

Division of Home & Community Based Services  
Character and Competence Staff Review

Name of Agency: North Road LHCSA, Inc.  
Address: Poughkeepsie  
County: Dutchess  
Structure: Not-For-Profit Corporation  
Application Number: 2462-L

Description of Project:

North Road LHCSA, Inc., a not-for-profit corporation, requests approval for a change in ownership of a licensed home care services agency under Article 36 of the Public Health Law. This transaction is part of the purchase of the Saint Francis Hospital system by Westchester Medical Center.

St. Francis Home Care Services Corporation was previously approved as a home care services agency by the Public Health Council at its June 26, 1987 meeting and subsequently licensed as 0379L001.

St. Francis Hospital filed for bankruptcy protection with U.S. Bankruptcy Court on December 17, 2013. On February 24, 2014, the Court approved the Westchester County Health Care Corporation's purchase of SFH's assets out of bankruptcy, including the assets of the St. Francis Home Care Services Corporation.

North Road LHCSA, Inc. is a subsidiary of Westchester County Health Care Corporation (WCHCC), a not-for-profit public benefit corporation. WCHCC is the sole voting member of North Road LHCSA, Inc. As of the date of the closing of the asset purchase, the St. Francis Home Care Services Corporation will cease to operate a licensed home care agency.

Based on advice from the NYSDOH Division of Legal Affairs, Bureau of House Counsel, a public benefit corporation is a government agency. Pursuant to 10 NYCRR 760.3(c)(1)-(4), character and competency review of the governing body of any government subdivision shall consider the governing body as a whole, rather than the individual elected or appointed members of the governing body.

In addition, Westchester County Health Care Corporation, d/b/a Westchester Medical Center, will be the member corporation of the following entities:

- WMC New York, Inc.
- The Westchester Medical Center Foundation, Inc.
- The Children's Hospital Foundation of WMC, Inc.
- Mid-Hudson Valley Division of Westchester Medical Center Healthcare Foundation, formerly St. Francis Hospital Health Care Foundation, Inc.
- Mid-Hudson Valley Division of Westchester Medical Center Preschool, formerly St. Francis Hospital Preschool
- Mid-Hudson Valley Division of Westchester Medical Center Home Care Services Corporation, formerly St. Francis Home Care Services Corporation

A search of the above named applicant and affiliations revealed no matches on either the Medicaid Disqualified Provider List or the Office of the Inspector General's Provider Exclusion List.

The Division of Hospital and Diagnostic and Treatment Centers has reviewed the compliance history of Westchester Medical Center hospital, for the time period of 2007-2014. Westchester Medical Center hospital was the subject of an enforcement action in 2008 based on violations citing inadequate medical work-up for a child who ultimately died after being seen in the Emergency Department on three (3) separate occasions. The hospital paid a six thousand dollar (\$6,000.00) civil penalty to resolve this matter. The hospital has been in substantial compliance since that time.

The applicant proposes to continue to serve the residents of the following counties from an office located at 241 North Road, Poughkeepsie, New York, 12601:

Columbia	Dutchess	Orange	Putnam
Rockland	Sullivan	Ulster	Westchester

The applicant proposes to continue to provide the following health care services:

Nursing	Home Health Aide	Personal Care	Medical Social Services
Occupational Therapy	Physical Therapy	Nutrition	Speech-Language Pathology
Homemaker	Housekeeper	Audiology	Respiratory Therapy

Review of the Personal Qualifying Information indicates that the applicant has the required character and competence to operate a licensed home care services agency.

Contingency

Submission of any and all information requested by the Division of Legal Affairs, in a form and manner acceptable to the Department.

Recommendation: Contingent Approval  
Date: April 9, 2014