

**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)

**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**

| <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>   | <b><u>E.P.R.C. Recommendation</u></b> |
|----------------------|--|---------------------------------------|
| 1. *172305 C         | Faxton-St Lukes Healthcare St Lukes Division<br>(Oneida County)<br>Dr. Bennett – Interest/Opposed at EPRC<br>Dr. Brown – Abstained at EPRC<br><b>*DEFERRED AT THE DEPARTMENT’S REQUEST</b> | Contingent Approval                   |

2. 181016 C Maimonides Medical Center Contingent Approval  
 (Kings County)  
 Mr. Kraut – Recusal  
 Mr. Lawrence – Recusal  
 Dr. Brown- Abstained at EPRC

**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**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>                  | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|---|---------------------------------------|
| 1. | 172363 E             | Flushing Endoscopy Center, LLC<br>(Queens County) | 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. | 171380 B             | New York Continuum Services, LLC<br>(Kings County) | Contingent Approval                   |

**Certificates**

**Certificate of Incorporation**

| <b><u>Applicant</u></b>              | <b><u>E.P.R.C. Recommendation</u></b> |
|--------------------------------------|---------------------------------------|
| Cayuga Medical Center Auxiliary, Inc | Approval                              |

**Certificate of Amendment of the Articles of Organization**

| <b><u>Applicant</u></b> | <b><u>E.P.R.C. Recommendation</u></b> |
|-------------------------|---------------------------------------|
| Endo Group, LLC         | 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**

|    | <b><u>Number</u></b> | <b><u>Applicant/Facility</u></b>   | <b><u>E.P.R.C. Recommendation</u></b> |
|----|----------------------|--|---------------------------------------|
| 1. | 181031 E             | Westchester County Health Care Corporation<br>(Ulster County)<br>Dr. Bennett – Interest<br>Mr. Berliner - Interest | 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. | 172428 E             | Montclair Care Center, Inc. d/b/a<br>Marquis Rehabilitation &<br>Nursing Center<br>(Nassau County)<br>Ms. Carver-Cheney – Recusal | Contingent Approval                   |

**Certificates**

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

**Applicant**

Long Island Jewish Medical Center  
Mr. Kraut - Recusal

Plainview Hospital  
Mr. Kraut – Recusal

Southside Hospital  
Mr. Kraut – Recusal

Staten Island University Hospital  
Mr. Kraut - Recusal

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

Approval

Approval

Approval

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. | 181002 E             | New York Endoscopy Center<br>(Westchester County)<br>Dr. Martin – Abstained at EPRC | Contingent Approval                   |

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

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

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

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

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

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

**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> |
|----------------------|--|---------------------------------------|
| 161033               | 2600 Niagara Falls Boulevard AL<br>Operating Company, LLC d/b/a<br>Elderwood Home Care at<br>Wheatfield<br>(Niagara County)<br>Dr. Torres – Abstained at EPRC  | Contingent Approval                   |
| 162292               | 571 Main Street Operating<br>Company, LLC<br>d/b/a Elderwood Home Care at<br>Williamsville<br>(Erie County)<br>Dr. Torres – Abstained at EPRC  | Contingent Approval                   |
| 162303               | Western NY Care Services, LLC<br>d/b/a Western NY<br>Care Services<br>(Cattaraugus, Wyoming, Erie and<br>Niagara Counties)<br>Dr. Torres – Abstained at EPRC   | Approval                              |
| 171385               | Home Care for Generations, LLC<br>d/b/a Generations Home Care<br>(Rockland, Westchester, Orange<br>and Dutchess Counties)<br>Dr. Torres – Abstained at EPRC  | Approval                              |
| 172286               | Magnolia Home Care Services,<br>LLC d/b/a Magnolia Home Care<br>Services<br>(Rockland, Ulster, Dutchess,<br>Sullivan, Orange, Westchester,<br>Putnam and Bronx Counties)<br>Dr. Torres – Abstained at EPRC | Approval                              |

**VIII. NEXT MEETING**

May 17, 2018 - NYC

June 7, 2018 – NYC

**IX. ADJOURNMENT**