

REVISED * 4/4/2022

STATE OF NEW YORK
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL

AGENDA

April 5, 2022

*Immediately following the Committee on Codes, Regulations and Legislation Meeting
(Codes scheduled to begin at 10:15 a.m.)*

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

I. INTRODUCTION OF OBSERVERS

Jo Ivey Boufford, Vice Chair

II. APPROVAL OF MINUTES

* Revised February 10, 2022 Meeting Minutes

March 2, 2022 Special Meeting Minutes

March 17, 2022 Special Meeting Minutes

III. 2020 and 2021 ANNUAL REPORT

2020 Public Health and Health Planning Council Annual Report

2021 Public Health and Health Planning Council Annual Report

IV. REPORT OF DEPARTMENT OF HEALTH ACTIVITIES

A. Report of the Department of Health

Mary T. Bassett, M.D., M.P.H., Commissioner of Health

B. Report of the Office of Public Health

Ursula Bauer, PhD, MPH, Deputy Commissioner, Office of Public Health

C. Report of the Office of Primary Care and Health Systems Management

John Morley, M.D., Deputy Commissioner, Office of Primary Care and Health Systems Management

V. PUBLIC HEALTH SERVICES AND HEALTH POLICY

Report on the Activities of the Public Health Committee and Health Planning Committee

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

John Rugge, M.D., Chair of Health Planning Committee

VI. REGULATION

Report of the Committee on Codes, Regulations and Legislation

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

For Emergency Adoption

- 20-06 Amendment of Part 2, Section 405.3 and Addition of Section 58-1.14 to Title 10 NYCRR
(Investigation of Communicable Disease; Isolation and Quarantine)
- 20-07 Amendment of Section 2.60 of Title 10 NYCRR & Repeal of Subpart 66-3 of Title 10 NYCRR
(Face Coverings for COVID-19 Prevention)
- 20-22 Amendment of Sections 405.11 and 415.19 of Title 10 NYCRR
(Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements)
- 20-24 Addition of Sections 1.2, 700.5 and Part 360 to Title 10 NYCRR;
Amendment of Sections 400.1, 405.24 & 1001.6 of Title 10 NYCRR and Sections 487.3, 488.3 and 490.3 of Title 18 NYCRR
(Surge and Flex Health Coordination System)
- 21-06 Addition of Subpart 66-4 to Title 10 NYCRR
(COVID-19 Vaccinations of Nursing Home and Adult Care Facility Residents and Personnel)
- 21-15 Addition of Sections 2.9 and 2.62 to Title 10 NYCRR
(COVID-19 Reporting and Testing)

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

CON Applications

Acute Care Services - Construction

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 212259 C	Sisters of Charity Hospital - St. Joseph Campus (Erie County)	Contingent Approval

Ambulatory Surgery Centers – Construction

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 212177 C	Buffalo Surgery Center, LLC (Erie 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

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 212223 C	New York-Presbyterian Hospital - New York Weill Cornell Center (New York County) Dr. Lim – Interest/Abstaining	Contingent Approval

Hospice Services - Construction

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1. 212251 C	Hospice Care Network d/b/a Hospice Care of Long Island, Queens South Shore (Nassau County) Mr. Kraut – Recusal Dr. Strange - 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 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.	212079 E	Ambulatory Surgery Center of Western New York LLC (Erie County)	Contingent Approval

Diagnostic and Treatment Centers – Establish/Construct

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	212057 B	NY Med South Bronx, LLC (Bronx County)	Contingent Approval
2.	212182 E	Main Street Radiology at Bayside LLC (Queens County)	Approval

3.	212208 B	World Health Clinicians, Inc. d/b/a Circle Care Center – Westchester (Westchester County)	Contingent Approval
4.	212213 B	East 180 Operating, LLC d/b/a East 180th Street Health and Treatment Center (Bronx County)	Contingent Approval
5.	212219 B	Bronx Community Health Network, Inc. (Bronx County)	Contingent Approval

Certificate of Amendment of the Certificate of Incorporation

Applicant

NYP Community Programs, Inc.

E.P.R.C. Recommendation

Approval

Restated Certificate of Incorporation

Applicant

The Northeast Health Foundation, 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

CON Applications

Diagnostic and Treatment Centers – Establish/Construct

<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	212176 B Columbia/New York-Presbyterian Advanced Imaging, Inc. (New York County) Dr. Lim – 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

Diagnostic and Treatment Centers – Establish/Construct

	<u>Number</u>	<u>Applicant/Facility</u>	<u>E.P.R.C. Recommendation</u>
1.	212242 B	NY PACE Care Facility, LLC (Kings County) Dr. Berliner – Opposed at EPRC Mr. LaRue – Opposed at EPRC *Mr. LaRue - Interest	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

VIII. NEXT MEETING

May 19, 2022

June 2, 2022

IX. ADJOURNMENT