

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

**AGENDA**

*December 12, 2019*

*Immediately following the Committee on Codes, Regulations and Legislation meeting  
(Codes scheduled to begin at 9:30 a.m.)*

*90 Church Street 4<sup>th</sup> Floor, Room 4A & 4B, New York City (Main Meeting Site)*

*Empire State Plaza, Concourse Level, Meeting Room 5, Albany*

**I. INTRODUCTION OF OBSERVERS**

Jeffrey Kraut, Chair

**II. APPROVAL OF MINUTES**

August 8, 2019 Meeting Minutes

October 10, 2019 Meeting Minutes

**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 Public Health Activities**

Brad Hutton, Deputy Commissioner, Office of Public Health

**IV. REGULATION**

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

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

**For Adoption**

19-34 Addition of Subpart 9-2 to Title 10 NYCRR (Required Signage Warning Against the  
Dangers of Illegal Products)

**For Emergency Adoption**

18-17 Addition of Subpart 9-3 to Title 10 NYCRR (Prohibition on the Sale of Electronic  
Liquids with Characterizing Flavors)

**For Information**

18-17 Addition of Subpart 9-3 to Title 10 NYCRR (Prohibition on the Sale of Electronic Liquids with Characterizing Flavors)

19-17 Amendment of Section 405.4 of Title 10 NYCRR (Hospital Medical Staff - Limited Permit Holders)

19-31 Amendment of Subpart 765-1 of Title 10 NYCRR (Licensed Home Care Services Agencies)

**V. HEALTH POLICY**

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

John Ruge, M.D., Chair of the Health Planning Committee

**VI. 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.	162148 C	Nyack Hospital (Rockland County)	Contingent Approval
2.	172251 C	Putnam Hospital Center (Putnam County)	Contingent Approval
3.	171415 C	Northern Dutchess Hospital (Dutchess County)	Contingent Approval
4.	191260 C	HealthAlliance Hospital Mary's Avenue Campus (Ulster County)	Contingent Approval
5.	192045 C	Samaritan Hospital (Rensselaer County)	Contingent Approval
6.	192123 C	Blythedale Childrens Hospital (Westchester 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.	192051 C	Specialists' One-Day Surgery Center, LLC (Onondaga 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.	152243 C	Northern Westchester Hospital (Westchester County) Mr. Kraut – Recusal Dr. Strange – Recusal	Contingent Approval
2.	162211 C	New York-Presbyterian/Hudson Valley Hospital (Westchester County) Dr. Brown – 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

### **CON Applications**

#### **Certified Home Health Agencies - Construction**

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	121223 C	Excellent Home Care Services, LLC (Kings County) Dr. Berliner – Abstained at EPRC	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**

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

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	191123 E	Preferred Certified, LLC (Bronx 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.	191212 B	Atlantic SC, LLC d/b/a Atlantic Surgery Center (Suffolk County)	Contingent Approval
2.	192021 B	Northeast Endoscopy (Suffolk County)	Contingent Approval
3.	192069 B	Crotona Parkway SC, LLC d/b/a Crotona Parkway Ambulatory Surgery Center (Bronx 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.	191286 B	Perfect Health Medical, LLC (Kings County)	Contingent Approval
2.	192118 B	NY Med of Brooklyn (Kings 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.	192013 E	Fairview Nursing Care Center, Inc. (Queens 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**

**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.	192014 E	Always There Family Home Health Services (Ulster County) Mr. LaRue - Recusal	Contingent Approval

**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.	192157 E	SLHS Massena, Inc. d/b/a Massena Hospital (St. Lawrence County) Mr. Thomas – Interest/Abstaining	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**

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

	<b><u>Number</u></b>	<b><u>Applicant/Facility</u></b>	<b><u>E.P.R.C. Recommendation</u></b>
1.	191075 E	Excellent Home Care Services, LLC (Kings County) Dr. Berliner – Abstained at EPRC Ms. Monroe – Abstained at EPRC	Contingent Approval
2.	192009 E	VNA of Staten Island (Richmond County) Dr. Martin- 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

**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

**HOME HEALTH AGENCY LICENSURES**

**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>
1.	191101 E	Underwood Gardens Homecare, LLC d/b/a Underwood Manor LHCSA (Cattaraugus County)	Contingent Approval
2.	192006 E	Marchand Home Care at Sharon Springs (Schoharie County)	Contingent Approval

**VII. NEXT MEETING**

January 23, 2020 – NYC  
February 6, 2020 – NYC

**VIII. ADJOURNMENT**