

*\*2<sup>nd</sup> REVISED 12/7/11*

**STATE OF NEW YORK**

**PUBLIC HEALTH AND HEALTH PLANNING COUNCIL**

**AGENDA**

*December 8, 2011*

*10:30 a.m.*

*Albany Marriott*

*189 Wolf Road*

*Albany, New York 12205*

**I. INTRODUCTION OF OBSERVERS**

Dr. William Streck, Chairman

**II. APPROVAL OF MINUTES**

October 6, 2011

**Exhibit #1**

**III. 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 Health Systems Management Activities**

Richard Cook, Deputy Commissioner, Office of Health Systems Management

**C. Report of the Office of Health Information Technology Transformation Activities**

Rachel Block, Deputy Commissioner, Office of Health Information  
Technology Transformation

**D. Report of the Office of Health Insurance Programs Activities**

John Ulberg, Director, Division of Health Care Financing

**\* Report of the Office of Public Health Activities**

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

**IV. \*PUBLIC HEALTH SERVICES**

**Report on the Activities of the Committee on Public Health**

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

**V. \*HEALTH POLICY**

**A. Report on the Activities of the Committee on Health Planning**

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

**B. Request for Stroke Center Designation**

Anna Colello, Director, Division of Quality Assurance and Surveillance  
for Nursing Homes and ICF/M

**Applicant**

**Exhibit #2**

Columbia Memorial Hospital

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

**VI. REGULATION**

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

**Exhibit #3**

Angel Gutiérrez, M.D., Chair

**For Emergency Adoption**

11-29 Section 760.5 – (CHHA Establishment – Determination of Public Need)

11-27 Amendment of Section 401.2 of Part 401 of Title 10 NYCRR  
(Amendment to Limitations of Operating Certificates)

**For Discussion**

11-27 Amendment of Section 401.2 of Part 401 of Title 10 NYCRR  
(Amendment to Limitations of Operating Certificates)

09-17 Addition of New Part 403 and Amendment of Sections 700.2, 763.13 and  
766.11 of Title 10 NYCRR; Amendment of Sections 505.14 and  
505.23 of Title 18 NYCRR (Home Care Services Worker Registry)

Amendment of 10 NYCRR Part 710 CON Notice Submissions

**For Adoption**

11-17 Amendment of Section 405.19 of Part 405 of Title 10 NYCRR  
(Observation Unit Operating Standards)

11-03 Amendment of Sections 405.1, 700.2, 720.1, and 755.2 of Title 10 NYCRR  
(Accreditation of General Hospitals and Diagnostic and Treatment Centers)

**VII. 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 Services – Construction**

**Exhibit #4**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	111334 C	Lawrence Hospital Center (Westchester County)	Contingent Approval

**Hospice – Construction**

**Exhibit #5**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	111548 C	Hospice of Orange & Sullivan Counties, Inc. (Orange County)	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 #7**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	102167 C	Lincoln Medical and Mental Health Center (Bronx County) Dr. Bhat – Interest Dr. Boufford – Abstaining Dr. Boutin-Foster – Abstaining Dr. Sullivan - Recusal	Contingent Approval
2.	112030 C	Corning Hospital (Steuben County) Mr. Booth - Interest	Contingent Approval
3.	112120 C	Coler-Goldwater Specialty Hospital and Nursing Facility (New York County) Dr. Bhat – Interest Dr. Boufford – Abstaining *Mr. Fassler – Interest Dr. Sullivan - Recusal	Contingent Approval

**Hospice – Construction**

**Exhibit #8**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	112069 C	Hospice Buffalo, Inc. (Erie County) Mr. Booth - Interest	Approval

**Residential Health Care Facility – Construction**

**Exhibit #6**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 111061 C	Shorefront Jewish Geriatric Center (Kings County) <b>*Relocated from Category One to Category Two</b> *Mr. Fassler - 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 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 #9**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 072112 C	Oakwood Operating Co., LLC d/b/a Affinity Skilled Living and Rehabilitation Center (Suffolk County)	Deferred
2. 071024 C	Long Beach Memorial Nursing Home, Inc. d/b/a Komanoff Center for Geriatric and Rehabilitation Medicine (Nassau County) Dr. Bhat – Recusal *Mr. Fassler - Interest	Deferred

- |    |          |   |          |
|----|----------|---|----------|
| 3. | 112096 C | Nesconset Acquisition, LLC d/b/a<br>Nesconset Center for Nursing<br>and Rehabilitation<br>(Suffolk County)<br>Mr. Fensterman - Recusal  | Deferred |
| 4. | 071077 C | North Sea Associates, LLC d/b/a<br>The Hamptons Center for<br>Rehabilitation and Nursing<br>(Suffolk County)<br>Mr. Fensterman- Recusal | Deferred |

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

**CON Applications**

**Residential Health Care Facility – Construction**

**Exhibit #10**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	102376 C Albany County Nursing Home (Albany County) *Mr. Fassler -Interest	Deferred

**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 #12**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	111488 B Yorkville Endoscopy, LLC d/b/a Yorkville Endoscopy Center (New York County)	Contingent Approval

**Residential Health Care Facility – Establish**

**Exhibit #13**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	112031 E Alliance Health Associates, Inc. d/b/a Linden Gardens Rehabilitation and Nursing Center (Kings County)	Contingent Approval

**Certified Home Health Agencies – Establish**

**Exhibit #14**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 112023 E	District Nursing Association of Northern Westchester County d/b/a Visiting Nurse Association of Hudson Valley (Westchester County)	Contingent Approval

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

**Exhibit #15**

<u>Applicant</u>	<u>E.P.R.C. Recommendation</u>
1. Samaritan Foundation of Northern New York, Inc.	Approval
2. Auburn Memorial Hospital	Approval
3. Auburn Hospital System Foundation, Inc.	Approval

**Certificate of Dissolution**

**Exhibit #16**

<u>Applicant</u>	<u>E.P.R.C. Recommendation</u>
1. Hudson Valley Health Specialties, Inc.	Approval
2. Brooklyn Care, Inc.	Approval
3. The Albert Lindley Lee Memorial Hospital	Approval

**HOME HEALTH AGENCY LICENSURES**

**Exhibit #17**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1911	The Gerry Homes (Chautauqua County)	Contingent Approval
2050	Delaware County Public Health Services (Delaware County)	Contingent Approval
2051	Madison County Department of Health (Madison County)	Contingent Approval

2058	Wayne County Public Health (Wayne County)	Contingent Approval
2067	Herkimer County Public Health Nursing Service (Herkimer 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**

**Exhibit #11**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	112194 E	Northeast Health, Inc. (Rensselaer County) <b>*Relocated from Category One to Category Two</b> *Mr. Fassler - Interest	Contingent Approval

**Ambulatory Surgery Centers – Establish/Construct**

**Exhibit #18**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	092069 B	WNY Medical Management, LLC (Erie County) Mr. Booth - Interest	Contingent Approval
2.	111362 B	Upstate Gastroenterology, LLC d/b/a University Gastroenterology at the Philip G. Holtzapple Endoscopy Center (Onondaga County) Mr. Booth - Interest	Contingent Approval

**Dialysis Centers – Establish/Construct**

**Exhibit #19**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	111504 B	Mills Pond Dialysis Center, LLC (Suffolk County) Dr. Bhat – Interest Mr. Fensterman - Recusal	Contingent Approval
	111475 B	USRC Lake Plains, Inc. (Orleans County) Dr. Bhat – Interest Mr. Booth - Interest	Contingent Approval

**Exhibit #20**

**Residential Health Care Facility – Establish**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	111540 E	Fulton Operations Associates, LLC d/b/a Fulton Center for Rehabilitation and Healthcare (Fulton County) *Mr. Fassler - Recusal Mr. Fensterman - Recusal	Contingent Approval

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

**Exhibit #21**

	<u>Applicant</u>	<u>E.P.R.C. Recommendation</u>
1.	ODA Primary Health Care Center, Inc. Mr. Fensterman – Recusal	Approval

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

**Exhibit #16**

4.	Comprehensive Care Management Diagnostic and Treatment Center, Inc. <b>*Relocated from Category One to Category Two</b> *Mr. Fassler - Recusal	Approval
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**HOME HEALTH AGENCY LICENSURES****Exhibit #22**

<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1758 L	Comfort Home Care, LLC (Nassau, Suffolk Queens and Westchester Counties) Mr. Regan - Interest	Contingent Approval
1778 L	Restoration Home Care Agency, Inc. (Kings, New York, Queens and Richmond Counties) Mr. Regan - Interest	Contingent Approval
1826 L	Marian E. Howell d/b/a Golden Age Home Care (Bronx, New York, Queens, Kings, Richmond and Westchester Counties) Mr. Regan - Interest	Contingent Approval
1852 L	Five Star Home Health Care Agency, Inc. (Bronx, Kings, New York, Queens, Richmond and Westchester Counties) Mr. Regan - Interest	Contingent Approval
1952 L	Paramount Homecare Agency, Inc. (Bronx, Kings, Nassau, New York, Queens and Richmond Counties) Mr. Regan - Interest	Contingent Approval
1947 L	Surfside Manor Home for Adults, LLC d/b/a Surfside Manor LHCSA (Queens County) Mr. Regan - Interest	Contingent Approval

1705 L	Bestcare, Inc. (Nassau, Suffolk, Kings, Richmond, Queens, New York, Bronx, Dutchess, Rockland, Putnam, and Westchester Counties) *Mr. Fassler –Interest Mr. Regan - Interest	Contingent Approval
2073 L	VNA Home Health Services, Inc. (Westchester and Putnam Counties) Mr. Regan - 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

**NO APPLICATIONS**

**C. Proposed Resolution for Adoption**

**Exhibit #23**

Michael Stone, Assistant Counsel, DLA

**X . NEXT MEETING**

January 19, 2012 – Committee Day (NYC)  
February 2, 2012 – Full Council (NYC)

**XI. ADJOURNMENT**