

***REVISED 2/6/13**

STATE OF NEW YORK

PUBLIC HEALTH AND HEALTH PLANNING COUNCIL

ANNUAL MEETING

AGENDA

February 7, 2013

Immediately following the Special Committee on Codes, Regulations and Legislation

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

I. INTRODUCTION OF OBSERVERS

Dr. William Streck, Chairman

II. APPROVAL OF MINUTES

Under Separate Cover

Exhibit #1

III. ELECTION OF OFFICERS

A. Election of Vice of Chairperson

B. Announce Committee Chairpersons and Vice Chairpersons and Committee Membership

- Committee on Codes, Regulations and Legislation
- Committee on Establishment and Project Review
- Committee on Health Planning
- Committee on Public Health
- Ad Hoc Committee to Lead the State Health Improvement Plan

IV. 2012 ANNUAL REPORT

Public Health and Health Planning Annual Report

Exhibit #2

V. **REGULATION**

Report of the Committee on Codes, Regulations and Legislation

Exhibit #3

Angel Gutiérrez, M.D., Chair

For Adoption

11-09 Amendment of Part 16 of Title 10 NYCRR (Quality Assurance Requirements for Medical Use of Radioactive Material and Radiation Therapy)

11-24 Amendment of Parts 763 and 766 of Title 10 NYCRR (Certified Home Health Agency (CHHA) and Licensed Home Care Services Agency (LHCSA) Requirements)

For Information

13-01 Amendment of Sections 405.2 and 405.4 of Title 10 NYCRR (Hospital Sepsis Protocols)

13-02 Amendment of Part 405 of Title 10 NYCRR (Hospital Pediatric Care)

13-05 Amendment of Sections 2.59, 405.3, 415.19, 751.6, 763.13, 766.11 and 793.5 of Title 10 NYCRR (Prevention of Influenza Transmission by Healthcare and Residential Facility and Agency Personnel)

VI. **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**

Karen Westervelt, Deputy Commissioner, Office of Health Systems Management and Office of Primary Care

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 Public Health Activities**

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

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. HEALTH POLICY

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

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

IX. PROJECT REVIEW RECOMMENDATIONS AND ESTABLISHMENT ACTIONS

Report of the Committee on Establishment and Project Review

Christopher Booth, Vice-Chair of Establishment and Project Review Committee

A. APPLICATIONS FOR CONSTRUCTION OF HEALTH CARE FACILITIES

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

CON Applications

Diagnostic and Treatment Center – Construction

Exhibit #4

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	122161 C	East Harlem Council for Human Services, Inc. d/b/a Boriken Neighborhood Health Center (New York 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

Ambulatory Surgery Center – Construction

Exhibit #6

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	122085 C	Gramercy Surgery Center, Inc. (Queens County) Dr. Sullivan – Abstaining/Interest	Contingent Approval

Transitional Care Units - Construction

Exhibit #5

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	122236 T	Upstate University Hospital at Community General (Onondaga County) *Mr. Booth – Interest	Contingent Approval
2.	122237 T	St. Joseph’s Hospital (Chemung County) *Mr. Booth - 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

NO APPLICATIONS

CATEGORY 6: Applications for Individual Consideration/Discussion

Acute Care – Construction

Exhibit # 7

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 131015 C	Montefiore Medical Center – Henry and Lucy Moses Division (Bronx County)	To be presented at the Special Establishment/Project Review Committee on 2/7/13 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 #8

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 121395 B	Havemeyer ASC, LLC d/b/a Havemeyer Ambulatory Surgery Center (Kings County)	Contingent Approval
2. 122016 B	Omnicare Multi-Specialty Center, LLC (Kings County)	Contingent Approval

Dialysis Services – Establish/Construct

Exhibit #9

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 122066 E	Hauppauge Dialysis Center, LLC (Suffolk County)	Contingent Approval
2. 122175 E	Avantus Renal Therapy New York, LLC (New York County)	Contingent Approval
3. 122242 E	LSL Newburgh, LLC d/b/a Liberty Hudson Valley Dialysis (Orange County)	Contingent Approval

Certified Home Health Agencies – Establish/Construct**Exhibit #11**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	122078 E	Litson Certified Care, Inc. d/b/a Willcare (Greene County)	Contingent Approval
2.	122165 E	Hudson Valley Home Care (Dutchess County)	Contingent Approval

Amended and Restated Certificate of Incorporation**Exhibit #12**

	<u>Applicant</u>	<u>E.P.R.C. Recommendation</u>
1.	JTM Health Facilities Foundation, Inc.	Approval

HOME HEALTH AGENCY LICENSURES**Exhibit #13**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
	2076-L	Ideal Care SP, LLC (Ulster, Dutchess, Orange, Sullivan and Greene Counties)	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**Ambulatory Surgery Centers – Establish/Construct****Exhibit #14**

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	122051 B	Rockaways ASC Development, LLC (Queens County) Mr. Kraut - Interest Dr. Sullivan – Abstaining/Interest	Contingent Approval
2.	122164 B	Mason ESC, LLC d/b/a Mason Eye Surgery Center (Queens County) Dr. Sullivan – Abstaining/Interest	Contingent Approval

Diagnostic and Treatment Center – Establish/Construct

Exhibit #15

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 121445 B	New Life Community Development Corporation d/b/a New Life Community Health Center (Queens County) Dr. Sullivan – Abstaining/Interest	Contingent Approval

Dialysis Services – Establish/Construct

Exhibit #9

1. 122067 E	Watertown Dialysis Center, LLC (Jefferson County) *Mr. Booth – Interest	Contingent Approval
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Residential Health Care Facility – Establish/Construct

Exhibit #10

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 121099 E	Parkview Care and Rehabilitation Center, Inc. d/b/a Parkview Care and Rehabilitation Center (Nassau County) *Mr. Fensterman - Recusal	Approval

Residential Health Care Facility – Establish/Construct

Exhibit #16

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 122003 E	Pavilion Operations, LLC d/b/a Corning Center for Rehabilitation and Healthcare (Steuben County) Mr. Fassler – Recusal	Contingent Approval

Certified Home Health Agencies – Establish/Construct

Exhibit #17

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	121325 E	Tri-Borough Certified Health Systems of New York, LLC d/b/a Tri-Borough Certified Health Systems of New York (Nassau County) Ms. Regan - Interest	Contingent Approval
2.	121328 E	Tri-Borough Certified Health Systems of the Hudson Valley, LLC d/b/a Tri-Borough Certified Health Systems of the Hudson Valley (Westchester County) Ms. Regan - Interest	Contingent Approval

Restated Certificate of Incorporation

Exhibit #18

	<u>Applicant</u>	<u>E.P.R.C. Recommendation</u>
1.	Pluta Cancer Center Foundation, Inc. Ms. Hines – Recusal Mr. Robinson – Recusal *Mr. Booth - Interest	Approval

HOME HEALTH AGENCY LICENSURES

Exhibit #19

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
	2061-L	ADG Health Care Holdings, Inc. d/b/a ComForcare Senior Services-Northeast Westchester (Westchester, Putnam, Dutchess and Orange Counties) Ms. Regan - Interest	Contingent Approval
	2017-L	A-Plus Care HHC, Inc (New York, Kings, Queens, Bronx, Richmond and Westchester Counties) Ms. Regan - Interest	Contingent Approval

1946-L	ASC of New York, LLC d/b/a Affordable Senior Care of New York (Bronx, Kings, Nassau, New York, Richmond and Queens Counties) Ms. Regan - Interest	Contingent Approval
1878-L	Christine Home Care Services, Inc. (New York, Bronx, Queens, Kings and Nassau Counties) Ms. Regan - Interest	Contingent Approval
2015-L	Eden Home Care Services, inc. (Bronx, Kings, New York, Queens, Richmond and Nassau Counties) Ms. Regan - Interest	Contingent Approval
2082-L	JC Beginnings, Inc. d/b/a Senior Helpers (Nassau and Suffolk Counties) Ms. Regan - Interest	Contingent Approval
1995-L	Life Quality Homecare Agency, Inc. (Bronx, Kings, New York, Queens, Richmond and Westchester Counties) Ms. Regan - Interest	Contingent Approval
2006-L	Millennium Concepts, Inc. d/b/a Exclusive Care (Bronx, Kings, New York, Queens, Richmond and Nassau Counties) Ms. Regan - Interest	Contingent Approval
2013-L	Ochlor, Incorporated d/b/a Right at Home (Kings, New York, Queens and Richmond Counties) Ms. Regan - Interest	Contingent Approval

1979-L	SonicLeibs, Inc. d/b/a Synergy HomeCare (Bronx, Kings, New York, Queens, Richmond and Westchester Counties) Ms. Regan - Interest	Contingent Approval
1907-L	SR Homecare of NY, Inc. (New York, Kings, Queens, Bronx, Richmond, and Westchester Counties) Ms. Regan - Interest	Contingent Approval
1812-L	St. Vincent de Paul Residence d/b/a St. Vincent de Paul LHCSA (Bronx County) Ms. Regan - Interest	Contingent Approval
1881-L	Marian Care, Inc. (Nassau, Suffolk, and Queens Counties) Ms. Regan - Interest	Contingent Approval
2070-L	Tri-Borough Health Careers, LLC d/b/a Metro Care Home Services, a division of Tri-Borough Health Careers, LLC (Bronx, Kings, New York, Queens, Richmond and Westchester Counties) Ms. Regan - Interest	Contingent Approval
2069-L	Tri-Borough Home Care, Ltd. d/b/a Family Pediatric Home Care, a division of Tri-Borough Home Care, Ltd. (Dutchess, Orange, Putnam, Sullivan Westchester, Ulster, Nassau, Suffolk, and Rockland Counties) Ms. Regan - Interest	Contingent Approval

2013-L Tri-Borough Home Care, Ltd. Contingent Approval
d/b/a Metrocare Givers, a division
of Tri-Borough Home Care, Ltd.
(Bronx, Kings, New York,
Queens, Richmond and
Westchester Counties)
Ms. Regan - Interest

HOME HEALTH AGENCY LICENSURES

Exhibit #13

2153-L Garden Homecare, LLC Contingent Approval
(Erie County)
*Mr. Booth - Interest

CATEGORY 3: Applications Recommended for Approval with the Following:

- ❖ No PHHPC Member Recusals
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- ❖ Contrary Recommendations by or HSA

NO APPLICATIONS

CATEGORY 4: Applications Recommended for Approval with the Following:

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CON Applications

Ambulatory Surgery Center – Establish

Exhibit #20

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	121346 E	White Plains Ambulatory Surgery, LLC d/b/a White Plains Ambulatory Surgery Center, Inc. (Westchester County)	Contingent Approval

Residential Health Care Facility – Establish/Construct

Exhibit #21

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	122194 B	SSS Operating, LLC d/b/a Atlantic Harbor Center for Rehabilitation and Nursing (Suffolk County) *Mr. Fensterman - Recusal	To be presented at the Special Establishment/Project Review Committee on 2/7/13 No Recommendation

X. NEXT MEETING

March 21, 2013 – ALBANY
April 11, 2013 - LATHAM

XI. ADJOURNMENT