

**STATE OF NEW YORK**  
**PUBLIC HEALTH AND HEALTH PLANNING COUNCIL**

**AGENDA**

*December 8, 2016*

*Immediately following the Establishment and Project Review Committee which is scheduled to begin immediately following the Committee on Codes, Regulations and Legislation meeting (Scheduled to begin at 9:30 a.m.)*

- *90 Church Street 4<sup>th</sup> Floor, Room 4A & 4B, New York City*
- *New York State Department of Health Offices at 584 Delaware Avenue, 3rd Floor Video Conference Room, Buffalo, NY 14202*

**I. INTRODUCTION OF OBSERVERS**

Jo Ivey Boufford, M.D., Vice Chair

**II. APPROVAL OF MINUTES**

October 6, 2016

**III. REPORT OF DEPARTMENT OF HEALTH ACTIVITIES**

**A. Report of the Department of Health**

Howard A. Zucker, M.D., J.D., Commissioner of Health

**B. Report of the Office of Primary Care and Health Systems Management Activities**

Daniel Sheppard, Deputy Commissioner, Office of Primary Care and Health Systems Management

**C. Report of the Office of Public Health Activities**

Brad Hutton, 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/HEALTH SERVICES**

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

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

**VI. REGULATION**

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

Angel Gutiérrez, M.D., Chair of the Committee on Codes, Regulations and Legislation

**For Information**

16-26 Amendment of Sections 23.1 and 23.2 of Title 10 NYCRR  
(Expansion of Minor Consent for HIV Treatment Access and Prevention)

\*13-27 Amendment of Section 405 of Title 10 NYCRR  
(Federal Conditions of Participation)

**VII. PROJECT REVIEW RECOMMENDATIONS AND ESTABLISHMENT ACTIONS**

**Report of the Committee on Establishment and Project Review**

Peter Robinson, 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

**Hospice Services - Construction**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|-------------------------------------------------|---------------------------------------|
| 1. | 162096 C             | Good Shepherd Hospice<br>(Suffolk County)       | Contingent Approval                   |
| 2. | 162134 C             | United Hospice of Rockland<br>(Rockland 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**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                            | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|-----------------------------------------------------------------------------|---------------------------------------|
| 1. | 161345 C             | Jamaica Hospital Medical Center<br>(Queens County)<br>Dr. Martin - 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

**CON Applications**

**Acute Care Services - Construction**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>        | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|-----------------------------------------|---------------------------------------|
| 1. | 161325 C             | University Hospital<br>(Suffolk County) | Contingent Approval                   |

**Diagnostic and Treatment Center - Construction**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                       | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|------------------------------------------------------------------------|---------------------------------------|
| 1. | 162095 C             | Weill Cornell Imaging at New<br>York Presbyterian<br>(New York County) | 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

**APPLICATIONS FOR COMPETITIVE REVIEW OF HEALTH CARE FACILITIES/AGENCIES  
CON 152391 C and 161168 C**

**Cardiac Services - Construction**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                                                                       | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 1. | 152391 C             | Peconic Bay Medical Center<br>(Suffolk County)<br>Dr. Kalkut - Recusal<br>Dr. Kraut – Recusal<br>Dr. Martin – Interest | Contingent Approval                   |
| 2. | 161168 C             | Southampton Hospital<br>(Suffolk County)<br>Dr. Kalkut - Recusal<br>Dr. Kraut – Recusal<br>Dr. Martin – Interest       | Contingent Approval                   |

**B. APPLICATIONS FOR ESTABLISHMENT AND CONSTRUCTION OF HEALTH CARE FACILITIES**

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

**CON Applications**

**Acute Care Services – Establish/Construct**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                   | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|----------------------------------------------------|---------------------------------------|
| 1. | 161464 E             | Massena Memorial Hospital<br>(St. Lawrence County) | Contingent Approval                   |

**Ambulatory Surgery Centers – Establish/Construct**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>          | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|-------------------------------------------|---------------------------------------|
| 1. | 162011 B             | Queens Surgical Center<br>(Queens County) | Contingent Approval                   |

**Diagnostic and Treatment Centers – Establish/Construct**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                            | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|-----------------------------------------------------------------------------|---------------------------------------|
| 1. | 161431 E             | Hudson Valley Regional<br>Community Health Centers, Inc.<br>(Putnam County) | Contingent Approval                   |
| 2. | 162209 E             | Bedford Medical Family Health<br>Center Inc<br>(Kings County)               | Contingent Approval                   |

**Dialysis Services – Establish/Construct**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                                            | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|---------------------------------------------------------------------------------------------|---------------------------------------|
| 1. | 161356 B             | USRC Forest Hills, LLC d/b/a<br>U.S. Renal Care<br>Forest Hills Dialysis<br>(Queens County) | Contingent Approval                   |

**Residential Health Care Facility – Establish/Construct**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                      | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|-----------------------------------------------------------------------|---------------------------------------|
| 1. | 161097 E             | VillageCare Rehabilitation and<br>Nursing Center<br>(New York County) | Contingent Approval                   |

**HOME HEALTH AGENCY LICENSURES**

**New LHCSA’s – Affiliated with Assisted Living Programs (ALPs)**

|  | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                                                                                                                                                               | <b><u>E.P.R.C. Recommendation</u></b> |
|--|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
|  | 161454 E             | Cobbs Hill Manor, Inc.<br>(Monroe County)                                                                                                                                                                      | Contingent Approval                   |
|  | 162015 E             | Argyle Center LHCSA, LLC d/b/a<br>Centers Home Care North East<br>(Albany, Essex, Montgomery,<br>Schenectady, Columbia, Fulton<br>Rensselaer, Warren, Dutchess,<br>Greene Saratoga and Washington<br>Counties) | Contingent Approval                   |

## Changes of Ownership

| <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                                                                                      | <b><u>E.P.R.C. Recommendation</u></b> |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 152285 E             | Helping U Homecare, Inc.<br>(New York, Richmond, Kings,<br>Bronx, Queens, and Nassau<br>Counties)                                     | Contingent Approval                   |
| 161111 E             | Crown of Life Care NY, LLC<br>(Bronx, Queens, Kings,<br>Richmond, Nassau and New York<br>Counties)                                    | Contingent Approval                   |
| 161146 E             | All Metro Aids, Inc. d/b/a All<br>Metro Health Care<br>(New York, Queens, Bronx,<br>Richmond and Kings Counties)                      | Contingent Approval                   |
| 161147 E             | All Metro Home Care Services of<br>New York, Inc. d/b/a All Metro<br>Health Care<br>(Nassau County)                                   | Contingent Approval                   |
| 161392 E             | Paramount Homecare Agency Inc.<br>(Kings, Bronx, Queens,<br>Richmond, New York, and Nassau<br>Counties)                               | Contingent Approval                   |
| 161424 E             | Robynwood Home Care LLC<br>d/b/a Robynwood Home Care<br>(Otsego, Delaware, Schoharie and<br>Chenango Counties)                        | Contingent Approval                   |
| 162038 E             | Extended Holding Company, LLC<br>d/b/a Extended at Home Care<br>(New York, Queens, Bronx,<br>Richmond, Kings, and Nassau<br>Counties) | Contingent Approval                   |
| 162061 E             | Best Help Home Care Corp.<br>(Kings, Queens, Bronx,<br>Richmond, New York and<br>Westchester Counties)                                | Contingent Approval                   |

|          |                                                                                                                                          |                     |
|----------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 162067 E | DOJ LHSCA Operations<br>Associates LLC<br>d/b/a Claremont LHCSA<br>(Bronx County)                                                        | Contingent Approval |
| 162119 E | A.V. Pro Services, Inc.<br>d/b/a Assisted Home Care<br>Services<br>(Kings, Bronx, Queens, Nassau,<br>Richmond, and<br>New York Counties) | Contingent Approval |
| 162137 E | AllHealth Home Care LLC<br>(Bronx, Queens, Kings,<br>Richmond, New York and<br>Westchester Counties)                                     | Contingent Approval |

**Certificates**

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

**Applicant**

**E.P.R.C. Recommendation**

The Southampton Hospital Association

Approval

Daughters of Jacob Nursing Home Company, Inc.

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 Facilities – Establish/Construct**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                                                    | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------|
| 1. | 161338 E             | Riverdale SNF, LLC d/b/a<br>Schervier Nursing Care Center<br>(Bronx County)<br>Mr. La Rue – Recusal | Contingent Approval                   |
| 2. | 161413 E             | Beach Terrace Care Center<br>(Nassau County)<br>Ms. Carver-Cheney – Recusal                         | Contingent Approval                   |

|    |          |                                                                                                                                          |                     |
|----|----------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 3. | 161450 E | Grandell Rehabilitation and Nursing Center<br>(Nassau County)<br>Ms. Carver-Cheney – Recusal                                             | Contingent Approval |
| 4. | 161452 E | Oceanside Care Center, Inc.<br>(Nassau County)<br>Ms. Carver-Cheney – Recusal                                                            | Contingent Approval |
| 5. | 162092 E | CNH Operating, LLC d/b/a The Chateau at Brooklyn Rehabilitation and Nursing Center<br>(Kings County)<br>Mr. La Rue – Interest/Abstaining | Contingent Approval |
| 6. | 162120 E | 170 West Avenue Operating Company, LLC d/b/a Elderwood at Lakeside at Brockport<br>(Monroe County)<br>Mr. Robinson - Interest            | Contingent Approval |
| 7. | 162229 E | 1019 Wicker Street Operating Company, LLC d/b/a Elderwood at Ticonderoga<br>(Essex County)<br>Dr. Ruge – Recusal                         | Contingent Approval |

**Certified Home Health Agencies– Establish/Construct**

|    | <u>Number</u> | <u>Applicant/Facility</u>                                                            | <u>E.P.R.C. Recommendation</u> |
|----|---------------|--------------------------------------------------------------------------------------|--------------------------------|
| 1. | 161477 E      | Premier Home Health Care Services, Inc.<br>(New York County)<br>Dr. Torres – Recusal | Contingent Approval            |

**New LHCSA’s – Affiliated with Assisted Living Programs (ALPs)**

|  | <u>Number</u> | <u>Applicant/Facility</u>                                                                                                                                                         | <u>E.P.R.C. Recommendation</u> |
|--|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
|  | 162016 E      | Bath Center LHCSA, LLC d/b/a Centers Home Care West<br>(Chemung, Ontario, Yates, Genesee, Schuyler, Livingston, Steuben, Monroe and Wayne Counties)<br>Ms. Baumgartner - 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

**CON Applications**

**Residential Health Care Facility – Establish/Construct**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                                                                                                 | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 1. | 161180 E             | Nesconset ZJ1 LLC d/b/a<br>Nesconset Center for Nursing<br>and Rehabilitation<br>(Suffolk County)<br>Ms. Carver-Cheney - Recusal | Contingent Approval                   |
| 2. | 161181 E             | Huntington Acquisition 1, LLC<br>d/b/a Hilaire Rehab & Nursing<br>(Suffolk County)<br>Ms. Carver-Cheney-Recusal                  | 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

**CON Applications**

**Acute Care Services – Establish/Construct**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                   | <b><u>E.P.R.C. Recommendation</u></b>                                                              |
|----|----------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------|
| 1. | 162117 E             | One Brooklyn Health System, Inc.<br>(Kings County) | Presented at the 12/8/16<br>Special Establishment/Project<br>Review Committee<br>No Recommendation |

**VIII. CERTIFICATE OF PUBLIC ADVANTAGE**

Peter Robinson, Chair, Establishment and Project Review Committee

Applicant

Application of the Staten Island Performing Provider for a Certificate of Public Advantage  
(COPA Application # COPA-SIPPS)

Dr. Kalkut - Recusal

Mr. Kraut – Recusal

Mr. Lawrence – Recusal

Dr. Ruge - Recusal

**IX. NEXT MEETING**

January 26, 2017 - NYC

February 9, 2017 - NYC

**X. ADJOURNMENT**