

Public Health and Health Planning Council 2015 Annual Report

I. General Council Activities in 2015

The Public Health and Health Planning Council (PHHPC) held a total of 19 meetings, inclusive of regularly scheduled and Special Full Council, Special Public Health Committee, Special Health Planning Committee, Special Committee on Codes, Regulations and Legislation meetings, Ad Hoc Committee to Lead the Prevention Agenda, and Ad Hoc Advisory Committee on Freestanding Ambulatory Surgery Centers and Charity Care.

<u>Meeting Dates</u>	<u>Meeting</u>	<u>PHHPC Meeting Location</u>
01/29/15	Committee Day: Joint Meeting of the Public Health Committee and the Ad Hoc Committee to Lead the Prevention Agenda Establishment and Project Review Committee Committee on Codes, Regulations and Legislation	NYC Albany Buffalo Rochester
02/12/15	Full Council Annual Meeting	NYC
03/26/15	Committee Day: Establishment and Project Review Committee Ad Hoc Committee on Freestanding Ambulatory Surgery Centers and Charity Care	Albany
04/16/15	Full Council	Albany
05/21/15	Committee Day: Committee on Codes, Regulations and Legislation Establishment and Project Review Committee Ad Hoc Committee on Freestanding Ambulatory Surgery Centers and Charity Care	NYC Buffalo Rochester
06/10/15	Health Planning Committee	NYC
06/11/15	Full Council	NYC

07/23/15	<p>Committee Day: Public Health Committee Establishment and Project Review Committee</p> <p>Ad Hoc Committee on Freestanding Ambulatory Surgery Centers and Charity Care</p> <p>Committee on Codes, Regulations and Legislation</p>	Albany
08/06/15	<p>Committees: Health Planning Committee</p> <p>Special Establishment and Project Review Committee</p>	Albany
08/06/15	Full Council	Albany
08/17/15	Special Committee on Codes, Regulations and Legislation	Albany Great Neck NYC Queensbury Rochester
08/17/15	Special Full Council	Albany Great Neck NYC Queensbury Rochester
09/24/15	<p>Committee Day: Health Planning Committee</p> <p>Establishment and Project Review Committee</p> <p>Joint Meeting of the Public Health Committee and the Ad Hoc Committee to Lead the Prevention Agenda</p>	NYC Albany Rochester
10/08/15	<p>Committees: Committee on Codes, Regulations and Legislation</p> <p>Special Establishment and Project Review Committee</p>	NYC Rochester

10/08/15	Full Council	NYC Rochester
11/18/15	Health Planning Committee	Albany
11/19/15	Committee Day: Committee on Codes, Regulations and Legislation Establishment and Project Review Committee	Albany
12/10/15	Committees: Committee on Codes, Regulations and Legislation Establishment and Project Review Committee	Albany
12/10/15	Full Council	Albany

II. Membership

Jeffrey A. Kraut, Chair
 Jo Ivey Boufford, M.D., Vice Chair
 Howard S. Berliner, SC.D.
 Jodumutt Ganesh Bhat, M.D. (until May 2015)
 Christopher C. Booth (until February 2015)
 Lawrence S. Brown, Jr., M.D., M.P.H.
 Kathleen Carver Cheney, Esq.
 Michael Fassler
 Kim Fine
 Carla Boutin-Foster, M.D.
 Ellen Grant, Ph.D. (until June 2015)
 Angel Alfonso Gutierrez, M.D.
 Victoria G. Hines
 Thomas Holt
 Arthur A. Levin, MPH

Gary Kalkut, M.D.
 Glenn Martin, M.D.
 John M. Palmer, Ph.D.
 Ellen L. Rautenberg, M.H.S.
 Peter G. Robinson
 John Ruge, M.D., MPP
 Theodore Strange, M.D.
 Anderson Torres, Ph.D., LCSW-R
 Patsy Yang, Dr.P.H.
 Dr. Howard Zucker, Commissioner of Health, Ex-Officio

The PHHPC consists of the following Standing Committees and Ad Hoc Committee

- 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 Prevention Agenda
- Ad Hoc Committee on Freestanding Ambulatory Surgery Centers and Charity Care

III. Major Accomplishments of Committees in 2015

A. **Committee on Codes, Regulations and Legislation**

Members

Angel Alfonso Gutierrez, M.D., Chair	Kim Fine
John M. Palmer, Ph.D., Vice Chair	Thomas Holt
Jodumutt Ganesh Bhat, M.D. (until May 2015)	Jeffrey Kraut (appointed December 2015)
Kathleen Carver Cheney	John Rugge, M.D., MPP
Michael Fassler	Patsy Yang, Dr.P.H.

The Codes Committee held seven meetings in 2015 (January 29th, March 26th, May 21st, July 23rd, August 17th, October 8th and December 10th).

EMERGENCY ADOPTION

In 2015, the Codes Committee recommended and the Council subsequently approved for adoption the following proposed emergency regulations:

Subpart 7-2 of Title 10 NYCRR – Children’s Camps – The proposed amendments would implement requirements of the New York State Protection of People with Special Needs Act, which specifies children’s camps for children with developmental disabilities as a type of facility within the oversight of the Justice Center.

Part 4 of Title 10 NYCRR – Protection Against Legionella – This proposed emergency regulation would create Part 4 of Title 10 regarding cooling towers, which recirculate and aerosolize water. The emergency regulations establish requirements for the registration, testing, cleaning and disinfection, maintenance, inspection, certification, recordkeeping, and reporting of results and actions in order to control the growth of *Legionella* bacteria.

Part 9 of Title 10 NYCRR – Synthetic Phenethylamines and Synthetic Cannabinoids – The proposed amendments would expand the list of prohibited synthetic cannabinoids and update the regulation for consistency with the Federal schedule I of controlled substances.

ADOPTION

In 2015, the Codes Committee recommended and the Council subsequently approved for adoption the following proposed regulations:

Sections 415.3 of Title 10 NYCRR – Nursing Home Transfers and Discharge Rights – The proposed changes to section 415.3 of Title 10 would require nursing home providers to issue a valid written transfer/discharge notice to the resident and his or her designated representative.

Section 16.25 and Addition of Section 16.59 of Title 10 NYCRR – Computed Tomography Quality Assurance – This proposal would establish requirements for the use of Computed Tomography on humans within New York State, excluding New York City. The New York City Department of Health and Mental Hygiene regulates the use of ionizing radiation within the five boroughs.

Section 405 of Title 10 NYCRR – Observation Services – The proposed regulation would repeal section 405.19 (g) of Title 10, related to observation services, and add a new section 405.32. The new section 405.32 would be consistent with Public Health Law section 2805-v, set forth organization and notice requirements, and allow hospitals to provide observation services in inpatient beds or in distinct observation units.

Part 757 of Title 10 NYCRR – Chronic Renal Dialysis Services – This proposed regulation would repeal Part 757 of Title 10, which governs New York State renal dialysis facilities, and create a new Part 757. The new Part 757 would conform to changes in Federal regulations pertaining to providers of End State Renal Disease services, clarify specific terms, and strengthen operational requirements.

Parts 58 and 34 of Title 10 NYCRR – Patient Access to Laboratory Test Results – Parts 34 and 58 of Title 10 govern laboratory test results reporting practices. The proposed amendments would be consistent with Federal regulations and permit laboratories to release patient test results directly to the patient upon patient request without the ordering provider’s written consent.

Part 9 of Title 10 NYCRR – Synthetic Phenethylamines and Synthetic Cannabinoids – The proposed amendments would expand the list of prohibited synthetic cannabinoids and update the regulation for consistency with the Federal schedule I of controlled substances.

REGULATORY PROPOSALS FOR INFORMATION

In 2015, the Codes Committee reviewed the following proposals presented for information, which were undergoing or had recently completed the public comment period.

Sections 22.3 and 22.9 of Title 10 NYCRR – Supplementary Reports of Certain Congenital Anomalies for Epidemiological Surveillance – The proposed regulations would define when and how individuals are reported to the Congenital Malformations Registry.

Part 300 of Title 10 NYCRR – Statewide Health Information Network for New York – This proposal would add a new Part 300 to Title 10, which would give the Department regulatory oversight over the Statewide Health Information Network for New York (SHIN-NY).

REGULATORY PROPOSALS FOR DISCUSSION

In 2015, the following proposals were discussed by the Codes Committee:

Subpart 7-2 of Title 10 NYCRR – Children’s Camps – The proposed amendments would implement requirements of the New York State Protection of People with Special Needs Act, which specifies children’s camps for children with developmental disabilities as a type of facility within the oversight of the Justice Center. This proposal also would extend specified health and safety protections to all camps enrolling a child with a developmental or other disability, not just to children’s camps for children with developmental disabilities.

B. Committee on Establishment and Project Review

Members

Jeffrey Kraut, Chair (served as Chair until March 2015)	Ellen Grant, Ph.D. (until July 2015)
Christopher Booth, Vice Chair (until February 2015)	Angel Gutierrez, M.D.
Peter Robinson, Chair (appointed as Chair March 2015)	Victoria G. Hines
Gary Kalkut, M.D., Vice Chair (appointed as Vice Chair March 2015)	Thomas Holt (appointed July 2015)
Howard Berliner	Arthur Levin
Lawrence S. Brown, Jr., M.D., M.P.H.	Glenn Martin, M.D.
Michael Fassler	Anderson Torres, Ph.D.
Kim Fine (appointed March 2015)	

Committee Description

Responsible for reviewing the CON applications involving construction, service changes or establishment, and transfers of ownership.

Charity Care Reporting Compliance for Approved Ambulatory Surgery Centers (ASC)

Subdivision (d) of 10 NYCRR section 709.5 lists a written policy to provide charity care and documentation of enhanced access to the underserved among the factors that *shall* be considered in determining public need for Ambulatory Surgery Services. This is the Department’s basis for monitoring and enforcing the applicant’s charity care and Medicaid targets during the limited life period through annual reporting.

See Attachments for Complete Report

C. Committee on Health Planning

Members

John Rugge, M.D. MPP - Chair	Jeffrey Kraut
Ellen Grant, Ph.D. - Vice Chair (until June 2015)	Arthur Levin
Howard Berliner	Glenn Martin, M.D.
Christopher Booth (until February 2015)	John Palmer, Ph.D.
Jo Ivey Boufford, M.D.	Ellen Rautenberg
Kathleen Carver Cheney	Peter Robinson
Michael Fassler	

Work Conducted in 2015

In 2015, the Committee established an agenda for its work that would primarily focus upon changes occurring within long term care, and in particular review need methodologies pertaining to long term care services. At its June 10th and September 24th meetings, the Committee began discussions regarding potential revisions to the Residential Health Care Facility Bed Need Methodology (10 NYCRR § 709.3). On November 18th, the Committee held a special session to seek stakeholder input on overarching policy considerations that should be taken into account in the long term care context. The Committee determined to continue its work on revising the methodology in 2016 and will consider revisions to the need methodologies for other long term care services including ventilator beds (10 NYCRR § 709.17), hospice beds (10 NYCRR § 790.16), Certified Home Health Agency slots (10 NYCRR § 760.5).

D. Committee on Public Health

Members

Jo Ivey Boufford, M.D., Chair	Angel Gutierrez, M.D.
Anderson Torres, Ph.D., Vice Chair	Victoria G. Hines
Christopher Booth (until February 2015)	Arthur Levin
Lawrence S. Brown, Jr., M.D., M.P.H.	Ellen Rautenberg
Carla Boutin-Foster, M.D.	Theodore Strange, M.D.
Kim Fine	Patsy Yang, Dr.P.H.

Committee Description

Charged with addressing the statewide governmental public health infrastructure (including workforce, IT, laboratory and other organizational capacity consistent with the Essential Public Health Functions) and support actions to assure readiness for future public health agency accreditation and public health workforce certification. It will also promote interagency collaborations across government to support a “Health in All Policies” approach by State leadership. These activities would be combined with the current Ad Hoc Prevention Committee of PHC.

In 2015, the Public Health Committee, under the leadership of Jo Ivey Boufford, Chairperson, focused on two items:

- Continued its support of the implementation of the *Prevention Agenda 2013-18*, New York State's health improvement plan, developed by the New York State Public Health and Health Planning Council at the request of the Department of Health in partnership with the Ad Hoc Committee to Lead the Prevention Agenda;
- Discussed maternal mortality and ways that the Committee could address it, in an effort to "move the needle" on a major public health concern in NYS.

The goal of the state's Prevention Agenda is to improve health status and reduce health disparities in five priority areas: Prevent Chronic Disease, Promote Healthy Women, Infants and Children, Promote a Healthy and Safe Environment, Promote Mental Health and Prevent Substance Abuse and Prevent HIV, STDs and Vaccine Preventable Diseases and Health Care Associated Infections. The Prevention Agenda plan has been the basis for local community health improvement planning and action by local health departments and hospitals working with their partners in local communities. In 2015 the Public Health Committee and the Ad Hoc Committee to Lead the Prevention Agenda focused attention on strengthening local efforts and promoting better connections between the Prevention Agenda and other health reform initiatives in New York State, including the State Health Innovation Plan and the Medicaid Delivery System Reform Incentive Payment Program (DSRIP). In 2015, The *Prevention Agenda* Dashboard, which measures progress on 96 statewide health related indicators, including reductions in health disparities, showed that 16 of the health objectives had been met. Reducing maternal mortality and its significant disparities is a goal the committee adopted to bring attention to a Prevention Agenda priority and to move the need on this issue. The committee has focused on "pre-hospital" strategies including bringing attention on the importance of integrating preconception and interconception care in routine outpatient care for women of reproductive age. The committee concluded its series of discussions on this issue at its July, 2015 meeting where speakers discussed how to use health reform initiatives in NYS to focus attention on women's health care. A final report on the series of meetings and recommendations for improvement has been adopted by the Committee and will be reviewed and voted on by the entire Council at its February 2016 meeting. In the future, the Committee will be represented in the newly established *New York State Partnership for Maternal Health* that includes the New York State and New York City Departments of Health, the New York State American Congress of Obstetricians and Gynecologists, and the hospital associations in the state. This group will collaborate on efforts to improve care for women and reduce maternal mortality.

E. Committee on Health Personnel and Interprofessional Relations

Members

Glenn Martin, M.D., Chair (appointed Chair June 2015)	Kathleen Carver-Cheney,
Jodumutt Bhat, M.D, Chair (until May 2015)	Angel Gutierrez, M.D. (appointed June 2015)
Ellen Grant, Ph.D., Vice Chair (until June 2015)	Thomas Holt

Committee Description

Pursuant to 2801-b of the Public Health Law, the Council also considers verified complaints submitted by physicians, podiatrists, optometrists, dentists, and licensed midwives whose hospital privileges have been terminated, suspended or denied.

The Committee reviewed and decided on five health personnel cases in Executive Session.

Committee Description

F. Ad Hoc Committee on Freestanding Ambulatory Surgery Centers and Charity Care

Members

Peter Robinson, Chair	Glenn Martin, M.D.
Howard S. Berliner, SC.D.	John Ruge, M.D.
Kathleen Carver-Cheney, Esq.	
Christopher Delker	

Committee Description

The Ad Hoc Committee convened its first meeting in September 2014 and continued to meet until August 2015 to examine the factors affecting the level of charity care being provided by freestanding ambulatory surgery centers (ASCs), including those that cause some ASC operators to fall significantly short of their charity care targets. The Committee also considered alternatives to the direct provision of charity care by freestanding ASCs which may nevertheless expand access to services by uninsured clients and others dependent on uncompensated care.

The Public Health and Health Planning Council adopted the Final Report and Recommendations on August 6, 2015. You may view the report at the following website:

http://www.health.ny.gov/facilities/public_health_and_health_planning_council/docs/freestanding_ambulatory_surgery_centers.pdf

Project Review 2015

The following projects were reviewed by the Establishment and Project Review Committee and forwarded to the Public Health and Health Planning Council in 2015.

HOSPITALS

Hospital Establishments

- 151216 E Columbia Memorial Hospital
Establish Albany Medical Center as the active parent/co-operator of
Columbia Memorial Hospital
- 151247 E Eastern Long Island Hospital
Disestablish Peconic Health Care Corporation as the active parent/co-
operator of the hospital
- 151027 E NYP Community Programs, Inc.
Establish NYP Community Programs, Inc as the active parent and co-
operator of New York Hospital Medical Center of Queens, which will be
renamed New York Presbyterian/Queens
- 142218 E NYU Lutheran Medical Center
Establish NYU Langone Health System, Inc. as the active parent and co-
operator of Lutheran Medical Center to be renamed NYU Lutheran Medical
Center
- 151217 E North Shore-Long Island Jewish Health Care, Inc.
Establish North Shore-Long Island Jewish Health Care, Inc. as the active
parent/co-operator of Central Suffolk Hospital d/b/a Peconic Bay, including
the hospital, nursing home and certified home health agency (Companion to
CON 151205)
- 151205 E Peconic Bay Medical Center
Disestablish Peconic Health Corporation a/k/a East End Health Alliance as
active parent and co-operator (Companion to CON 151217)
- 151221 E Southampton Hospital
Disestablish Peconic Health Corporation as the active parent and co-
operator of Southampton Hospital
- 152116 E Winifred Masterson Burke Rehabilitation Hospital
Establish Montefiore Health System, Inc as the active parent/co-operator of
Winifred Masterson Burke Rehabilitation Hospital
- 152099 E Westfield Memorial Hospital
Request for indefinite life for CON #101136

Hospital Mergers

- 152008 E NYU Hospitals Center
Certify NYU Lutheran Medical Center as a division of NYU Hospitals Center
- 152083 C University Hospital
Certify Southampton Hospital as a division of University Hospital
- \$ 3,688,448

Hospital Modernizations or Expansions with Capital Cost in Excess of \$50 Million

152035	C	NYU Hospitals Center Construct a replacement division located at 70 Atlantic Ave, Brooklyn with 2 med/surg beds by relocating the current off-campus emergency department and adding Primary Care, Other Medical Specialties, and Multi-Specialty Ambulatory Surgery services	\$125,366,629
142181	C	Orange Regional Medical Center Construct a new medical office building and cancer center on the hospital campus	\$ 99,872,535
151204	C	Vassar Brothers Medical Center Construct new bed tower and renovate portions of the hospital campus to modernize the facility; decrease total bed count from 365 to 350 by decertifying 9 pediatric beds and 12 medical/surgical beds, and adding 6 intensive care beds	\$466,164,933
142168	C	Westchester Medical Center Construct an Ambulatory Care Pavilion on the hospital's main campus	\$205,899,357

Hospital Ambulatory Surgery Centers

151162	C	University Hospital SUNY Health Science Center Request for indefinite life for CON #101123	
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Hospital Beds

151107	C	New York Presbyterian Hospital - Columbia Presbyterian Center Convert 19 Neonatal Intermediate Care beds to 19 Neonatal Intensive Care beds, add 17 net new Neonatal Intensive Care beds for a total of 50, and perform renovations	\$ 11,111,193
142228	C	Strong Memorial Hospital Renovate existing space within the hospital to add eight (8) Neonatal Intensive Care beds for a total of 34 NICU beds	\$ 2,261,373
151213	C	Strong Memorial Hospital Certify eight (8) pediatric intensive care beds and construct six (6) operating rooms, a procedure room and a pediatric catheterization laboratory with support space	\$ 45,283,688

Hospital Modernizations or Expansions with Capital Cost Less Than \$50 Million

152093	C	Adirondack Medical Center-Saranac Lake Site Construct a new surgical suite with six (6) new operating rooms, including one (1) hybrid operating room, relocate an existing endoscopy suite, and replace an existing MRI suite	\$ 19,704,621
151302	C	Crouse Hospital Relocate and expand the emergency department and relocate the urgent care service to the old emergency department space	\$ 42,410,216
142261	C	Faxton-St Lukes Healthcare St Lukes Division Certify 8-station chronic renal dialysis extension clinic, including home dialysis services, to be located at 131 Main Street, Oneida	

Project Review 2015

142081	C	Huntington Hospital Construction of a replacement emergency department	\$ 45,150,953
142185	C	New York Presbyterian Hospital - New York Weill Cornell Center Certify a new extension clinic to provide therapeutic radiology to be located at 21 Broadway, New York	\$ 5,121,630
151178	C	Nicholas H Noyes Memorial Hospital Certify Therapeutic Radiology Services and certify one Linear Accelerator with requisite construction	\$ 7,404,691
142083	C	Southside Hospital Construction of a replacement emergency department	\$ 38,088,576

RESIDENTIAL HEALTH CARE FACILITIES

RHCF Establishments

151182	E	1 Bethesda Drive Operating Company, LLC d/b/a Elderwood at Hornell Establish 1 Bethesda Drive Operating Company, LLC as the new operator of the 112-bed facility located at 1 Bethesda Drive, North Hornell, which is currently operated as the McCauley Manor at MercyCare	
151085	E	AURNC Operating, LLC d/b/a Auburn Rehabilitation & Nursing Center Establish AURNC Operating, LLC as the new operator of Auburn Nursing Home, a 92-bed facility located at 85 Thornton Avenue, Auburn	
151083	E	Allure SJA, LLC d/b/a Saints Joachim & Anne Nursing Establish Alure SJA, LLC as the new operator of the 200-bed facility located at 2720 Surf Avenue, Brooklyn	
151087	E	BVRNC Operating, LLC d/b/a Blossom View Rehabilitation & Nursing Center Establish BVRNC Operating, LLC as the new operator of the existing 129-bed facility located at 6884 Maple Avenue, Sodus, and decertify 5 residential health care facility beds	
151196	E	Daleview Care Center Transfer of 9% ownership interest from one (1) existing shareholder to three (3) existing shareholders bringing each of the three shareholders to a total interest of 11%	
141207	E	Delaware Operations Associates, LLC d/b/a Buffalo Center for Rehabilitation and Healthcare Establish Delaware Operations Associates, LLC d/b/a Buffalo Center for Rehabilitation and Healthcare as the new operator of the Delaware Nursing and Rehabilitation Center in Buffalo	
142195	B	Delhi Rehabilitation & Nursing Center Establish DRNC Operating, LLC as the operator of a to-be constructed, 176 bed residential health care facility to be located at 41861 State Route 10, Delhi on the site of the former Countryside Care Center	\$ 30,846,346

Project Review 2015

- 151046 E Diamond Hill Operator, LLC d/b/a Diamond Hill Nursing and Rehabilitation Center
Establish Diamond Hill Operator, LLC as the new operator of Diamond Hill Nursing and Rehabilitation Center, a 120-bed facility located at 100 New Turnpike Road, Troy
- 151180 E ECRNC, LLC d/b/a Evergreen Commons Rehabilitation and Nursing Center
Establish ECRNC, LLC as the new operator of the 240-bed facility located at 1070 Luther Road, East Greenbush
- 151134 E Hamilton Manor Nursing Home, LLC
Establish Hamilton Manor Nursing Home, LLC as the new operator of Hamilton Manor Nursing Home, a 40-bed facility located at 1172 Long Pond Road, Rochester
- 141079 E Hollis Park Manor Nursing Home
Transfer of 66% of ownership interest from one member to new and existing members
- 142279 E Huntington Acquisition 1 LLC d/b/a Hilaire Rehab & Nursing
Establish Huntington Acquisition 1, LLC as the new operator of the 76-bed facility located at 9 Hilaire Drive, Huntington, currently operated by Hilaire Farm Skilled Living and Rehabilitation Center, LLC
- 151026 E Kaaterskil Operating, LLC d/b/a Greene Meadows Nursing and Rehabilitation Center
Establish Kaaterskil Operating, LLC as the new operator of the facility located at 161 Jefferson Heights, Catskill, currently operated as Kaaterskill Care: Skilled Nursing and Rehab
- 151133 E Latta Road Nursing Home East, LLC
Establish Latta Road Nursing Home East, LLC as the new operator of Latta Road Nursing Home A, a 40-bed facility located at 2102 Latta Road, Rochester
- 151131 E Latta Road Nursing Home West, LLC
Establish Latta Road Nursing Home West, LLC as the new operator of Latta Road Nursing Home, a 40-bed facility located at 2100 Latta Road, Rochester
- 151108 B MLAP Acquisition 1, LLC d/b/a Long Beach Nursing and Rehabilitation Center
Establish MLAP Acquisition 1, LLC as the new operator of a 150-bed residential health care facility located at 375 East Bay Drive, Long Beach, currently operated as Komanoff Center for Geriatric and Rehabilitative Medicine
- 152011 E Maximus 909 Operations, LLC d/b/a Briody Health Care Facility
Establish Maximus 909 Operations, LLC as the new operator of the 82-bed Briody Health Care Facility located at 909 Lincoln Avenue, Lockport
- 142102 E NHRC Acquisition, LLC d/b/a Humboldt House Rehabilitation and Nursing Center
Establish NHRC Acquisition, LLC as the new operator of the facility located at 64 Hager Street, Buffalo that is currently operated by Niagara Lutheran Home and Rehabilitation Center, Inc.

Project Review 2015

142278	E	Nesconset ZJ 1 LLC d/b/a Nesconset Center for Nursing and Rehabilitation Establish Nesconset ZJ 1 LLC as the new operator of the 240 bed facility located at 100 Southern Boulevard, Nesconset, currently operated by Nesconset Acquisition, LLC, and decertify 12 RHCF beds	
142221	E	Newfane Operations, LLC d/b/a Newfane Rehab & Health Care Center Establish Newfane Operations, LLC as the new operator of Newfane Rehab and Health Care Center located at 2709 Transit Road, Newfane, and decertify 10 residential health care facility beds for a total of 165 beds	
151014	E	PRNC Operating, LLC d/b/a Plattsburgh Rehabilitation and Nursing Center Establish PRNC Operating, LLC as the new operator of the 89-bed facility located 8 Bushey Boulevard, Plattsburgh currently operated as Evergreen Valley Nursing Home	
151284	E	Regeis Care Center Transfer of 99% ownership interest to two (2) new members	
141153	E	River Meadows, LLC d/b/a James Square Nursing and Rehabilitation Centre Establish River Meadows, LLC d/b/a James Square Nursing and Rehabilitation Centre as the new owner of James Square Nursing and Rehabilitation Centre and decertify 15 residential health care facility beds for a total of 440 beds	
131349	E	Sea Crest Acquisition 1, LLC d/b/a Sea-Crest Health Care Center Establish Sea-Crest Acquisition 1, LLC as the new owner and operator of Sea-Crest Health Care Center and decertify 15 beds for a total of 305 total beds	
151060	E	Warren Operations Associates, LLC d/b/a Warren Center for Rehabilitation and Healthcare Establish Warren Operations Associates, LLC as the new operator of the 80-bed facility located at 42 Gurney Lane, Queensbury that is currently operated as Westmount Health Facility	
151191	E	West Ledge Op, LLC d/b/a Pinnacle Center for Rehabilitation on the Hudson Establish West Ledge Op, LLC as the new operator of the 100-bed facility located at 2000 Main Street, Peekskill which is currently operated as West Ledge Rehabilitation and Nursing Center, and decertify four beds	
<u>RHCF Modernizations or Expansions with Capital Cost in Excess of \$25 Million</u>			
132305	C	Jewish Home of Rochester Construct a total of 168 new resident rooms in Greenhouse Homes and decertify 34 RHCF beds	\$ 89,926,882
<u>RHCF Beds</u>			
142231	C	Charles T Sitrin Health Care Center Inc Certify 32 additional RHCF beds to develop a specialty unit for individuals with neurological disorders	\$ 1,243,900
132127	C	Four Seasons Nursing and Rehabilitation Center Expand existing 20 bed ventilator dependent unit to 30 with the conversion of 10 RHCF beds	

DIAGNOSTIC AND TREATMENT CENTERS

Diagnostic and Treatment Center Establishments

142069	B	Bethany Village Primary Care Network, Inc. Establish and construct a diagnostic and treatment center to be located at 2977 Westinghouse Road, Horseheads	\$ 82,045
152015	B	Community Health Initiatives, Inc. Establish and construct a diagnostic and treatment center to be located at 2882 West 15th Street, Brooklyn - "Safety Net"	\$ 278,725
151226	E	DHCH, LLC d/b/a Digestive Health Center of Huntington Establish DHCH, LLC as the new operator of the Digestive Health Center of Huntington	
152164	B	Dialyze Direct NY, LLC Establish and construct a hemodialysis training center to be located at 4714 16th Avenue, Brooklyn	\$ 723,650
152029	E	FedCare Establish FedCare Inc. as the new operator of the facility located at 344 West 51st Street, New York which is currently operated by New York Center for Specialty Surgery	
152075	E	First Medicare Primary Care Center Transfer of 25% ownership interest to one (1) new member from the one (1) existing member	
142222	B	Healthquest Health Center, LLC Establish and construct a new diagnostic and treatment center to be located at 3500 Nostrand Avenue, Brooklyn	\$ 1,578,144
151250	B	LISH, Inc. Establish a diagnostic & treatment center to be located at 159 Carleton Avenue, Central Islip and five (5) extension clinics, all currently Art. 28 facilities operated by 3 different operators. (Amends and supercedes 142031)	\$ 840,649
142257	B	Liberty Resources, Inc. d/b/a Liberty Resources Family Health Clinic Establish Liberty Resources, Inc. as the operator of a new diagnostic and treatment center to be located at 1045 James Street, Syracuse	
142152	E	Odyssey Community Services, Inc. Establish Odyssey Community Services, Inc as the operator of a diagnostic and treatment facility located at 219 East 121st Street, New York, which is currently operated as an extension clinic of Odyssey House	
142006	B	Partners Healthcare Network, LLC Establish and construct a diagnostic and treatment center at 8814 Foster Avenue, Suite B, Brooklyn	\$ 242,398
142212	E	S.L.A. Quality Healthcare Establish S.L.A. Associates as the new operator of the facility located at 201 Kings Highway, Brooklyn which is currently operated by City Wide Health Facility Inc.	

Project Review 2015

132131	B	SMC Manhattan Center Establish and construct a new diagnostic and treatment center located at 512 West 126th Street in Harlem to provide primary care services primarily to individuals and families living with HIV/AIDS	\$ 558,802
151035	E	Saratoga-Schenectady Endoscopy Center, LLC Transfer 10% membership interest to one (1) new member	
141253	E	South Brooklyn Endoscopy Center Transfer 40% of membership interest to four (4) new members and the withdrawal of two (2) existing members and certify an additional three (3) year limited life extension for Project No. 081088	
142272	E	Specialists' One-Day Surgery Center, LLC Transfer of 6.4516% membership interest to two (2) new members	
151258	E	Suffolk Surgery Center, LLC Transfer of ownership interest for North Shore-LIJ Multispecialty Ventures, LLC to become a 70% member of Suffolk Surgery Center, LLC	
151166	B	The Birthing Center of NY Establish and construct a freestanding diagnostic and treatment center birthing center located at 6702-6706 Third Avenue, Brooklyn	\$ 135,780
142213	B	The New York Proton Center Establish and construct a proton beam therapy diagnostic and treatment center to be located at 225 East 126th Street, New York. This project amends and supercedes CON # 101151	\$238,441,379
142133	B	Upstate Family Health Center Inc. Establish Upstate Family Health Center Inc. as the new operator of four (4) sites currently operated by UCP & Handicapped Persons of Utica Area Inc. and relocate three (3) sites to two (2) new locations for a total of three (3) sites	
<u>Freestanding Ambulatory Surgery Centers</u>			
151288	B	Colonie ASC, LLC d/b/a Specialty Eye Surgery and Laser Center of the Capital Region Establish and construct a freestanding single-specialty ambulatory surgery center for ophthalmology to be located at 207 Troy-Schenectady Road, Latham	\$ 666,800
151121	C	East Side Endoscopy Certify a second specialty, Pain Management, to become a dual single-specialty freestanding ambulatory surgery center	\$ 262,327
151277	B	Hospital for Special Surgery Ambulatory Surgery Center of Manhattan, LLC d/b/a HSS ASC of Manhattan Establish and construct a single - specialty freestanding orthopedic ambulatory surgical center to be located at 1233 Second Avenue, New York	\$ 16,210,340

Project Review 2015

151246	B	Mid-Bronx Endoscopy Center Establish and construct a new single-specialty ambulatory surgery center specializing in gastroenterology procedures to be located at 57 West Burnside Avenue, Bronx	\$ 3,918,239
142134	C	Mohawk Valley Eye Surgery Center Certify a single specialty ambulatory surgery center as a multi-specialty center	\$ 42,220
142216	B	NHPE, LLC d/b/a New Hyde Park Endoscopy Establish and construct a free standing gastroenterology ambulatory surgery center to be located at 1991 Marcus Av, Lake Success	\$ 3,459,543
151008	B	Pittsford Pain Center LLC Establish and construct a single specialty ambulatory surgery center to provide pain management services at 727 Linden Avenue, Pittsford	\$ 404,698
151186	B	Premier Ambulatory Services Development Company, LLC d/b/a Premier Ambulatory Surgery Center Establish and construct a free standing multi-specialty ambulatory surgery center to be located at 2816 Pleasant Avenue, Hamburg	\$ 495,218
131347	B	Southtowns Ambulatory Surgery Center, LLC Establish and construct a multi-specialty ambulatory surgery center to be located at 5959 Big Tree Road, Orchard Park	\$ 26,547,652
142197	B	Surgical Pain Center of the Adirondacks LLC Establish and construct a single-specialty free standing ambulatory surgery center for pain management to be located at Feathers Drive, Plattsburg	\$ 2,346,733

Requests for Indefinite Life

152036	E	AGCNY East, LLC d/b/a Endoscopy Center of Central New York Request for permanent life for project # 092006	
151201	E	Crystal Run Ambulatory Surgery Center of Middletown Request for indefinite life for CON #082080	
151200	E	South Shore Surgery Center Request for a two (2) year extension of limited life for CON #042011 and transfer 50.1% membership interest to North Shore-LIJ Multi-Specialty Ventures, LLC as a Class C member	
151309	E	The Rye ASC Request for two-year extension of limited life for CON 082025	

Establishment of New Dialysis Providers (Change of Ownership)

152118	E	DSI Dutchess Dialysis, Inc. Change in the indirect ownership at the great-grandparent level of DSI Dutchess Dialysis, Inc	
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Project Review 2015

- 152172 E Harriman Partners, LLC d/b/a Premier Dialysis Center
Establish Harriman Partners, LLC as the new operator of the 20-station chronic renal dialysis center located at 33-1 Route 17M, Harriman that is currently operated as an extension clinic of Good Samaritan Hospital of Suffern

- 152025 E Mohawk Valley Dialysis Center
Transfer 19% stock ownership of an existing 15-station chronic renal dialysis center to one (1) new shareholder, and multiple transfers of ownership between two (2) existing members

- 151298 E Pelham Parkway Dialysis Center
Transfer of 100% ownership interest to a new corporate parent

- 142115 E Pure Life Renal of Buffalo, Inc.
Establish Pure Life Renal of Buffalo, Inc. as the new operator of the facility located at 6010 Main Street, Williamsville which is currently operated by Comprehensive Dialysis Center of New York, Inc.

- 151070 E USRC Pelham, LLC d/b/a U.S. Renal Care Pelham Parkway Dialysis
Establish USRC Pelham, LLC as the new operator of the facility located at 1400 Pelham Parkway South, Bronx that is currently operated as Pelham Parkway Dialysis Center. (This project is a companion to CON# 151072)

- 151072 E USRC South Flushing, LLC d/b/a U.S. Renal Care South Flushing Dialysis
Establish USRC South Flushing, LLC as the new operator of the facility located at 71-12 Park Avenue, Flushing which is currently operated as an extension clinic of the Pelham Parkway Dialysis Center. (This is a companion project to CON # 151070)

- 151005 E Vestal Healthcare II, LLC
Establish Vestal Healthcare II LLC as the operator of a renal dialysis D & TC and two (2) dialysis extension clinics currently operated by Vestal Healthcare LLC

- 151169 E Westchester Center for Renal Care
Transfer of 100% membership interest from two (2) withdrawing members to eight (8) new members

Establishment of New Dialysis Providers with New Dialysis Stations

- 152058 B Associates of Fulton County, LLC d/b/a Gloversville Dialysis Center \$ 1,359,254
Establish and construct a 13-station dialysis facility in leased space at Nathan Littauer Hospital located at 99 E. State Street, Gloversville

- 151308 B Brooklyn Gardens Dialysis Center \$ 77,413
Establish and construct a 15-station chronic renal dialysis center to be located in Brooklyn Gardens Nursing and Rehabilitation Center at 835 Herkimer Street, Brooklyn

- 151269 B Schenectady Partners, LLC d/b/a Rotterdam-Schenectady Dialysis Center \$ 1,616,687
Establish and construct a 13-station chronic renal dialysis center to be located at 1592-1594 State Street, Schenectady

Project Review 2015

- 152094 B Sea Crest Acquisition II, LLC d/b/a Sea Crest Dialysis Center \$ 1,928,241
Establish and construct a nine (9) station end stage renal dialysis center to be located inside Sea-Crest Health Care Center at 3035 West 24th Street, Brooklyn
- 142183 B Utica Partners, LLC d/b/a Dialysis Center of Oneida
Establish and construct an eight (8)-station chronic renal dialysis center to be located at 2142 Glenwood Shopping Plaza, Oneida, NY 13421

Diagnostic and Treatment Center Modernizations and Expansions Less Than \$25 Million

- 142200 C Long Island Digestive Endoscopy Center \$ 253,375
Add pain management as a specialty to existing single-specialty FASC and bring online a fourth procedure room that had been previously approved and constructed

CERTIFIED HOME HEALTH AGENCIES

Certified Home Health Agencies

- 121224 C HCR
Expand the Certified Home Health Agency (CHHA) program to include Wayne, Ontario and Livingston Counties
- 151099 E HCR
Add a new trustee for their Employee Stock Ownership Plan Trust and update the current status of the corporation's stockholders, officers, board members, and trustees
- 142193 E Kindred Healthcare
Establish Kindred Healthcare, Inc. and Kindred Healthcare Operating, Inc. as new "controlling persons" of QC-Medi New York, Inc., the operator of five (5) certified home health agencies
- 151118 E Willcare
Establish National Health Industries, Inc. and Almost Family, Inc. as controlling persons at the grandparent and great grandparent levels of Litson Certified Care, Inc.
- 151119 E Willcare
Establish National Health Industries, Inc. and Almost Family, Inc. as controlling persons at the grandparent and great grandparent levels of Western Regional Health Corporation, Inc.

Hospices

- 151270 C Hospice Buffalo Inc
Convert 10 Residence beds to 10 Inpatient Certified beds and close their off-site location



TABLE I
Median Processing Times
(Acknowledgement to Director Action in Days)

	Admin	Full	Ltd
2011	179	268	66
2012	123	166	61
2013	63	196	28
2014	69	143	19
2015	56	142	24

TABLE I (A)
Historical Project Volume and Values

Year	Number of Submissions					Value of Submissions (in thousands)					Average Value (in thousands)			
	Adm	Full	Ltd	Notice	Total	Adm	Full	Ltd	Notice	Total	Adm	Full	Ltd	Notice
2005	234	163			397	469,406	1,845,890			2,315,297	2,015	11,324		
2006	211	142			353	484,771	2,232,572			2,717,342	2,297	15,722		
2007	190	115			305	619,756	1,309,918			1,929,674	3,261	12,357		
2008	205	108			313	805,085	3,385,133			4,190,218	3,985	31,343		
2009	202	102			304	\$467,328	\$1,452,895			\$1,920,223	\$2,313	\$14,244		
2010 ¹	187	127	446		760	685,588	1,946,825	445,542		3,077,955	3,666	15,329	999	
2011	187	119	660		966	822,219	827,405	764,474		2,414,098	4,397	6,953	1,158	
2012 ²	182	139	352	232	905	475,513	2,879,596	347,124	274,346	3,976,579	2,613	20,717	986	1,183
2013	168	195	356	350	1069	666,105	3,942,527	401,105	732,442	5,742,179	3855	19,522	1,153	2,092
2014	150	124	281	395	950	811,405	1,703,852	356,175	343,715	3,215,148	5,409	13,741	1,268	870
2015	134	109	254	404	901	505,903	1,605,413	308,865	461,219	2,881,400	3,775	14,729	1,216	1,142

¹ July 2010, thresholds increased for administrative reviews from \$3M to \$6M with no upper limit for HIT projects.

Full review thresholds increased from \$10M to \$15M.

² January 2012, regulatory change allowed for non-clinical projects meeting specific criteria to be submitted with only written notification

TABLE I (B)
Projects Reviewed and Related Capital Expenditures by Region
Last Two Calendar Years

2015								
Region	Number of Projects				Value of Projects (<i>in thousands</i>)			
	Admin	Full	Ltd	Total	Admin	Full	Ltd	Total
Western	13	10	25	48	11,940	495	41,722	54,157
Finger Lakes	19	13	24	56	49,703	145,465	24,131	219,300
Central	8	10	26	44	31,492	41,613	22,063	95,167
NY Penn	3	1	9	13	40,852	0	9,801	50,653
Northeast	13	16	21	50	24,350	56,400	20,682	101,433
Hudson Valley	16	11	31	58	67,037	772,062	32,733	871,832
New York City	53	31	86	170	221,968	499,985	132,909	854,862
Long Island	9	17	32	58	58,561	89,393	24,824	172,778
Total	134	109	254	497	\$505,903	\$1,605,413	\$308,866	\$2,420,182

2014								
Region	Number of Projects				Value of Projects (<i>in thousands</i>)			
	Admin	Full	Ltd	Total	Admin	Full	Ltd	Total
Western	10	14	17	41	25,515	276,654	14,031	316,200
Finger Lakes	17	10	29	56	57,015	9,106	34,652	100,773
Central	13	16	25	54	24,671	20,331	12,328	57,330
NY Penn	1	0	7	8	254	0	5,334	5,588
Northeast	18	11	26	55	34,759	104,790	34,659	174,208
Hudson Valley	8	18	36	62	3,390	65,918	68,908	138,217
New York City	65	45	100	210	565,117	1,218,795	135,742	1,919,655
Long Island	18	10	41	69	100,685	8,258	50,521	159,463
Total	150	124	281	555	\$811,405	\$1,703,852	\$356,175	\$2,871,433

TABLE II (A)
Disapprovals
2015

142183	Utica Partners, LLC d/b/a Dialysis Center of Oneida Establish and construct an eight (8)-station chronic renal dialysis center to be located at 2142 Glenwood Shopping Plaza, Oneida, NY 13421	\$1,356,692
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TABLE II (B)
Withdrawals
2015

Withdrawals by Applicant	65
Withdrawals by Department	<u>69</u>
Total	134

TABLE III
Bed Changes by Facility Type by Region
2015

HOSPITALS	Western	Finger Lakes	Central	NY-Penn	North East	Hudson Valley	NYC	Long Island	TOTAL
Bed Category									
Bone Marrow Transplant	0	0	0	0	0	0	0	0	0
Chemical Dependency, Detox	0	0	0	0	0	0	-31	0	-31
Chemical Dependency, Rehab	0	0	0	0	0	0	0	0	0
Coma Recovery	0	0	0	0	0	0	-4	0	-4
Coronary Care	0	0	0	0	0	0	0	0	0
Intensive Care	10	0	-1	0	0	6	0	10	25
Maternity Beds	0	0	0	0	0	0	0	0	0
Medical/Surgical	4	0	0	0	-15	-42	-26	-10	-89
Neonatal Intensive Care	0	8	0	0	0	0	47	0	55
Neonatal Continuing Care	0	0	0	0	0	0	0	0	0
Neonatal Intermediate Care	0	0	0	0	0	0	-19	0	-19
Pediatric	-14	0	0	0	0	-9	16	0	-7
Pediatric ICU	0	8	0	0	0	0	0	0	8
Physical Medicine & Rehabilitation	0	0	0	0	0	30	-11	0	19
Psychiatric	0	0	0	0	0	0	-43	0	-43
Transitional Care	0	0	0	0	0	0	0	0	0
Traumatic Brain Injury	0	0	0	0	0	0	-16	0	-16
New York State Total	0	16	-1	0	-15	-15	-87	0	-102

RESIDENTIAL HEALTH CARE FACILITIES	Western	Finger Lakes	Central	NY-Penn	North East	Hudson Valley	NYC	Long Island	TOTAL
Bed Category									
RHCF Beds	0	-34	32	0	144	0	-36	0	106
Behavioral Intervention	0	0	0	0	0	0	0	0	0
Pediatric	0	0	0	0	0	0	0	0	0
Traumatic Brain Injury	0	0	0	0	0	0	0	0	0
Ventilator, Adult	0	0	0	0	12	0	0	0	12
Ventilator, Pediatric	0	0	0	0	20	0	0	0	20
New York State Total	0	-34	32	0	176	0	-36	0	118

TABLE IV
Projects Receiving Commissioner Action by Facility Type
2015

TABLE IV (A)

Administrative Review Projects

Region	CHHA	DTC	HOSPICE	HOSPITAL	LTHHCP	RHCF	TOTAL
Western	0	4	0	9	0	0	13
Finger Lakes	0	4	0	15	0	0	19
Central	0	3	0	5	0	0	8
NY-Penn	0	1	0	2	0	0	3
Northeastern	0	3	0	8	0	2	13
Hudson Valley	0	7	0	8	0	1	16
New York City	2	32	0	17	0	2	53
Long Island	1	1	0	7	0	0	9
New York State Total	3	55	0	71	0	5	134

TABLE IV (B)

Full Review Projects

Region	CHHA	DTC	HOSPICE	HOSPITAL	LTHHCP	RHCF	TOTAL
Western	1	3	1	1	0	4	10
Finger Lakes	2	2	0	3	0	6	13
Central	0	5	0	2	0	3	10
NY-Penn	0	1	0	0	0	0	1
Northeastern	1	7	0	2	0	6	16
Hudson Valley	1	5	0	4	0	1	11
New York City	0	20	0	7	0	4	31
Long Island	0	6	0	7	0	4	17
New York State Total	5	49	1	26	0	28	109

TABLE IV (C)

Limited Review Projects

Region	DTC	HOSPITAL	RHCF	TOTAL
Western	8	14	3	25
Finger Lakes	3	18	3	24
Central	1	22	3	26
NY-Penn	0	7	2	9
Northeastern	3	14	4	21
Hudson Valley	9	19	3	31
New York City	15	63	8	86
Nassau-Suffolk	3	23	6	32
New York State Total	42	180	32	254

TABLE V
Public Health and Health Planning Council
Establishment Projects Reviewed by Facility Type
2015

Facility Type	Current Year				2014	2013	2012
	Approval	Disapproval	Deferral	Total	Total	Total	Total
Hospitals	11	0	0	11	10	12	5
Residential Health Care Facilities	27	0	0	27	39	33	31
Diagnostic and Treatment Centers	45	1	2	48	40	46	34
Certified Home Health Agencies	4	0	0	4	13	12	22
Hospices	0	0	0	0	1	1	3
Long Term Home Health Care	0	0	0	0	1	1	0
New York State Total	87	1	2	90	104	105	95