

NEW YORK STATE DEPARTMENT OF HEALTH
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL
COMMITTEE ON CODES, REGULATIONS AND LEGISLATION MEETING
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TRANSCRIPT

Mr. Holt Good morning. I'm Tom Holt, Chair of the Committee on Codes, Regulations and Legislation. I have the privilege to call the order to call to order the Codes Committee and welcome members, participants and observers. I'd like to remind the council members, staff and the audience that this meeting is subject to the Open Meeting Law and is broadcast over the internet. The webcast is accessed at the Department of Health's website. The on-demand webcast will be available no later than seven days after the meeting, for a minimum of thirty days, and then a copy will be retained in the department for four months. There are some suggestions or ground rules to follow to make this meeting successful. Because there is synchronized captioning it's important that people do not talk over each other. Captioning cannot be done correctly with two people speaking at the same time. The first time you speak please state your name and briefly identify yourself as a member of the council or Department of Health staff. This will be of assistance to the broadcasting company who is recording this meeting. Please note that the microphones are hot mics, meaning they pick up every sound. I therefore ask that you avoid rustling papers next to the microphone and also to be sensitive about personal conversations or sidebars as the microphones will pick up this chatter. As a reminder for our audience there is a forum that needs to be filled out before you enter the meeting room, which records your attendance at these meetings. It's required by the Commission on Ethics and Lobbying in the government and in accordance with Executive Law Section 166. The forums also posted on the Department of Health's website under Certificate of Need. In the future you can fill this form out prior to council meetings. Thank you for your cooperation in fulfilling our duties as prescribed by law. This morning we have two codes that we're going to be reviewing. Just for the members of the public, anybody who wishes to speak.

Mr. Holt Do we have any?

Mr. Holt And at this point, we don't have anybody signed up to speak. But in the event that we do need to limit your comments to three minutes or less. Presenters are limited to one person per organization. We would ask that you be prepared to deliver your comments promptly after your name is called. Your name will be called in order. Move to the front and deliver your remarks.

Mr. Holt We have two regulations on the agenda for today. The first for adoption general hospital medical staff recertification.

Mr. Holt Can I have a motion for a recommendation of adoption of this regulation to the full Public Health and Health Planning Council?

Mr. Holt Dr. Soffel. Dr. Kalkut. Thank you.

Mr. Holt Oh. I'm sorry. Just members of the committee.

Mr. Holt Dr. Watkins and Mr. Kraut.

Mr. Holt Robert Serenka and Jonathan Karmel from the department are available and will provide us with information on this proposal.

Mr. Serenka Good morning. My name is Bob Serenka. I'm the Deputy Director of the Center for Health Care Policy and Resource Development. This regulation is authorized pursuant to Section 28032 of the Public Health Law and will benefit article 28 general hospitals by lengthening the requirement to review the credentials of medical staff from every two years to every three years. Regulation has been published. There were six comments received. All were in favor of the regulation. Are there any questions?

Mr. Holt Thank you.

Mr. Holt Members of the committee any questions?

Mr. Holt Or the council?

Mr. Holt We had no one here to speak.

Mr. Holt I'll call the question.

Mr. Holt All in favor?

All Aye.

Mr. Holt Opposed?

Mr. Holt Motion carries.

Mr. Holt This regulation now goes to the full council for its adoption.

Mr. Holt The second item on the agenda is for information. It's ionizing radiation. This regulation is being presented to this committee for information only and will be presented to this committee and the full Public Health and Health Planning Council for adoption at a later date. Mr. Alex Damiani and Jason Riegert of the department are available and will provide us with information on this proposal.

Mr. Damiani Thank you.

Mr. Damiani My name is Alex Damiani with the New York State Department of Health. To give you just a very brief overview of this particular rule. It is authorized under public health law and also by agreement with the USNRC. This rule is really composed in three major sections. One is a very broad provision for radiation protection, occupational standards, signage, training, these sorts of very general things. The second section deals principally with X Ray equipment. The third section deals principally with radioactive materials. It has been approximately thirty years since we did a major overhaul of this rule. This rule is what we call a repeal and replace. To give a few highlights rather than drone on about the thousand changes that may be in it a few of the major changes. One is, as what's called an agreement state, we have to maintain a compatibility with the federal standard. Our rules are similar to other states. As you can see, by not having modified this rule in many years we're behind on that. In order to maintain compatibility, we're incorporating by reference many federal standards from 10CFR, which is the NRC's set of regulations. Other issues that have come up, as many of you in the medical world are aware Film is not really a thing anymore in the imaging world. We are updating our quality assurance requirements to reflect that fact that we are putting in digital QA, primary diagnostic monitor quality assurance standards on the diagnostic side. On the therapy side of radiation oncology one of the major changes in the past few years has been really a CMS update. That went from payment per fraction of a treatment where you may have five or six weeks of treatment to payment for the course of treatment. You get a single payment. What that has done is promoted sort of an accelerated treatment standard. You may get through your treatments in two or three weeks instead of five or six. That provides some quality assurance concerns. We want to update our rules to reflect that fact. A weekly chart may not be sufficient. We're incorporating things like biweekly chart checks, updates of that nature. Another item is the New York State Department of Labor's radiation control program was actually merged into the Department of Health in the late 2000's. This rule will also incorporate most of their regulations that were not duplicative. We're incorporating those into ours now. The last point I would like to make is that we are including a fee increase in here. Approximately 70% across the board increase. Some a little more. Some a little less. An average of about 68%. We are a cost recovery operation. The last time we raised our fees was 2001. At this point, it has become an operational necessity for us to do that in order to maintain an adequate program. I'll take any questions anybody may have. Thank you very much.

Mr. Holt Thank you.

Mr. Holt Any questions from the members of the committee or the council?

Mr. Holt This will be presented to the full Public Health and Health Planning Council later today for their information.

Mr. Holt That concludes my meeting.

Mr. Kraut Thank you so much, Mr. Holt and the department.