</b> HeartShare Wellness Ltd. – (Kings County)	

**Dialysis Services - Establish/Construct****Exhibit #12**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	091040 B	Palm Gardens Dialysis Center, LLC (Kings County)	Contingent Approval
2.	092072 B	<b>DEFERRED AT THE APPLICANTS REQUEST</b> Mohawk Valley Dialysis Center, Inc. (Montgomery County)	
3.	092169 B	Ditmas Park Dialysis Center, LLC (Kings County)	Contingent Approval

**Residential Health Care Facilities – Establish/Construct****Exhibit #14**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	062433 B	Brooklyn-Queens Nursing Home (Kings County)	Contingent Approval
7.	102346 E	KFG Operating Two, LLC d/b/a Bensonhurst Center for Rehabilitation and Healthcare (Kings County)	Contingent Approval
8.	111186 E	Autumn View Health Care Facility, LLC (Erie County)	Contingent Approval
9.	111188 E	Brookhaven Health Care Facility, LLC (Suffolk County)	Contingent Approval
10.	111189 E	Garden Gate Health Care Facility (Erie County)	Contingent Approval
11.	111190 E	Harris Hill Nursing Facility, LLC (Erie County)	Contingent Approval
12.	111191 E	North Gate Health Care Facility (Niagara County)	Contingent Approval

- |     |          |  |                     |
|-----|----------|--|---------------------|
| 13. | 111192 E | Seneca Health Care Center<br>(Erie County)   | Contingent Approval |
| 14. | 111248 E | Morningstar Care Center, Inc.<br>d/b/a Morningstar Residential Care<br>Center<br>(Oswego County) | Contingent Approval |

**Certified Home Health Agencies – Establish/Construct**

**Exhibit #15**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
2.	101147 B Litson Certified Care, Inc., d/b/a WILLCARE (Ulster County)	Contingent Approval

**Certificate of Amendment of the Certificate of Incorporation**

**Exhibit #16**

<u>Applicant</u>	<u>E.P.R.C. Recommendation</u>
1. UNITE HERE Health Center, Inc.	Approval
2. Medina Health Care Foundation, Inc.	Approval
3. The Guidance Center, Inc.	Approval
4. Saratoga Care Family Health Centers	Approval

**Certificate of Dissolution**

**Exhibit #17**

<u>Applicant</u>	<u>E.P.R.C. Recommendation</u>
1. Wartburg Diagnostic and Treatment Center, Inc.	Approval

**HOME HEALTH AGENCY LICENSURES**

**Exhibit #18**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1807L	Angels on Call Homecare, LLC (Dutchess, Rockland, Westchester, Orange, Sullivan, Bronx, Putman, and Ulster Counties)	Contingent Approval

1857L	HHDL, Inc. d/b/a Home Helpers #58168 (Saratoga, Albany, Warren, Schenectady and Washington Counties)	Contingent Approval
1927L	Jodi Lee VanNostrand d/b/a Top Quality Home Care Agency (Fulton, Schenectady, Hamilton, Schoharie, Montgomery and Saratoga Counties)	Contingent Approval
1850L	Tender Loving Family Care, Inc. (Monroe, Orleans and Genesee Counties)	Contingent Approval
1883L	Balanced Home Care, LLC d/b/a Balanced Care Licensed Home Care Agency/Hudson Valley Assisted Living Program (Rockland and Orange Counties)	Contingent Approval
1954L	TPPV, LLC d/b/a The Pavilion at Pine Valley (Rockland County)	Contingent Approval
1963L	Cortland County Health Department (Cortland County)	Contingent Approval
1970L	Dutchess County Department of Health (Dutchess County)	Contingent Approval
1945L	Schoharie County Department of Health (Schoharie County)	Contingent Approval
1876L	Cayuga County Health and Human Services (Cayuga County)	Contingent Approval

**CATEGORY 2:** Applications Recommended for Approval with the Following:

- ❖ PHHPC Member Recusals
- ❖ Without Dissent by HSA
- ❖ Without Dissent by Establishment and Project Review Committee

**CON Applications**

**Acute Care Services – Establish/Construct**

**Exhibit #9**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
2.	102453 E	North Shore Long Island Jewish Health Care, Inc. (Nassau County) Recusal – Mr. Fensterman Recusal – Mr. Kraut	Contingent Approval
3.	111074 E	Arnot Health, Inc. (Chemung County) Interest – Mr. Booth	Contingent Approval

**Ambulatory Surgery Center – Establish/Construct**

**Exhibit #10**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
2.	101159 E	GRHS, LLC d/b/a Lattimore Community *Surgicenter (Monroe County) Recusal – Mr. Robinson Interest – Mr. Booth	Contingent Approval
3.	101160 E	West ASC, LLC d/b/a Camillus Surgery Center (Onondaga County) Interest – Mr. Booth	Contingent Approval
5.	111133 B	Heritage One Day Surgery, LLC (Onondaga County) Interest – Mr. Booth	Contingent Approval

**Diagnostic and Treatment Centers – Establish/Construct**

**Exhibit #11**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
3.	101103 B	Queens Medical Pavilion, LLC (Queens County) Recusal – Mr. Fensterman	Contingent Approval

4.	102159 B	<b>DEFERRED AT THE APPLICANTS REQUEST</b> Parcare Community Health Network (Kings County) Recusal – Mr. Fensterman	Deferred
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**Hospice – Establish/Construct**

**Exhibit #13**

	<u><b>Number</b></u>	<u><b>Applicant/Facility</b></u>	<u><b>E.P.R.C. Recommendation</b></u>
1.	082184 B	Visiting Nurse Service of New York Hospice Care (New York County) Recusal – Ms. Regan Interest – Mr. Fassler	Contingent Approval

**Residential Health Care Facilities – Establish/Construct**

**Exhibit #14**

	<u><b>Number</b></u>	<u><b>Applicant/Facility</b></u>	<u><b>E.P.R.C. Recommendation</b></u>
2.	092050 E	Woodbury Center for Health Care (Nassau County) Recusal – Mr. Fensterman	Contingent Approval
3.	092056 E	White Plains Center for Nursing Care, LLC (Westchester County) Recusal – Mr. Fensterman Interest – Dr. Torres	Contingent Approval
4.	092156 E	Sprain Brook Manor Rehab, Inc. d/b/a Sprain Brook Manor Nursing Home (Westchester County) Interest – Dr. Torres	Contingent Approval
5.	102048 E	Ozone Acquisitions, LLC d/b/a Central Island Healthcare (Nassau County) Interest – Mr. Kraut	Contingent Approval

6.	102234 E	Wedgewood Care Center, Inc. d/b/a Highfield Gardens Care Center of Great Neck (Nassau County) Recusal – Mr. Fensterman Interest – Mr. Kraut	Contingent Approval
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**Certified Home Health Agencies – Establish/Construct**

**Exhibit #15**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	051081 E	Family Aides Certified Services of Nassau, Suffolk Incorporated d/b/a Family Care Certified Services of Nassau (Nassau County) Interest – Ms. Regan	Contingent Approval
3.	101156 E	L. Woerner, Inc., d/b/a HCR (Orleans County) Recusal – Ms. Hines Recusal – Mr. Robinson Interest – Mr. Booth	Conditional Approval
4.	102080 E	Genesee Region Home Care Association d/b/a Lifetime Care (Cayuga County) Recusal – Mr. Booth Recusal – Ms. Hines Recusal – Mr. Robinson	Contingent Approval
5.	102408 E	PTS of Westchester, Inc. (Westchester County) Interest – Ms. Fassler Interest – Ms. Regan Interest – Dr. Torres	Contingent Approval
6.	102409 E	Personal Touch Home Aides of New York, Inc. (Kings County) Interest – Ms. Fassler Interest – Ms. Regan	Contingent Approval

**HOME HEALTH AGENCY LICENSURES**

Exhibit #18

<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1880L	ACS Home Care, LLC (Nassau, Queens, Suffolk, Westchester, Bronx, Kings, and New York Counties) Interest – Ms. Regan	Contingent Approval
1866L	Bells Homecare, Inc. (Bronx, Queens, Kings, Richmond, Nassau, and New York Counties) Interest – Ms. Regan	Contingent Approval
1955L	Centurion Enterprises, LLC (Westchester County) Interest – Ms. Regan	Contingent Approval
1659L	Courtesy Care, LLC (Bronx, Richmond, Kings, Westchester, Queens and New York Counties) Interest – Ms. Regan	Contingent Approval
1873L	Good Care Agency, Inc. (Bronx, Queens, Kings, Richmond, Nassau and New York Counties) Interest – Ms. Regan	Contingent Approval
1893L	Aquinas, LLC d/b/a Senior Helpers (New York, Richmond, Bronx, Westchester, Kings, and Queens Counties) Interest – Ms. Regan	Contingent Approval
1890L	SIY Home Care, LLC (Kings, New York and Richmond Counties) Interest – Ms. Regan	Contingent Approval

1888L	Senior Care HHA, Inc. (Nassau and Suffolk Counties) Interest – Ms. Regan	Contingent Approval
1902L	Silvervine Homecare Services (Bronx, Queens, Kings, Richmond, Nassau and New York Counties) Interest – Ms. Regan	Contingent Approval
1913L	A&B Enterprises of Long Island, Inc. (Nassau and Queens Counties) Interest – Ms. Regan	Contingent Approval
1912L	Allegiant Home Care, LLC (Bronx, Queens, Kings, Richmond, Nassau and New York Counties) Interest – Ms. Regan	Contingent Approval
1842L	Allpro Home and Health Care Services (Bronx, Richmond, Kings, Westchester, New York and Queens Counties) Interest – Ms. Regan	Contingent Approval
1683L	Coram Healthcare Corporation of Greater New York (See exhibit for counties served) Interest – Ms. Regan	Contingent Approval
1843L	Critical Care Nursing Agency, LLC d/b/a Akshar Nursing Agency (Nassau, Suffolk and Queens Counties) Interest – Ms. Regan	Contingent Approval

1381L	Cudley's Home Care Services, Inc. (Bronx, Queens, Kings, Richmond, Nassau and New York Counties) Interest – Ms. Regan Interest – Dr. Torres	Contingent Approval
1949L	Personal Touch Home Care of Long Island, Inc. (Nassau, Suffolk and Queens Counties) Interest – Mr. Fassler Interest – Ms. Regan	Contingent Approval
1950L	Personal Touch Home Care of Westchester, Inc. (Putnam, Rockland, Westchester and Bronx Counties) Interest – Mr. Fassler Interest – Ms. Regan	Contingent Approval
1951L	Personal Touch Home Care, Inc. (Bronx, Richmond, Kings, New York, and Queens Counties) Interest – Mr. Fassler Interest – Ms. Regan	Contingent Approval
1914L	Premier Home Health Care Services, Inc. (Nassau, Suffolk and Queens Counties) Interest – Mr. Fassler Interest – Ms. Regan Interest – Dr. Torres	Contingent Approval
1915L	Priority Home Care, Inc. (Bronx, Richmond, Kings, New York and Queens Counties) Interest – Mr. Fassler Interest – Ms. Regan Interest – Dr. Torres	Contingent Approval

1985L	Sterling Glen Care at Home, LLC d/b/a Sterling Glen Care at Home (Nassau, Suffolk, Westchester and Queens Counties) Interest – Ms. Regan	Contingent Approval
1960L	Living Life Home Care, Inc. d/b/a Comfort Keepers #512 (Westchester, Dutchess, Bronx and Putnam Counties) Interest – Ms. Regan	Contingent Approval
1672L	Bryan Skilled Home Care, Inc. (Nassau, Suffolk and Queens Counties) Interest – Ms. Regan	Contingent Approval
1840L	Heartland Homecare Agency, Inc. (Bronx, Richmond, Kings, Westchester, New York and Queens Counties) Recusal – Mr. Fensterman Interest – Ms. Regan	Contingent Approval
1782L	I & Y Senior Care, Inc. (Bronx, Richmond, Kings, Nassau, New York and Queens Counties) Recusal – Mr. Fensterman Interest – Ms. Regan	Contingent Approval

**CATEGORY 3:** Applications Recommended for Approval with the Following:

- ❖ No PHHPC Member Recusals
- ❖ Establishment and Project Review Committee Dissent, or
- ❖ Contrary Recommendations by or HSA

**NO APPLICATIONS**

**CATEGORY 4:** Applications Recommended for Approval with the Following:

- ❖ PHHPC Member Recusals
- ❖ Establishment an Project Review Committee Dissent, or
- ❖ Contrary Recommendation by HSA

**NO APPLICATIONS**

**CATEGORY 5:** Applications Recommended for Disapproval by OHSM or Establishment and Project Review Committee - with or without Recusals

**NO APPLICATIONS**

**CATEGORY 6:** Applications for Individual Consideration/Discussion

**NO APPLICATIONS**

**VI. NEXT MEETING**

July 21, 2011 – Committee Day (Albany)  
August 4, 2011 – Full Council (Albany)

**VII. ADJOURNMENT**