

2<sup>nd</sup> REVISED \* 4/5/17

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

**ANNUAL MEETING**

**AGENDA**

*April 6, 2017*

*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 10:00 a.m.)*

- *Empire State Plaza, Concourse Level, Meeting Room 6, Albany*
- *New York State Department of Health Offices at 584 Delaware Avenue, 3rd Floor Video Conference Room, Buffalo, NY 14202*

**I. INTRODUCTION OF OBSERVERS**

Jeffrey Kraut, Chair

**II. ELECTION OF OFFICERS**

**Election of Vice Chairperson**

**III. 2016 ANNUAL REPORT**

2016 Public Health and Health Planning Council Annual Report

**IV. 2018 PHHPC MEETING DATES**

2018 Public Health and Health Planning Council Meeting Dates

**V. APPROVAL OF MINUTES**

March 9, 2017

**VI. REPORT OF DEPARTMENT OF HEALTH ACTIVITIES**

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

Sally Dreslin, Executive Deputy Commissioner

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

Brad Hutton, 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. REGULATION**

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

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

**For Adoption**

15-03 Amendment of Parts 86, 425 and 759 of Title 10 NYCRR  
(Adult Day Health Care Services for Registrants with AIDS)  
**TO BE DISTRIBUTED UNDER SEPARATE COVER**

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

**\*For Discussion**

No regulations will be considered

**IX. 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

**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.	171054 C	Aurelia Osborn Fox Memorial Hospital (Delaware County)	Contingent Approval

**Ambulatory Surgery Center - Construction**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	162429 C	Gramercy Park Digestive Disease 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

**NO APPLICATIONS**

**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.	162281 C	University Hospital SUNY Health Science Center (Oswego County) Dr. Bennett – Opposed at EPRC	Contingent Approval
2.	162286 C	University Hospital SUNY Health Science Center (Onondaga County) Dr. Bennett – Opposed 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**

**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.	162467 E	Samaritan Medical Center (Jefferson 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.	162438 E	Saratoga-Schenectady Endoscopy Center, LLC (Saratoga County)	Contingent Approval
2.	162445 E	Putnam Gastroenterology (Putnam County)	Approval
3.	171020 E	West Side GI (New York County)	Contingent Approval
4.	162428 E	Heritage One Day Surgery LLC (Onondaga County)	Approval

**Diagnostic and Treatment – Establish/Construct**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	161035 E	Lafayette Medical Approach, LLC (New York 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.	162190 E	Optima Care Little Neck, LLC d/b/a Little Neck Care Center (Queens County)	Contingent Approval
2.	162192 E	Optima Care White Plains, LLC d/b/a White Plains Center for Nursing Care (Westchester County)	Contingent Approval
3.	162463 B	Cayuga Ridge, LLC d/b/a Cayuga Nursing and Rehabilitation Center (Tomkins County)	Contingent Approval
4.	162570 E	The Center for Nursing and Rehabilitation at Hoosick Falls (Rensselaer County)	Contingent Approval

**HOME HEALTH AGENCY LICENSURES**

**New LHCSA**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
	2480 L	Liz’s Compassionate Care, Inc. (Chemung, Steuben, and Schuyler Counties)	Contingent Approval
	2482 L	T & L Care, Inc. d/b/a Caring Companions of Buffalo (Erie, Niagara, Orleans, Genesee, Wyoming, Chautauqua, Cattaraugus, and Allegany Counties)	Contingent Approval
	2534 L	Western New York Homecare, Inc. (Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Monroe, Niagara, Orleans and Wyoming Counties)	Contingent Approval
	152081	Angels at Heart Senior Care, LLC (Erie and Niagara Counties)	Contingent Approval

152104	Capital Region Home Care, LLC d/b/a Right at Home Albany (Albany, Greene, Columbia, Montgomery, Fulton, Saratoga, Schenectady and Rensselaer Counties)	Contingent Approval
161260	S.M.R. Cares, Inc. d/b/a Home Helpers/Direct Link of Buffalo (Alleghany, Cattaraugus, Erie and Wyoming Counties)	Contingent Approval
161284	New York Regional Home Care, LLC (Monroe, Genesee, Livingston, Ontario and Wayne Counties)	Contingent Approval
162441	Independence Home Care of New York, Inc. (Erie and Niagara Counties)	Contingent Approval

**New LHCSAs – 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>
162301	St. Johnland LHCSA, Inc. d/b/a St. Johnland LHCSA (Suffolk and Nassau Counties)	Contingent Approval
162310	Ateret of Midwood LLC d/b/a Ateret Home Care (Kings, New York, Bronx, Richmond, and Queens Counties)	Contingent Approval
162311	St. Joseph’s Adult Care Home, Inc. d/b/a St. Joseph’s Home Care (Rockland County)	Contingent Approval
162312	Rosewood of Rochester, LLC d/b/a Rosewood of Rochester Home Care (Genesee, Ontario, Livingston, Wayne, and Monroe Counties)	Contingent Approval

## Changes of Ownership

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
161186	YALR Operating, LLC (Westchester County)	Contingent Approval
161455	Brighton Home Care, Inc. (New York, Queens, Kings, Richmond, Bronx, and Nassau Counties)	Contingent Approval
162302	Naidu Associates LLC d/b/a Comfort Keepers #512 (Dutchess, Putnam, Westchester and Bronx Counties)	Contingent Approval
162476	Better Choice Home Care Inc. (Bronx, Queens, Kings, Richmond, Nassau and New York Counties)	Contingent Approval
162499	MedPro Homecare Agency, Inc. (Bronx, Queens, Kings, Richmond, Nassau and New York Counties)	Contingent Approval

## Certificates

### Certificate of Amendment of the Certificate of Incorporation

<u>Applicant</u>	<u>E.P.R.C. Recommendation</u>
Troy Conference Geriatric Foundation, 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

### Ambulatory Surgery Centers – Establish/Construct

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 171053 E	Surgical Specialty Center of Westchester (Westchester County) Mr. Kraut - Recusal	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.	162543 E	True North II DC, LLC d/b/a East Islip Dialysis (Suffolk County) Mr. Kraut - Recusal	Contingent Approval

**HOME HEALTH AGENCY LICENSURES**

**New LHCSAs – 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>
	162121	Elegance Home Care LLC d/b/a Elegance at Home (Nassau, Queens, Rockland, Suffolk and Westchester Counties) Mr. Kraut - Recusal	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>
	161046	Advanced Care, Inc. (See exhibit for Counties served) Mr. Kraut – Recusal	Contingent Approval
	162070	GALR Operating LLC d/b/a Ghent Assisted Living (Columbia County) Mr. La Rue – Recusal	Contingent Approval

**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.	161449 E	GRNC Operating LLC d/b/a Ghent Rehabilitation & Nursing Center (Columbia County) Mr. La Rue – Recusal	Contingent Approval

**Certificates**

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

**Applicant**

Winthrop South Nassau University Health System, Inc.  
Dr. Kalkut - Recusal

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

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

**CON Applications**

**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.	162552 B	HSS West Side ASC (New York County) Dr. Brown – Abstained at EPRC	Contingent Approval

**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.	162187 E	Optima Care Smithtown, LLC d/b/a Brookside Multicare Nursing Center (Suffolk County) Dr. Martin – Abstained at EPRC	Contingent Approval

**CATEGORY 4:** Applications Recommended for Approval with the Following:

- ❖ PHHPC Member Recusals
- ❖ Establishment an 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

**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. 161323 E	Sapphire HC LLC d/b/a Briarcliff Manor Center for Rehabilitation and Nursing Care (Westchester County)	Presented at the 4/6/17 Special Establishment/Project Review Committee No Recommendation

**X. NEXT MEETING**

May 18, 2017 – NYC  
June 8, 2017 – NYC

**XI. ADJOURNMENT**