

STATE OF NEW YORK
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL

AGENDA

April 12, 2018

*Immediately following the Special EPRC meeting which is to begin immediately following the
Committee on Codes, Legislation and Regulation meeting
(Codes scheduled to begin at 10:00 a.m.)*

Empire State Plaza, Concourse Level, Meeting Room 6, Albany

I. INTRODUCTION OF OBSERVERS

Jeffrey Kraut, Chair

II. ADOPTION OF 2019 PHHPC MEETING DATES

2019 Public Health and Health Planning Council Meeting Dates

III. APPROVAL OF MINUTES

February 8, 2018 Meeting Minutes

IV. 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

V. PUBLIC HEALTH SERVICES

Report on the Activities of the Public Health Committee

Jo Ivey Boufford, M.D., Chair of the Public Health 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 Adoption

17-16 Amendment of Part 405 of Title 10 NYCRR
(Hospital Policies and Procedures for Individuals with Substance Use Disorders)

17-19 Amendment of Subpart 5-1 of Title 10 NYCRR
(Public Water Systems - Revised Total Coliform Rule)

****** TO BE DISTRIBUTED UNDER SEPARATE COVER******

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

NO APPLICATIONS

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

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

CON Applications

Acute Care Services - Construction

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|---------------------------------------|---|---------------------------------------|
| 1. | *172305 C NOW ON THE AGENDA | Faxton-St Lukes Healthcare St Lukes Division (Oneida County) Dr. Bennett – Interest/Opposed at EPRC Dr. Brown – Abstained at EPRC | Contingent Approval |
| 2. | 181016 C | Maimonides Medical Center (Kings County) Mr. Kraut – Recusal Mr. Lawrence – Recusal Dr. Brown- Abstained 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

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

Ambulatory Surgery Centers – Establish/Construct

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|--|---------------------------------------|
| 1. | 172363 E | Flushing Endoscopy Center, LLC (Queens County) | Approval |

Dialysis Services – Establish/Construct

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|---|---------------------------------------|
| 1. | 171380 B | New York Continuum Services, LLC (Kings County) | Contingent Approval |

Certificates

Certificate of Incorporation

Applicant

Cayuga Medical Center Auxiliary, Inc

E.P.R.C. Recommendation

Approval

Certificate of Amendment of the Articles of Organization

Applicant

Endo Group, LLC

E.P.R.C. Recommendation

Approval

Certificate of Amendment of the Certificate of Incorporation

Applicant

The Martin Luther King, Jr., Health Center, Inc.

E.P.R.C. Recommendation

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

Acute Care Services – Establish/Construct

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|--|---------------------------------------|
| 1. | 181031 E | Westchester County Health Care Corporation (Ulster County) Dr. Bennett – Interest Mr. Berliner - Interest | Contingent Approval |

Residential Health Care Facilities – Establish/Construct

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|---|---------------------------------------|
| 1. | 172428 E | Montclair Care Center, Inc. d/b/a Marquis Rehabilitation & Nursing Center (Nassau County) Ms. Carver-Cheney – Recusal | Contingent Approval |

Certificates

Certificate of Amendment of the Certificate of Incorporation

| <u>Applicant</u> | <u>E.P.R.C. Recommendation</u> |
|--|--------------------------------|
| Long Island Jewish Medical Center Mr. Kraut - Recusal | Approval |
| Plainview Hospital Mr. Kraut – Recusal | Approval |
| Southside Hospital Mr. Kraut – Recusal | Approval |
| Staten Island University Hospital Mr. Kraut - Recusal | 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

| <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|---------------|---|--------------------------------|
| 1. 181002 E | New York Endoscopy Center (Westchester County) Dr. Martin – Abstained at EPRC | Contingent Approval |

Diagnostic and Treatment Center – Establish/Construct

| <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|---------------|--|--------------------------------|
| 1. 172347 B | Southern Tier Women’s Health Services (Broome County) Dr. Bennett – Opposed at EPRC Mr. La Rue – 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

CON Applications

Acute Care Services – Establish/Construct

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|--|---------------------------------------|
| 1. | 181106 E | Eastern Niagara Hospital – Lockport Division (Niagara County) Ms. Baumgartner – Recusal Dr. Bennett – Opposed at EPRC Dr. Brown – Abstained at EPRC | Contingent Approval |
| 2. | 171446 E | St. Josephs Hospital Health Center (Onondaga County) Dr. Bennett – Interest Dr. Brown - Abstained | Contingent Approval |

Certified Home Health Agency – Establish/Construct

| | <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----|----------------------|--|---------------------------------------|
| 1. | 172230 E | St. Joseph’s Hospital Health Center CHHA (Onondaga County) Dr. Bennett – Interest/Opposed at EPRC Dr. Brown – Abstained at EPRC Dr. Martin – Abstained at EPRC | Contingent Approval |
| 2. | 172296 E | NYU Winthrop Hospital (Nassau County) Dr. Kalkut – Recusal Dr. Brown – Abstained 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

Dialysis Services – Establish/Construct

| <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----------------------|---|--|
| 1. 172364 E | True North IV DC, LLC (Queens County) Mr. Kraut – Recusal | Presented at the 4/12/18 Special Establishment/Project Review Committee No Recommendation |
| 2. 172411 E | True North V DC, LLC (Kings County) Mr. Kraut – Recusal | Presented at the 4/12/18 Special Establishment/Project Review Committee No Recommendation |

HOME HEALTH AGENCY LICENSURES

New LHCSAs – Affiliated with Assisted Living Programs (ALPs)

| <u>Number</u> | <u>Applicant/Facility</u> | <u>E.P.R.C. Recommendation</u> |
|----------------------|---|---------------------------------------|
| *161033 | 2600 Niagara Falls Boulevard AL Operating Company, LLC d/b/a Elderwood Home Care at Wheatfield (Niagara County) Dr. Torres – Abstained at EPRC *DEFERRED AT THE DEPARTMENT’S REQUEST | Contingent Approval |
| *162292 | 571 Main Street Operating Company, LLC d/b/a Elderwood Home Care at Williamsville (Erie County) Dr. Torres – Abstained at EPRC *DEFERRED AT THE DEPARTMENT’S REQUEST | Contingent Approval |

| | | |
|---------|--|----------|
| *162303 | Western NY Care Services, LLC d/b/a Western NY Care Services (Cattaraugus, Wyoming, Erie and Niagara Counties) Dr. Torres – Abstained at EPRC *DEFERRED AT THE DEPARTMENT’S REQUEST | Approval |
| *171385 | Home Care for Generations, LLC d/b/a Generations Home Care (Rockland, Westchester, Orange and Dutchess Counties) Dr. Torres – Abstained at EPRC *DEFERRED AT THE DEPARTMENT’S REQUEST | Approval |
| *172286 | Magnolia Home Care Services, LLC d/b/a Magnolia Home Care Services (Rockland, Ulster, Dutchess, Sullivan, Orange, Westchester, Putnam and Bronx Counties) Dr. Torres – Abstained at EPRC *DEFERRED AT THE DEPARTMENT’S REQUEST | Approval |

VIII. NEXT MEETING

May 17, 2018 - NYC
June 7, 2018 – NYC

IX. ADJOURNMENT