

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

**AGENDA**

*October 11, 2017*

*Immediately following the Special Establishment and Project Review Committee scheduled to begin after the Committee on Codes, Regulations and Legislation meeting  
(Scheduled to begin at 10:15 a.m.)*

*MAIN MEETING SITE: Empire State Plaza, Concourse Level, Meeting Room 6, Albany*

*VIDEO CONFERENCE SITE: 90 Church Street 4th Floor, Room 4A & 4B, New York City*

**I. INTRODUCTION OF OBSERVERS**

Jeffrey Kraut, Chair

**II. APPROVAL OF MINUTES**

August 3, 2017

**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

Ambulatory Surgery Center Report

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

Brad Hutton, Deputy Commissioner, Office of Public Health

**IV. REGULATION**

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

Thomas Holt, Vice Chair of the Committee on Codes, Regulations and Legislation

**For Adoption**

17-07 Amendment of Section 34-2.11 of Title 10 NYCRR  
(Communication Between Clinical Laboratory Physicians and Patients)

**For Information**

13-22 Amendment of Parts 405 and 708 of Title 10 NYCRR (Trauma Centers)

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

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

Gary Kalkut, M.D., Vice Chair, 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**

**Ambulatory Surgery Centers - Construction**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	171438 C	Advanced Surgery Center (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 Transplant Services - Construction**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	171344 C	Women and Children's Hospital Of Buffalo (Erie County) *Ms. Baumgartner - Recusal	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.	171142 C	Joseph P. Addabbo - Family Health Center (Queens County) Dr. Kalkut – 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

**NO APPLICATIONS**

**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 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 – Establish/Construct**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	172071 E	Brooks Memorial Hospital (Chautauqua County) *Ms. Baumgartner - Recusal	Contingent Approval

**Ambulatory Surgery Center – Establish/Construct**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	172004 E	The Endoscopy Center of New York (New York County) Dr. Berliner- Recusal Dr. Martin - 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.	171304 E	FSNR Dialysis, LLC d/b/a Four Seasons Dialysis Center (Kings County) Ms. Carver-Cheney – 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.	171302 E	Hampton NH Operating, LLC d/b/a Westhampton Care Center (Suffolk County) Ms. Carver-Cheney – Recusal	Contingent Approval
2.	171128 E	Barnwell Operations Associates LLC d/b/a The Grand Rehabilitation and Nursing at Barnwell (Columbia County) Mr. La Rue – Recusal	Contingent Approval
3.	171450 E	S & J Operational LLC d/b/a Mills Pond Nursing and Rehabilitation Center (Suffolk County) Mr. La Rue - Recusal	Contingent Approval
4.	171451 E	L & A Operational LLC d/b/a Sayville Nursing and Rehabilitation Center (Suffolk County) Mr. La Rue - 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 or HSA

**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.	171180 E	RTRNC, LLC d/b/a Robinson Terrace Rehabilitation and Nursing Center (Delaware County) Mr. La Rue – Opposed at EPRC Dr. Berliner – Abstained at EPRC 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

**CON Applications**

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

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 162532 E	Highland Nursing Home, Inc. (St. Lawrence County) Ms. Carver-Cheney – Recusal Dr. Torres – Opposed at EPRC	Contingent Approval
2. 171109 E	FSNR SNF, LLC d/b/a Four Seasons Nursing and Rehabilitation Center (Kings County) Ms. Carver-Cheney – Recusal Dr. Torres – 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

**CON Applications**

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

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 171186 E	Prospect Acquisition I, LLC d/b/a Center for Nursing & Rehabilitation (Kings County) *Dr. Kalkut - Interest	Presented at the 10/11/17 Special Establishment/Project Review Committee No Recommendation

**HOME HEALTH AGENCY LICENSURES**

**New LHCSAs**

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
2149L	Behdokht Kangarlu d/b/a Hopewell Health Home Care (Duchess, Westchester, Orange, Ulster, Putnam Counties)	Contingent Approval

2334L	EZ Living Home Care of NY, Inc. (Kings, Queens, Richmond, Bronx, Nassau, New York Counties)	Contingent Approval
2335L	ProHealth Homecare, Inc. (Kings, Queens, New York, Richmond, Bronx, Nassau Counties)	Contingent Approval
2339L	OnSite LifeCare, Inc. (New York, Bronx, Kings, Queens, Richmond, Nassau Counties)	Contingent Approval
2340L	Healthy Aging Homecare, Inc. (Kings, Queens, Bronx, Richmond, New York, Westchester Counties)	Contingent Approval
2539L	Galaxy Home Care Inc. (Queens, Kings, Bronx, New York Richmond, Nassau Counties)	Contingent Approval
2581L	Apple Best Home Care Agency Inc. (Kings, Queens, New York, Bronx, Richmond, Nassau Counties)	Contingent Approval
2623L	DMV Home Care, Inc. (Richmond, New York, Kings, Queens, Bronx, Westchester Counties)	Contingent Approval
2625L	C.A.R.E. Mavens Home Health Agency, LLC (Kings, New York, Bronx, Queens, Richmond, Westchester Counties)	Contingent Approval
2631L	Key To Life Homecare, Inc. (New York, Kings, Queens, Richmond, Bronx, Westchester Counties)	Contingent Approval
2633L	Help From The Heart LLC (Kings, Queens, Bronx, New York, Richmond, Westchester Counties)	Contingent Approval

2636L	L & G Enterprises USA LLC d/b/a L & G Home Care Agency (Queens, Kings, New York, Richmond, Bronx, Nassau Counties)	Contingent Approval
2640L	Amelia Home Care, Inc. (Queens, Kings, New York, Richmond, Bronx, Westchester Counties)	Contingent Approval
151254	Shalom Home Care Agency, Inc. (Bronx, Kings, New York, Queens, Richmond, Nassau Counties)	Contingent Approval
152053	AAA HealthSource, Inc. (Bronx, Kings, Nassau, New York, Queens, Richmond Counties)	Contingent Approval
152103	Blue Ridge Home Care, Inc. (New York, Bronx, Kings, Queens, Richmond, Nassau Counties)	Contingent Approval
152107	Fidelity Home Care, Inc. (Bronx, Kings, New York, Richmond, Queens, Westchester Counties)	Contingent Approval
152159	Regal Home Care, Inc. (Bronx, Kings, Nassau, New York, Queens, Richmond Counties)	Contingent Approval
152344	Home Care of Northern New York, LLC (Jefferson, Lewis, St. Lawrence Counties)	Contingent Approval
161375	Capital District Home Care Agency, LLC (Albany, Schenectady, Saratoga, Rensselaer, Columbia Counties)	Contingent Approval
162341	Embrace Care, LLC (Monroe, Livingston, Genesee Counties) Mr. Robinson - Interest	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>
2320L	New York Resort for Seniors, LLC d/b/a Oasis Home Care (Delaware, Orange, Sullivan, Ulster 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>
162538	Sanford Home Care Agency, LLC d/b/a Sanford Home Care Agency (Bronx, Kings, New York, Queens, Richmond Counties)	Contingent Approval
171031	The W Group at New Broadview, LLC d/b/a New Broadview Manor Home for Adults LHCSA (Richmond County)	Contingent Approval
171394	New Haven Manor Home Care Agency, LLC (Bronx, Kings, Nassau, New York, Queens, Richmond Counties)	Contingent Approval
171401	RTACF, LLC d/b/a The Pavilion at Robinson Terrace (Delaware, Greene, Schoharie Counties)	Contingent Approval
171402	Hamaspik Care, Inc. (Bronx, Kings, Nassau, New York, Queens, Richmond Counties)	Contingent Approval
172030	Magic Home Care, LLC (Bronx, Kings, New York, Queens, Richmond Counties)	Contingent Approval
152373	Infusion Options, Inc. (Bronx, Kings, Nassau, New York, Queens, Richmond Counties) Mr. Kraut – Interest/Abstaining	Contingent Approval
162326	R.A.I.N. Home Attendant Services, Inc. (Bronx, Kings, Queens, New York, Richmond, Westchester Counties) Dr. Torres – Recusal	Contingent Approval

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

**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.	171220 E	Fifth Avenue Surgery Center (New York County)	Contingent Approval
2.	171432 E	Sheepshead Bay Surgery Center (Kings County)	Approval
3.	171477 B	Clifton Park ASC, LLC d/b/a OrthoNY Surgical Suites (Saratoga County)	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.	172125 E	Utica Operations Associates LLC d/b/a Utica Center for Rehabilitation and Nursing (Oneida County)	Contingent Approval

**Certificates**

**Certificate of Dissolution**

<b><u>Applicant</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
Mercy Health-Care Center, Inc.	Approval
The Uihlein Mercy Center, Inc.	Approval

**VI. NEXT MEETING**

November 16, 2017 – Albany  
December 7, 2017 – NYC

**VII. ADJOURNMENT**