

STATE OF NEW YORK
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL

AGENDA

October 6, 2011

10:30 a.m.

*90 Church Street
4th Floor, Room 4A & 4B
New York City*

I. INTRODUCTION OF OBSERVERS

Dr. William Streck, Chairman

II. APPROVAL OF MINUTES

A. June 16, 2011

Exhibit #1

B. August 4, 2011

**Under Separate
Cover**

III. ADOPTION OF 2012 MEETING SCHEDULE

2012 Meeting Dates

Exhibit #2

IV. PROJECT REVIEW RECOMMENDATIONS AND ESTABLISHMENT ACTIONS

Report of the Committee on Establishment and Project Review

Christopher Booth, Vice Chair

**A. APPLICATIONS FOR CONSTRUCTION OF HEALTH CARE
FACILITIES**

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

CON Applications

Acute Care Service – Construction

Exhibit #3

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	111284 C	Memorial Hospital for Cancer and Allied Diseases (Westchester County)	Contingent Approval

Residential Health Care Facilities Ventilator Beds – Construction**Exhibit #4**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	071126 C	Wayne Center for Nursing & Rehabilitation, LLC (Bronx County)	Contingent Approval
2.	091039 C	Palm Gardens Care Center, LLC d/b/a Palm Gardens Center for Nursing and Rehabilitation (Kings County)	Contingent Approval
3.	092131 C	Silvercrest Center for Nursing and Rehabilitation (Queens County) *Mr. Fassler - Interest	Contingent Approval
4.	101087 C	Flushing Manor Geriatric Center, Inc. d/b/a Dr. William O. Benenson Rehab Pavilion (Queens 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**Residential Health Care Facilities Ventilator Beds – Construction****Exhibit #5**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	111070 C	Isabella Geriatric Center, Inc. (New York County) Dr. Berliner – Recusal *Mr. Fassler – Interest	Contingent Approval
2.	091021 C	Parkshore Health Care, LLC d/b/a Four Seasons Nursing and Rehabilitation Center (Kings County) Mr. Fensterman – Recusal	Contingent Approval
3.	092166 C	Eastchester Rehabilitation and Health Care Center, LLC (Bronx County) Mr. Fensterman – Recusal	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

Residential Health Care Facilities Ventilator Beds – Construction

Exhibit #6

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	031039 C	Bronx Center for Rehabilitation & Health Care, LLC (Bronx County) *Mr. Fassler – Recusal Mr. Fensterman – Recusal	Disapproval
2..	071010 C	Long Island Care Center, Inc. (Queens County) Mr. Fensterman- Recusal	Disapproval
3.	092002 C	Promenade Nursing Home, Inc. d/b/a Promenade Rehabilitation and Health Care Center (Queens County) Mr. Fensterman – Recusal	Disapproval
4.	101016 C	Fort Tryon Rehabilitation & Health Care Facility, LLC d/b/a Fort Tryon Center for Rehabilitation and Nursing (New York County) Mr. Fensterman – Recusal	Disapproval

5.	111174 C	Sheepshead Nursing & Rehabilitation Center, LLC (Kings County) Mr. Fensterman – Recusal	Disapproval
6.	062217 C	Fieldston Operating, LLC d/b/a Fieldston Lodge Care Center (Bronx County)	Disapproval
7.	062380 C	Cliffside Nursing Home, Inc., d/b/a Cliffside Rehabilitation & Residential Health Care Center (Queens County)	Disapproval
8.	082176 C	Lutheran Augustana Center for Extended Care and Rehabilitation, Inc. (Kings County) *Mr. Fassler - Interest	Disapproval

Cardiac Services – Construction

Exhibit #7

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	052112 C	Sisters of Charity Hospital (Erie County) *Mr. Booth- Interest	Disapproval

CATEGORY 6: Applications for Individual Consideration/Discussion

CON Applications

Cardiac Services – Construction

Exhibit #8

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	102142 C	Mount St. Mary’s Hospital and Health Center (Niagara County) Mr. Booth- Interest	No Recommendation
2.	102143 C	Mercy Hospital of Buffalo (Niagara County) Mr. Booth- Interest	No Recommendation
3.	102151 C	Niagara Falls Memorial Medical Center (Niagara County) Mr. Booth- Interest *Dr. Grant - Interest	No Recommendation
4.	102152 C	Buffalo General Hospital (Erie County) Mr. Booth- Interest	No Recommendation

Acute Care Service – Construction

Exhibit #9

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 111531 C	Lenox Hill Hospital (New York County) Mr. Fensterman – Recusal Mr. Kraut – Recusal *Dr. Strange – Recusal	No Recommendation

B. APPLICATIONS FOR ESTABLISHMENT AND CONSTRUCTION OF HEALTH CARE FACILITIES

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

CON Applications

Ambulatory Surgery Centers – Establish/Construct

Exhibit #10

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 102452 B	Fromer LLC Eye Surgery Center of New York (Bronx County)	Contingent Approval
2. 111277 B	Avicenna ASC, Inc. (Bronx County)	Contingent Approval
3. 111421 E	Digestive Diseases Diagnostic and Treatment Center (Kings County)	Contingent Approval
4. 111502 B	Hudson Valley Center, LLC (Westchester County)	Contingent Approval

Residential Health Care Facility – Establish/Construct

Exhibit #11

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 111313 B	Samaritan Senior Village (Jefferson County)	

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

Ambulatory Surgery Centers – Establish/Construct

Exhibit #12

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	111506 E	NYSCQ, LLC d/b/a New York Surgery Center of Queens (Queens County) Dr. Sullivan – Abstaining	Contingent Approval
2.	101158 B	EMK ASC, LLC d/b/a New York Ambulatory Surgery, LLC (Queens County) Dr. Sullivan – Abstaining	Contingent Approval
3.	111409 B	Flushing GI, LLC (Queens County) Dr. Sullivan - Abstaining	Contingent Approval

Diagnostic and Treatment Centers – Establish/Construct

Exhibit #13

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	111218 B	Jericho Road Ministries, Inc. d/b/a Jericho Road Community Health Center (Erie County) Mr. Booth – Interest	Contingent Approval
2.	111390 B	Christian Health Service of Syracuse (Onondaga County) Mr. Booth - Interest	Contingent Approval

Dialysis Center – Establish/Construct

Exhibit #14

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	111503 B	Park Slope Dialysis Management, LLC d/b/a Prospect Park Dialysis Center (Kings County) Dr. Bhat – Recusal Mr. Fensterman - Recusal	Contingent Approval

Residential Health Care Facility – Establish**Exhibit #15**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 112014 E	SV Operating Three, LLC d/b/a Verrazano Center for Rehabilitation and Specialty Healthcare (Richmond County) *Mr. Fassler – Recusal Mr. Fensterman - Recusal	Contingent Approval

Continuing Care Retirement Community – Establish**Exhibit #16**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 111285 E	Woodland Pond at New Paltz (Ulster County) Dr. Berliner – Recusal	Contingent Approval

HOME HEALTH AGENCY LICENSURES**Exhibit #17**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1717-L	Advanced Home Care Services, Inc. (New York, Kings, Queens, Bronx, and Richmond Counties) Ms. Regan – Interest	Contingent Approval
1903-L	Angel Care, Inc. (New York, Bronx, Richmond, Kings, Queens and Nassau Counties) Ms. Regan – Interest	Contingent Approval
1827-L	Bethesda Elite Care, Inc. (Suffolk, Nassau, Westchester, Queens, Kings, New York, Bronx, and Richmond Counties) Ms. Regan – Interest	Contingent Approval
1794-L	C.P.R. Home Care, Inc. d/b/a City Wide Home Care (Bronx, Kings, New York and Queens Counties) Ms. Regan – Interest	Contingent Approval

1674-L	Ideal Home Health, Inc. (Bronx, Kings, Queens, New York and Richmond Counties) Ms. Regan – Interest	Contingent Approval
2018-L	Longevity Health Services, LLC (Bronx, Kings, Nassau, New York, Queens, and Richmond Counties) Ms. Regan – Interest	Contingent Approval
2007-L	Magic Home Care, LLC (Kings, Queens and Richmond Counties) Ms. Regan – Interest	Contingent Approval
1742-L	Majestic Touch Home Care Services, Inc. (Kings, Queens, New York, Bronx, and Richmond Counties) Ms. Regan – Interest	Contingent Approval
1860-L	Most Excellent Home Care Agency, Inc. (New York, Bronx, Kings, Nassau and Queens Counties) Ms. Regan – Interest	Contingent Approval
1804-L	Nannies for Grannies, Inc. (Nassau, Suffolk and Queens Counties) Ms. Regan – Interest	Contingent Approval
1764-L	New Universal Home Care, Inc. (Bronx, New York, Richmond, Kings and Queens Counties) Ms. Regan – Interest	Contingent Approval
1695-L	Peconic Landing Home Health Services (Suffolk County) Ms. Regan – Interest	Contingent Approval
1825-L	Sweet Sunshine Home Health Care Agency, Inc. (Bronx, Kings, New York, Queens and Richmond Counties) Ms. Regan – Interest	Contingent Approval

2009-L	ZLC Senior Care, Inc. (Nassau, Suffolk and Queens Counties) Ms. Regan – Interest	Contingent Approval
1896-L	Alternate Staffing, Inc. (Bronx, Kings, New York, Queens, and Richmond Counties) Ms. Regan – Interest	Contingent Approval
1879-L	Cudley’s Home Care Services, Inc. (Bronx, Kings, Nassau, New York, Queens and Richmond Counties) Ms. Regan – Interest	Contingent Approval
1871-L	Utopia Home Care, Inc. Nassau, Suffolk, Queens, Kings, Bronx, New York, Richmond, and Westchester Counties) Ms. Regan – Interest	Contingent Approval
1743-L	Innovative Services, Inc., d/b/a Upstate Home Care (See exhibit for counties served) Mr. Booth – Interest Ms. Hines – Interest	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

Certified Home Health Agencies – Establish/Construct

Exhibit #18

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	111529 E	L. Woerner, Inc. d/b/a HCR (Cortland County) Mr. Booth – Recusal Ms. Hines – Recusal	No Recommendation
2.	112025 E	L. Woerner, Inc. d/b/a HCR (Madison County) Mr. Booth – Recusal Ms. Hines – Recusal	No Recommendation

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

V. REPORT OF DEPARTMENT OF HEALTH ACTIVITIES

A. Report of the Department of Health

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

B. Report of the Office of Public Health Activities

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

C. Report of the Office of Health Systems Management Activities

Richard Cook, Deputy Commissioner, Office of Health Systems Management

VI. HEALTH POLICY

Report on the Activities of the Committee on Health Planning

John Rugge, M.D., Chair of the Health Planning Committee

VII. PUBLIC HEALTH SERVICES

Report on the Activities of the Committee on Public Health

Jo Ivey Boufford, M.D., Chair of the Public Health Committee\

VIII. REGULATION

Report of the Committee on Codes, Regulations and Legislation

Angel Gutiérrez, M.D., Chair

For Emergency Adoption

Amendment to 10 NYCRR Section 401.2 to permit the Commissioner of the Department of Health to allow an operator of a facility licensed under Public Law Article 28 to operate at a site not designated on its operating certificate on a temporary basis due to an emergency **Under Separate Cover**

IX. PROFESSIONAL

Report of the Committee on Health Personnel and Interprofessional Relations

Dr. Theodore Strange, Chair
One Case

X. NEXT MEETING

November 17, 2011 – Committee Day (Albany Marriott)
December 8, 2011 – Full Council (Albany Marriott)

XI. ADJOURNMENT