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

<table>
<thead>
<tr>
<th>Number</th>
<th>Applicant/Facility</th>
<th>E.P.R.C. Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>*172305 C Faxton-St Lukes Healthcare St Lukes Division (Oneida County) Dr. Bennett – Interest/Opposed at EPRC Dr. Brown – Abstained at EPRC *DEFERRED AT THE DEPARTMENT’S REQUEST</td>
<td>Contingent Approval</td>
</tr>
</tbody>
</table>
2. 181016 C Maimonides Medical Center (Kings County) Contingent Approval
   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

<table>
<thead>
<tr>
<th>Number</th>
<th>Applicant/Facility</th>
<th>E.P.R.C. Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 172363 E</td>
<td>Flushing Endoscopy Center, LLC (Queens County)</td>
<td>Approval</td>
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</tbody>
</table>

Dialysis Services – Establish/Construct

<table>
<thead>
<tr>
<th>Number</th>
<th>Applicant/Facility</th>
<th>E.P.R.C. Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 171380 B</td>
<td>New York Continuum Services, LLC (Kings County)</td>
<td>Contingent Approval</td>
</tr>
</tbody>
</table>

**Certificates**

Certificate of Incorporation

<table>
<thead>
<tr>
<th>Applicant</th>
<th>E.P.R.C. Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cayuga Medical Center Auxiliary, Inc</td>
<td>Approval</td>
</tr>
</tbody>
</table>

Certificate of Amendment of the Articles of Organization

<table>
<thead>
<tr>
<th>Applicant</th>
<th>E.P.R.C. Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Endo Group, LLC</td>
<td>Approval</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Number</th>
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</tr>
</thead>
</table>
| 1. 181031 E | Westchester County Health Care Corporation (Ulster County)  
Dr. Bennett – Interest  
Mr. Berliner - Interest     | Contingent Approval            |

Residential Health Care Facilities – Establish/Construct

<table>
<thead>
<tr>
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<th>E.P.R.C. Recommendation</th>
</tr>
</thead>
</table>
| 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

Applicant: Long Island Jewish Medical Center

E.P.R.C. Recommendation: Approval

Applicant: Plainview Hospital

E.P.R.C. Recommendation: Approval

Applicant: Southside Hospital

E.P.R.C. Recommendation: Approval

Applicant: Staten Island University Hospital

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

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<tbody>
<tr>
<td>1. 181002 E</td>
<td>New York Endoscopy Center (Westchester County) Dr. Martin – Abstained at EPRC</td>
<td>Contingent Approval</td>
</tr>
</tbody>
</table>

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

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<thead>
<tr>
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<tbody>
<tr>
<td>1. 172347 B</td>
<td>Southern Tier Women’s Health Services (Broome County) Dr. Bennett – Opposed at EPRC Mr. La Rue – Abstained at EPRC</td>
<td>Contingent Approval</td>
</tr>
</tbody>
</table>

**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 – Establish/Construct**

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<tr>
<td>1. 181106 E</td>
<td>Eastern Niagara Hospital – Lockport Division (Niagara County) Ms. Baumgartner – Recusal Dr. Bennett – Opposed at EPRC Dr. Brown – Abstained at EPRC</td>
<td>Contingent Approval</td>
</tr>
<tr>
<td>2. 171446 E</td>
<td>St. Josephs Hospital Health Center (Onondaga County) Dr. Bennett – Interest Dr. Brown - Abstained</td>
<td>Contingent Approval</td>
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</tbody>
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### Certified Home Health Agency – Establish/Construct

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<tbody>
<tr>
<td>1. 172230 E</td>
<td>St. Joseph’s Hospital Health Center CHHA (Onondaga County) Dr. Bennett – Interest/Opposed at EPRC Dr. Brown – Abstained at EPRC</td>
<td>Contingent Approval</td>
</tr>
<tr>
<td>2. 172296 E</td>
<td>NYU Winthrop Hospital (Nassau County) Dr. Kalkut – Recusal Dr. Brown – Abstained at EPRC</td>
<td>Contingent Approval</td>
</tr>
</tbody>
</table>

**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

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</tr>
</thead>
<tbody>
<tr>
<td>1. 172364 E</td>
<td>True North IV DC, LLC (Queens County) Mr. Kraut – Recusal</td>
<td>Presented at the 4/12/18 Special Establishment/Project Review Committee No Recommendation</td>
</tr>
<tr>
<td>2. 172411 E</td>
<td>True North V DC, LLC (Kings County) Mr. Kraut – Recusal</td>
<td>Presented at the 4/12/18 Special Establishment/Project Review Committee No Recommendation</td>
</tr>
</tbody>
</table>
## HOME HEALTH AGENCY LICENSURES

**New LHCSAs – Affiliated with Assisted Living Programs (ALPs)**

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>161033</td>
<td>2600 Niagara Falls Boulevard AL Operating Company, LLC d/b/a Elderwood Home Care at Wheatfield (Niagara County)</td>
<td>Contingent Approval</td>
</tr>
<tr>
<td>162292</td>
<td>571 Main Street Operating Company, LLC d/b/a Elderwood Home Care at Williamsville (Erie County)</td>
<td>Contingent Approval</td>
</tr>
<tr>
<td>162303</td>
<td>Western NY Care Services, LLC d/b/a Western NY Care Services (Cattaraugus, Wyoming, Erie and Niagara Counties)</td>
<td>Approval</td>
</tr>
<tr>
<td>171385</td>
<td>Home Care for Generations, LLC d/b/a Generations Home Care (Rockland, Westchester, Orange and Dutchess Counties)</td>
<td>Approval</td>
</tr>
<tr>
<td>172286</td>
<td>Magnolia Home Care Services, LLC d/b/a Magnolia Home Care Services (Rockland, Ulster, Dutchess, Sullivan, Orange, Westchester, Putnam and Bronx Counties)</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### VIII. NEXT MEETING

May 17, 2018 - NYC
June 7, 2018 – NYC

### IX. ADJOURNMENT