

* REVISED 2/11/14 (MEETING LOCATIONS)

STATE OF NEW YORK
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL

ANNUAL MEETING

AGENDA

February 13, 2014

*Immediately following the Special Establishment and Project Review Committee Meeting
(which is scheduled to begin at 9:45 a.m.)*

- New York State Department of Health Offices, Corning Tower, 14th Floor, CR#1, Albany, NY 12237
- New York State Department of Health Offices at 90 Church Street, 4th Floor, Rooms 4A & 4B, NYC
- New York State Department of Health Offices at 584 Delaware Avenue, 2nd Floor Training Video Conference Room, Buffalo, NY 14202
- New York State Department of Health Offices, Triangle Building, 335 East Main Street, Rochester 4th Floor, NY 14604

I. INTRODUCTION OF OBSERVERS

Dr. William Streck, Chairman

II. ELECTION OF OFFICERS

A. Election of Vice 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

C. Discharge the Ad Hoc Advisory Committee on Environmental and Construction Standards

III. 2013 ANNUAL REPORT

Public Health and Health Planning Council Annual Report

Exhibit #1

IV. APPROVAL OF MINUTES

December 12, 2013

January 7, 2014

Exhibit #2

V. ADOPTION OF REVISED OBSERVER GUIDELINES

A. Adoption of the Revised Guidelines for Committee Observers

James Dering, General Counsel

B. Adoption of the Revised Guidelines for Observers for Full Public Health and Health Planning Council

James Dering, General Counsel

Exhibit #3

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 Primary Care and Health Systems Management Activities

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

C. Report of the Office of Health Insurance Programs Activities

Elizabeth Misa, Medicaid Deputy Director, Office of Health Insurance Programs

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

Report on the Activities of the Committee on Health Planning

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

IX. REGULATION

Report of the Committee on Codes, Regulations and Legislation

Exhibit #4

Angel Gutiérrez, M.D., Chair

For Emergency Adoption

3-08 Amendment of Subpart 7-2 of Title 10 NYCRR - Children's Camps

For Adoption

13-25 Section 405.4 of Title 10 NYCRR -Definition of Pediatric Sepsis Update

13-20 Amendment of Section 400.21 and Repeal of Sections 405.43 and 700.5 of Title 10 NYCRR – Advance Directives

X. PROJECT REVIEW RECOMMENDATIONS AND ESTABLISHMENT ACTIONS

Report of the Committee on Establishment and Project Review

Jeffrey Kraut, 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

Residential Health Care Facilities - Construction

Exhibit #5

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|--|---------------------------------------|
| 1. | 132267 C | Linden Center for Nursing and Rehabilitation (Kings 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 #6

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|---|---------------------------------------|
| 1. | 132207 C | New York Presbyterian Hospital – Columbia Presbyterian Center (New York County) Dr. Boutin-Foster – Recusal Dr. Martin - Interest | Contingent Approval |

Ambulatory Surgery Centers - Construction

Exhibit #7

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|---|---------------------------------------|
| 1. | 132199 C | NYU Hospitals Center (New York County) Dr. Brown – Recusal | Contingent Approval |
| 2. | 132205 C | Strong Memorial Hospital (Monroe County) Mr. Booth- Interest Ms. Hines – Recusal Mr. Robinson - Recusal | Contingent Approval |
| 3. | 132210 C | Cayuga Medical Center at Ithaca (Tompkins County) Mr. Booth - Interest | Contingent Approval |

Residential Health Care Facilities - Construction

Exhibit #8

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|--|---------------------------------------|
| 1. | 131309 C | Jamaica Hospital Nursing Home Co. Inc. (Queens County) Mr. Fassler - Interest | Contingent Approval |

**Upstate Request for Applications – Certified Home Health Agencies –
Construction**

Exhibit #9

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|---------------|--|--------------------------------|
| 1. | 132354 C | Alpine Home Health Care, 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

CON Applications

Acute Care Services - Construction

Exhibit #10

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|---------------|--|--------------------------------|
| 1. | 132187 C | Winthrop-University Hospital (New York County) Dr. Brown – Abstained at EPRC | Contingent Approval |

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

NO APPLICATIONS

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 #11

| <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|---------------|---|--------------------------------|
| 1. 132134 B | Moshenyat, LLC d/b/a Moshenyat Gastroenterology Center (Kings County) | Contingent Approval |

Diagnostic and Treatment Centers – Establish/Construct

Exhibit #12

| <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|---------------|--|--------------------------------|
| 1. 131284 B | Lasante Health Center, Inc. (Kings County) | Contingent Approval |
| 2. 132080 B | Broadway Community Health Center, Inc. (New York County) | Contingent Approval |

Residential Health Care Facility – Establish/Construct

Exhibit #13

| <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|---------------|---|--------------------------------|
| 1. 132166 E | Williamsburg Services, LLC d/b/a Bedford Center for Nursing and Rehabilitation (Kings County) | Contingent Approval |

Restated Articles of Organization

Exhibit #14

| <u>Applicant</u> | <u>E.P.R.C. Recommendation</u> |
|---|--------------------------------|
| The Plastic Surgery Center of Westchester , LLC | Approval |

Certificate of Incorporation

Exhibit #15

Applicant

Montefiore Foundation, Inc.

E.P.R.C. Recommendation

Approval

HOME HEALTH AGENCY LICENSURES

Exhibit #16

Number

Applicant/Facility

E.P.R.C. Recommendation

1565 L

Anne M. Chambers d/b/a Health Beat
(Nassau, Queens, and Westchester Counties)

Contingent Approval

1646 L

F & H Homecare, Inc. d/b/a Visiting Angels
(Bronx County)

Contingent Approval

1657 L

Gentle Care Home Services of NY, Inc.
(Bronx, Kings, New York, Queens, and Richmond Counties)

Contingent Approval

1709 L

Gentle Touch Home Care Agency, Inc.
(Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk, and Westchester Counties)

Contingent Approval

2092 L

Igbans Home Care Services, Inc.
(Bronx, Kings, Nassau, New York, Queens, and Richmond Counties)

Contingent Approval

1928 L

Marina Homecare Agency of NY, Inc.
(Dutchess, Nassau, Orange, Putnam, Queens, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties)

Contingent Approval

| | | |
|--------|---|---------------------|
| 2139 L | Westchester Homecare, Inc. d/b/a FirstLight HomeCare of Westchester (Westchester County) | Contingent Approval |
| 2224 L | Foster Nurses Agency USA, Inc. (Bronx, Kings, Nassau, New York, Queens and Richmond 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

Residential Health Care Facility – Establish/Construct

Exhibit #17

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|--|---------------------------------------|
| 1. | 131036 E | Little Neck Care Center (Queens County) Mr. Fensterman – Recusal | Contingent Approval |
| 2. | 131159 E | Morningside Acquisition I, LLC d/b/a Morningside House Nursing Home (Bronx County) Mr. Fassler – Interest Mr. Fensterman - Recusal | Contingent Approval |
| 3. | 131348 E | Shore View Nursing & Rehabilitation Center, LLC (Kings County) Mr. Fensterman – Recusal | Contingent Approval |
| 4. | 132071 E | Steuben Operations Associates, LLC d/b/a Steuben Center for Rehabilitation and Healthcare (Steuben County) Mr. Fensterman – Recusal | Contingent Approval |

| | | | |
|----|----------|--|---------------------|
| 5. | 131092 E | Shorefront Operating, LLC d/b/a Waterfront Rehabilitation and Health Care Center (Kings County) Mr. Fassler – Interest Mr. Fensterman - Recusal | Contingent Approval |
|----|----------|--|---------------------|

Certified Home Health Agencies – Establish/Construct

Exhibit #18

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|---------------|---|--------------------------------|
| 1. | 132115 E | Visiting Nurse Service of New York Home Care (Kings County) Mr. Fassler – Interest Ms. Hines –Interest | Contingent Approval |
| 2. | 132264 E | Visiting Nurse Service of New York Home Care (Kings County) Mr. Fassler – Interest Ms. Hines - Interest | Contingent Approval |

**Upstate Request for Applications – Certified Home Health Agencies –
Establish/Construct**

Exhibit #19

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|---------------|---|--------------------------------|
| 1. | 132353 E | Alpine Home Health Care, LLC (Erie County) Mr. Booth – Interest Mr. Fensterman - Recusal | Contingent Approval |

HOME HEALTH AGENCY LICENSURES

Exhibit #20

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|--|---------------|--|--------------------------------|
| | 2140 L | Hardings Beach, LLC d/b/a Home Instead Senior Care (Monroe County) Mr. Booth – Recusal Ms. Hines – Interest Mr. Robinson - Interest | Contingent Approval |

2213 L

Genesee Region Home Care of
Ontario County, Inc. d/b/a Home
Care Plus
(See exhibit for Counties to be
served)
Mr. Booth – Recusal
Ms. Hines – Interest
Mr. Robinson - 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

Ambulatory Surgery Centers – Establish/Construct

Exhibit #21

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|--|---------------------------------------|
| 1. | 112086 B | 1504 Richmond, LLC d/b/a Richmond Surgery Center (Richmond County) Mr. Fensterman – Recusal Mr. Kraut – Recusal Ms. Hines – Abstained at EPRC One Member Opposed | Contingent Approval |

**Upstate Request for Applications – Certified Home Health Agencies –
Establish/Construct**

Exhibit #22

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|---|---------------------------------------|
| 1. | 131224 E | Visiting Nurse Service of New York Home Care (Dutchess County) Ms. Hines – Interest Three Members Opposed at EPRC | Contingent Approval |

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

Dialysis Services – Establish/Construct

Exhibit #23

| <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|---------------|---|---|
| 1. 132178 E | Big Apple Dialysis Management, LLC (Kings County) Dr. Bhat – Recusal Mr. Fensterman – Recusal Dr. Palmer - Recusal | To be presented at the Special Establishment/Project Review Committee on 2/13/14 No Recommendation |

Upstate Request for Applications – Certified Home Health Agencies – Establish/Construct

Exhibit #24

| <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|---------------|---|--------------------------------|
| 1. 131225 E | Visiting Nurse Service of New York Home Care (Oneida County) Mr. Booth – Interest Ms. Hines – Interest Dr. Streck - Interest | No Recommendation |

XI. PROFESSIONAL

Executive Session - Report of the Committee on Health Personnel and Interprofessional Relations

Dr. Jodumutt Bhat, Chair
One Case arising under PHL 2801-b

XII. NEXT MEETING

March 27, 2014 - ALBANY
April 10, 2014 – ALBANY

XIII. ADJOURNMENT