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PUBLIC HEALTH AND HEALTH PLANNING COUNCIL
ESTABLISHMENT AND PROJECT REVIEW COMMITTEE MEETING
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TRANSCRIPT

Mr. Robinson Good morning everyone. Welcome to the Establishment and Project Review Committee. Probably anticlimactic after Codes Committee and the full council, but we will continue to press on.

Mr. Robinson I'd like to begin, if I can, by acknowledging a very, very important person. Her name is Barbara. Barbara is one of these people that's sort of like a hidden figure in the department, right? Known well to the people inside the department, but to those of us outside, probably not as visible. She's been with the department working on CON's and one capacity or another since almost infancy in 1997, if I recall correctly. If I have that data right. This is her last meeting of the committee and the council. She is slated for a retirement beginning the 22nd of November, I guess, or thereabouts, as your last day in the office. I guess what we really want to do is say thank you. I think so many people in the department do so many amazing things and it's often behind the scenes. You're one of those behind the scenes people for us. Nonetheless, your work is valued. We really want to thank you for the time and effort that you spent working for the people of the State of New York in the Health Department. You've done an amazing job for us. I can tell from your colleagues here already that they're moaning and groaning about the work that they're going to have to take on. While no one is irreplaceable, the fact of the matter is that that long period of experience and the institutional knowledge that you will be leaving with is going to be very, very hard to replace. We want to just say thank you. We want to wish you all the best in your retirement. I guess on the behalf of all of us, thank you.

Mr. Robinson You want to say anything, you're more than welcome.

Mr. Robinson No, no, no. Still remaining behind the scenes, even to the last day.

Mr. Robinson On with our work.

Mr. Robinson We'll just begin with and by the way, Mr. Holt actually provided all the admonitions at the beginning. I'm not going to repeat those, but they remain in effect.

Mr. Robinson Application 2 2 1 2 4 8 C, NYU Langone Hospital, Long Island in Nassau County. This is to certify a new single Specialty Ambulatory Surgery Center Extension Clinic on the seventh floor of 211 Station Road. I want to note a conflict and recusal by Dr. Kalkut, who appears to have left the room. The department is recommending approval with conditions and contingencies.

Mr. Robinson May I have a motion?

Mr. Robinson Mr. Holt.

Mr. Robinson A second.

Mr. Robinson I need a New York second.

Mr. Kraut We have a second by Dr. Berliner and Dr. Torres.

Mr. Robinson Wonderful. The more seconds, the better.

Mr. Robinson To you, Ms. Glock.

Ms. Glock Thank you.

Ms. Glock This is Shelly Glock at the department. This application is requesting approval to certify an extension clinic by NYU Langone Hospital Long Island to provide a single specialty gastroenterology ambulatory surgery services. This project will allow NYU Langone Hospital, Long Island, to address some capacity issues that they're having at the main hospital, in that both the inpatient and outpatient are receiving care in the same endoscopy suite. Based upon our review of compliance and financial feasibility and public need, the department is recommending approval with conditions and contingencies.

Mr. Robinson Thank you.

Mr. Robinson Questions from members of the committee?

Mr. Robinson Mr. Kraut, you're going to have to sort of be the concert master.

Mr. Kraut There are no body indicating questions.

Mr. Robinson No questions.

Mr. Robinson Any questions here in Albany?

Mr. Robinson Is there anyone from the public that wishes to speak on this application?

Mr. Robinson I am going to call the question.

Mr. Robinson All in favor?

All Aye.

Mr. Kraut Everybody voted affirmatively in New York.

Mr. Robinson Thank you.

Mr. Robinson As they did here.

Mr. Robinson Any opposed?

Mr. Robinson Any abstentions?

Mr. Robinson The motion carries.

Mr. Robinson Thank you.

Mr. Robinson Application 22-1191-B, Maxillofacial Ambulatory Surgery Center, LLC in Suffolk County to establish and construct a single specialty freestanding ambulatory surgery center at 400 Town Line Road, specializing in oral and maxillofacial surgical procedures. The department is recommending approval with conditions and contingencies with an expiration of the operating certificate five years from the date of issuance is our recommendation.

Mr. Robinson May I have a motion?

Mr. Robinson Motion by Mr. Holt.

Mr. Robinson Second in New York by Dr. Torres.

Mr. Robinson Thank you.

Mr. Robinson Ms. Glock.

Ms. Glock Maxillofacial LLC is requesting approval to establish and construct this Article 28 DTC, which would be certified as the single specialty freestanding ambulatory surgery center for Oral and Maxillofacial Surgical Procedures. You could see the proposed operator, Maxillofacial LLC is comprised of two members shown in the exhibit. The department based upon a review of character and competence, public need and financial feasibility is recommending approval with conditions and contingencies with the expiration of the operating certificate five years from the date of its issuance.

Mr. Robinson Thank you.

Mr. Robinson Questions from the committee or members of the council?

Mr. Kraut There are none in New York.

Mr. Robinson None in New York. None here.

Mr. Robinson I see questions only from the applicant.

Mr. Robinson Anybody else from the public wishing to speak on this application hearing?

Mr. Robinson All in favor?

Mr. Kraut Everyone voted affirmatively in New York.

Mr. Robinson Thank you.

Mr. Robinson An opposition?

Mr. Robinson Any abstentions?

Mr. Robinson The motion carries.

Mr. Robinson Thank you.

Mr. Robinson Application 2 2 1 2 0 6 E, Northern Westchester Facility Project LLC doing business as Yorktown Center for Specialty Surgery in Westchester County. This is to transfer 20.044%. Really, you calculated it to that level. From sixteen existing members to eleven new members and to seek approval of eight existing members. The department is recommending approval with conditions and a contingency.

Mr. Robinson Motion by Mr. Holt, seconded in New York by Dr. Kalkut.

Mr. Robinson Ms. Glock.

Ms. Glock Northern Westchester Facility Project LLC, which is doing business as Yorktown Center for Specialty Surgery, is requesting permission or approval to transfer 20.044 trends ownership interest to eleven new members and seeking approval for eight members who were previously admitted under a transfer notice to the department. You can see that the current ownership consists of fifteen class A members who are physicians that own 91% of the membership and one Class B member that owns 9%. The facility is currently licensed to provide multi-specialty services. There is no proposed change in services upon approval of the transaction. Based upon our review, the department is recommending approval with with conditions and a contingency.

Mr. Robinson Thank you.

Mr. Robinson Questions from the committee or members of the council?

Mr. Robinson None in New York here. None in Albany.

Mr. Robinson Applicant, questions only.

Mr. Robinson Anybody else from the public wishing to speak on this application?

Mr. Robinson All in favor?

All Aye.

Mr. Robinson Thank you.

Mr. Robinson Any opposed?

Mr. Robinson Any abstentions?

Mr. Robinson The motion carries.

Mr. Robinson Thank you.

Mr. Robinson Application 2 2 1 2 1 3 E, Performance Surgical Center, LLC doing business as Performance Surgical Center in Kings County. This is to establish Performance Surgical Center, LLC, as the new operator of Millennium Ambulatory Surgery Center, a multi-specialty freestanding ambulatory surgical center at 1408 Ocean Avenue in Brooklyn. I will note here that on page three of the exhibit, contingency number one has been removed due to being placed on the application in error. The department is recommending approval with conditions and contingencies with an expiration of the operating certificate five years from the date of issuance is the recommendation.

Mr. Robinson A motion by Mr. Holt. A second in New York by Dr. Torres.

Mr. Robinson Thank you.

Mr. Robinson Ms. Glock.

Ms. Glock Performance Surgical Center, LLC is an existing New York LLC and requesting approval to become the new operator of Millennium Ambulatory Surgery Center, which is an existing multi-specialty freestanding ambulatory surgery center. You can see in the exhibit the proposed operator Performance Surgical Center is comprised of two individuals. The department, based upon a review of character and competence, financial feasibility and public needs is recommending approval with conditions and contingencies with the expiration of the operating certificate five years from the completion of the application.

Mr. Robinson Thank you.

Mr. Robinson Questions from the committee or other members of the council?

Mr. Kraut None here.

Mr. Robinson Applicant, questions only.

Mr. Robinson Anybody else from the public wishing to speak on this application?

Mr. Robinson All in favor?

All Aye.

Mr. Kraut All in New York voted affirmatively.

Mr. Robinson Thank you.

Mr. Robinson Any opposed?

Mr. Robinson Any abstentions?

Mr. Robinson Motion carries.

Mr. Robinson Thank you very much.

Mr. Robinson Moving now to applications for diagnostic and treatment centers.

Mr. Robinson Application 2 2 1 1 4 5 B, Apple Health Care in Kings County. This is to establish and construct a new diagnostic and treatment center at 1578 Fulton Street in Brooklyn. Department is recommending approval with conditions and contingencies.

Mr. Robinson Motion by Mr. Holt. Second in New York by Dr. Kalkut.

Mr. Robinson Ms. Glock.

Ms. Glock AppleCare Health, LLC, as stated, is requesting approval to establish and construct an Article 28 Diagnostic and Treatment Center to provide primary medical care, other medical specialties and podiatry services in Kings County. The center will be located in the area designated as a health professional shortage area for primary care. The proposed ownership members are depicted in the exhibit and based upon a review of character and competence, public need and financial feasibility, the department is recommending approval with conditions and contingencies.

Mr. Robinson Thank you.

Mr. Robinson And questions?

Mr. Kraut We have the applicant in New York available for questions if necessary.

Mr. Robinson I see questions only.

Mr. Robinson Are there any questions from the members of the committee or the counsel?

Mr. Kraut Dr. Soffel.

Mr. Robinson Thank you.

Dr. Soffel My question is, I noticed that the proposed medical director is a specialist in addiction medicine. The center that is being opened is a primary care and medical specialty center, DNTC. My question is maybe for the department. I'm curious how competence is evaluated in a situation where the proposed medical director does not have the same background specialty as the center that he is proposing to run.

Ms. Glock The requirement is that the center has a physician as a medical director. He is licensed. He is board certified. We've reviewed him for character and competence and have determined that his experience as a physician, even though it may not be in primary care, is sufficient to meet our public health law 2801A for character and competence. He's a licensed physician licensed in New York State.

Dr. Soffel That's the sole criterion that you guys use to evaluate character competence.

Ms. Glock It's one of the criteria that we look at.

Dr. Soffel As you know, I'm a newbie on the council, so I'm learning my way as I go.

Mr. Robinson Thank you for the question.

Mr. Robinson Other questions?

Mr. Kraut Yes, Dr. Lim.

Mr. Robinson Thank you.

Dr. Lim I have a similar, but slightly different question regarding, I guess what exactly, and perhaps it's the applicant who can speak to this. What exactly, if any, direct clinical care would he be providing? Because he is a psychiatrist and I understand that as a licensed

physician, he can oversee administratively the services. Will he be providing any direct clinical care?

Mr. Robinson Could you ask the applicant to come up and answer that question?

Mr. Kraut When you come up, can you just please identify both speakers for the record and speak as close as you can to the microphone.

Mr. Kraut Hold on. Hold on. You're not near the microphone.

Mr. Kraut If you could sit down, please.

Mr. Kraut Just pull it as close as you can.

Mr. Kraut Thank you.

Applicant Good morning. My name is Jeffrey. I'm a New York state, New Jersey and Pennsylvania licensed physician. I also would say that my training I just took for a moment to go back to the last question. I retired from the United States Army Reserve at twenty-two and a half years. I have been the medical director of several significant Army medical facilities, which provide both behavioral health and somatic health and have, as a general medical officer, provided somatic medical health to thousands of soldiers over the years. I was also the medical director out of Rikers Island for two years back in the 1980's. I have considerable experience in addition to being board certified in consultation psychiatry, which addresses the connection between the body and the mind and served as a training director at Robert Wood Johnson University Hospital in that area. I'm quite comfortable providing direct medical care that isn't behavioral health oriented to anyone. I know when it's time to ask for a specialty.

Applicant What was the more immediate question, please?

Mr. Kraut Dr. Lim.

Dr. Lim I'm a psychiatrist, so I understand what you're saying, But I guess in light of the restrictions on your practice. that you are a psychiatrist, I guess my question is, what kind of direct clinical care will you be providing, if any?

Applicant Sure.

Applicant It's important for everyone to be aware that there's now a tremendous move towards embedding behavioral health into primary care practices. There's more of an overlap these days. I would plan on providing direct behavioral health care to the patients. For some reason, it wasn't listed as one of the specialties that would be provided. That was an error of omission. We spoke about it right before we came into the room. Behavioral health will be one of the specialties provided.

Applicant The other point is there will be other primary care doctors on staff of the Article 28 providing care.

Mr. Robinson Thank you.

Mr. Kraut Are there any other questions in New York?

Mr. Kraut Peter, back to you.

Mr. Robinson Thank you.

Mr. Robinson I guess we got the applicant's input.

Mr. Robinson Is there anybody from the public that wishes to speak on this application?

Mr. Robinson All in favor?

All Aye.

Mr. Kraut All voted affirmatively here.

Mr. Robinson Thank you.

Mr. Robinson As they did here in Albany.

Mr. Robinson No opposition and no abstentions.

Mr. Robinson The motion carries.

Mr. Robinson Thank you.

Mr. Robinson Application 2 2 1 2 2 7 B, Parkchester DTC LLC doing business as Parkchester Diagnostic and Treatment Center in Bronx County to establish and construct a diagnostic and treatment center at 1879 Gleason Avenue in the Bronx. Also, this application will result in the performance of renovations and construction of a new space adjoining the existing building. The department is recommending approval with conditions and contingencies.

Mr. Robinson Motion by Dr. Holt.

Mr. Robinson You're welcome.

Mr. Robinson A second in New York by Dr. Kalkut, because I can see you.

Mr. Robinson Ms. Glock.

Ms. Glock Parkchester Diagnostic and Treatment Center, LLC is seeking approval to establish and construct the Article 28 Diagnostic Treatment Center through the conversion of a primary care private practice. The applicant proposes to provide primary care, physical therapy, podiatry and other medical specialties. This proposed site is in a designated medically underserved area for primary care. The two proposed members of Parkchester, LLC, you could see in the exhibit. Based upon a review of character and competence, financial feasibility and public need, the department is recommending approval with conditions and contingencies.

Mr. Robinson Thank you.

Mr. Robinson Questions from the committee or other members of the council?

Mr. Kraut None in New York.

Mr. Robinson Thank you.

Mr. Robinson Applicant, questions only.

Mr. Robinson They're in New York, I believe.

Mr. Kraut Yes.

Mr. Robinson Anyone from the public wishing to speak?

Mr. Robinson All in favor?

All Aye.

Mr. Kraut Everybody voted affirmative.

Mr. Robinson Very good.

Mr. Robinson No opposition, no abstentions.

Mr. Robinson The motion carries.

Mr. Robinson Thank you.

Mr. Robinson Application 2 2 1 2 3 1 B, A Friendly Face Academy Corp in Richmond County establish and construct a new diagnostic and treatment center for Primary Care and other medical specialties at 1887 Richmond Avenue on Staten Island. Department is recommending approval with conditions and contingencies.

Mr. Robinson Motion by Mr. Holt.

Mr. Robinson Second by... Dr. Kalkut, raise your hand because I can see you.

Mr. Robinson Thank you.

Mr. Robinson Very good.

Mr. Robinson Ms. Glock.

Ms. Glock Friendly Face Academy Corp is seeking approval to establish and construct this Article 28 Diagnostic and Treatment Center in Staten Island. The proposed center request certification for primary care, other medical specialties, physical therapy, and will serve both the pediatric and adult population. The proposed operator are two individuals I highlighted in your exhibit. Based upon a review of character and competence of those individuals, public need and financial feasibility of the project, the department is recommending approval with conditions and contingencies.

Mr. Robinson Thank you.

Mr. Robinson Questions please committee or council members.

Mr. Kraut No one in New York.

Mr. Robinson The applicant has questions only.

Mr. Robinson Anybody from the public wishing to speak.

Mr. Robinson Hearing none, call the question.

Mr. Robinson All in favor?

All Aye.

Mr. Robinson Opposed?

Mr. Robinson Any abstentions?

Mr. Robinson The motion carries.

Mr. Robinson Thank you.

Mr. Robinson Application 2 2 1 2 6 5 B, JAL 28 LLC doing business as Merry Land Health Center in Kings County established JAL 28 LLC as the new operator of Merry Land Health Center, a diagnostic and treatment center located at 2873 West 17th Street in Brooklyn, currently operated by a Merry Land operating LLC and verified medical services and other medical specialties. A note here, please, on page two of the exhibit, contingency number one has been removed due to its being placed on the application in error. With that said, the department recommends approval with conditions and contingencies.

Mr. Robinson I have a motion from Mr. Holt and a second from Dr. Torres.

Mr. Robinson Thank you.

Mr. Robinson Mr. Glock.

Ms. Glock Thank you.

Ms. Glock This application seeks to establish JAL 28 LLC as the new operator of A Merry Land Health Center, which is an existing diagnostic and treatment center in Brooklyn, currently operated by a Merry Land operating LLC. The Diagnostic and Treatment Center currently provides primary care, optometry, podiatry and therapies. As part of this application, the applicant is seeking to add other medical specialties to the center's operating certificate. The center is located at a designated medically underserved area and a health professional shortage area for primary care. Based upon the review, the department's review of character and competence, financial feasibility and public need, we are recommending approval with conditions and contingencies.

Mr. Robinson Thank you.

Mr. Robinson Questions from the committee or council members?

Mr. Kraut I have a question from Dr. Soffel In New York.

Dr. Soffel My question is this entity is currently in bankruptcy and I'm curious how the new owner intends to change the financial situation to have a more successful outcome.

Ms. Glock I would defer to the applicant to discuss their business model if they're available.

Mr. Kraut The applicant is here in Albany.

Mr. Robinson Thank you.

Mr. Robinson Could you please introduce yourselves?

Applicant Good afternoon. In response to the question for the bankruptcy, this was an existing operating diagnostic and treatment center. I think, you know, your question is how are they going to be successful if the current operator is currently in bankruptcy is the way we're phrasing it, which great question. It's been managed for years. It was not in bankruptcy. It was a very successful Article 28. The current operators had some, having to do with them, had some other issues that were personal issues that became an issue into their operations. Unfortunately, they just couldn't give it the attention to detail that it needed, which is why it fell into financial dire straits. He has the ability. He currently provide MSO services to PC practices, and he's going to be using that knowledge and expertise to implement into running in the Article 28 Diagnostic and Treatment Center, which we hope would be successful.

Mr. Robinson Dr. Soffel, does that answer your question?

Mr. Kraut Yes.

Mr. Robinson Thank you.

Mr. Robinson Are there any other questions of the applicant from members of the committee or the council?

Mr. Robinson You're all set.

Mr. Robinson Anybody else from the public wishing to speak?

Mr. Robinson All in favor?

All Aye.

Mr. Kraut Everybody voted affirmatively in New York.

Mr. Robinson Thank you.

Mr. Robinson None opposed.

Mr. Robinson No abstentions.

Mr. Robinson The motion carries.

Mr. Robinson Thank you.

Mr. Robinson We are now moving to residential health care facilities.

Mr. Robinson Application 1 9 2 2 0 4 E, Highland Nursing Home Inc doing business as North Country Nursing and Rehabilitation Centre. This is in St. Lawrence County. This is transferring 100% shareholder interest to ten new shareholders. The department is recommending approval with a condition and contingencies.

Mr. Robinson I have a motion by Mr. Holt and a second by Mr. Thomas.

Mr. Robinson Thank you.

Mr. Robinson Mr. Furnish.

Mr. Furnish Mark Furnish here for the department again speaking to you on this application. As indicated, this is in an establishment application for Highland Nursing Home Inc, which is a current operator of 140 bed proprietary Article 28 RHCF. They're requesting approval to transfer 100% of their ownership of its capital stock to ten new shareholders. Long term care ombudsman's finds and acceptable. No need summary is needed because of the transfer of the no corporate changes. It meets the current character and competence review and meets the financial review. I'm here to answer any questions.

Mr. Robinson Thank you.

Mr. Robinson Applicant indicates questions only.

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

Dr. Soffel I have a question. I see that several of the proposed new owners currently operate other nursing homes and that the quality ratings are not great. I'm sort of curious about why we would approve an application for someone to take over a nursing home when they currently operate nursing homes with below average quality scores.

Mr. Furnish Thank you for that question.

Mr. Furnish Based on the current law as the way it is now, there's a 40% threshold cap that was just enacted by the legislature that meets the threshold required under the law for that 40% cap that was just passed and is found in regulations 600.1 and 600.2. That's why it meets that category for character and competence.

Mr. Kraut That was an issue we repeatedly brought up over the years. The result was the legislative actions saying that ...I guess, got you checked out statistically there'll be some distribution of quality because it's forced rankings. They created a cap by which we could consider applicants to have the competence to run a nursing home. There's as I guess, a tolerance level.

Mr. Kraut Scott, you were the expert in that.

Mr. La Rue Yes.

Mr. La Rue If you own ten nursing homes and six of them are three stars or more and you've owned them for a certain number of years, because if you take over a facility that had a four star rating, it could take three years before you could get the star rating changed. We felt that these new regulations made a significant improvement in our ability and the department's ability to, you know, better regulate the transfer of nursing homes to operators who have a poor history. That's how the 40% came into being.

Mr. Robinson Thank you.

Mr. Robinson Any other question?

Mr. Kraut Dr. Berliner.

Dr. Berliner That explanation doesn't really answer the question, I think. We've just passed regulations today that will put even more of a burden on long term care facilities, particularly those in less urban areas outside of New York City. Given a bad history with nursing home ratings, on what basis can we expect an improvement in places that are not going to be under even more financial pressure?

Mr. Robinson I think we have the applicant here in Albany, so I'm going to let the applicant be introduced and to respond.

Mr. Robinson Mr. Cicero.

Applicant Yes.

Applicant Thank you.

Applicant My name is Frank Cicero. I'm a consultant to the applicant. For Dr. Soffel and Dr. Berliner, just a little closer look at the numbers may give some comfort. First of all, the existing operator, the family has been divesting most of its facilities across the state. You can see the existing facility is one star across the board. The folks coming in typically acquire entities that are in very bad shape and not doing well at all from a star standpoint. If you look at the facilities they've had for a longer period of time, five of the seven that they owned for four years or more. Two are five star. Another is three star. Another is two star. One is one star. They're improving those. Those are the better facilities, the ones they on for a longer period of time. Same thing. The six of those with four years or more. Four increased their star rating under their ownership. One remained equal. One declined. They're showing improvement there. He apologizes for not being able to be here today. His son is undergoing surgery. He's the lead shareholder. Has had for three of the last four years since this agreement to sell this facility was entered into, which was held up by COVID and the subsequent inability of the council to take this facility over. It has helped at the facility to take it from the time you last saw this and a change of ownership where it had about a 50% occupancy to currently 98% has been held back, certainly by not being able to act as an operator. They've not been able to put in the resources. I think you see the budget projects a facility where they do plan to put in the resources into the staffing side, into the direct care side, and that's proven out by the budget. I think no question, I think it's fair to say that their star ratings are not great. There's no question about that. The facilities they've had for a longer period of time have generally tended to do better as they've put in the effort. That's the hope here as they replace a family that mainly across

the state, including this year you've seen, I think, a good half dozen of the entities owned by this family are being transitioned to new ownership.

Applicant If there's other questions, I'd be glad to answer.

Mr. Robinson Dr. Berliner.

Dr. Berliner Yes.

Dr. Berliner Thank you.

Mr. Robinson Thank you very much.

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

Mr. Robinson Anybody from the public wishing to speak here?

Mr. Robinson I'm going to call the question.

Mr. Robinson All in favor?

All Aye.

Mr. Kraut Everybody voted affirmatively in New York.

Mr. Robinson Thank you.

Mr. Robinson As they did here.

Mr. Robinson The motion carries.

Mr. Robinson No opposition and no abstentions.

Mr. Robinson Application 202034 E, Ulster NH Operations LLC doing business as Golden Hill Center for Rehabilitating and Nursing in Ulster County. This is to establish Ulster NH Operation LLC as the new operator of the 280 bed residential health care facility located at 99 Golden Hill Drive in Kingston. Currently operated as Golden Hill Nursing and Rehabilitation Center. The department is recommending approval with conditions and contingencies.

Mr. Robinson A motion by Mr. Holt and a second by Dr. Kalkut.

Mr. Robinson Mr. Furnish.

Mr. Furnish Thank you.

Mr. Furnish As stated earlier, this is an establishment for the Ulster County Nursing Home Operation LLC to be approval to be established as a new operator of Golden Hill Nursing and Rehab Center, which is a 280 bed rehab facility in Ulster County. Golden Hill Planning Corporation is the current operator of the facility. The long term care ombudsman finds them satisfactory and meets summary review according to the department, is satisfactory. Meets current character and competence review under the new laws and a satisfactory

and meets financial review. The department recommends approval with contingencies and conditions.

Mr. Robinson Thank you.

Mr. Robinson Questions from the committee or the council?

Mr. Kraut None in New York.

Mr. Robinson Thank you.

Mr. Robinson None here in Albany.

Mr. Robinson Does anybody from the public wish to speak on this application hearing?

Mr. Robinson All in favor?

All Aye.

Mr. Kraut Everybody voted affirmatively in New York.

Mr. Robinson Thank you.

Mr. Robinson Everybody did here as well.

Mr. Robinson No opposition, no abstentions.

Mr. Robinson The motion carries.

Mr. Robinson We're at the finish line.

Mr. Robinson Last application, 2 1 1 0 8 7 E, The Premiere Center for Rehabilitation of Westchester LLC, doing business to the Springvale Nursing and Rehabilitation Center in Westchester County. Establish the Premier Center for Rehabilitation of Westchester LLC as the new operator of Bethel Nursing and Rehabilitation Center, a 200 bed residential health care facility located at 67 Springvale Road Croton on Hudson. Department recommending approval with conditions and contingencies.

Mr. Robinson Motion by Mr. Hold.

Mr. Robinson Second by Dr. Torres.

Mr. Robinson Thank you, Dr. Torres.

Mr. Robinson Mr. Furnish.

Mr. Furnish Sure.

Mr. Furnish Bethel, Springvale Nursing Home is the current operator of this facility. The Premier Center for Rehabilitation of Westchester, LLC is seeking establishment to be the new operator of the Bethel Nursing and Rehab Center. If approved, the new facility will be renamed the Springvale Nursing and Rehab Center in Westchester County. The long term

care finds them acceptable. Meets summary. Is satisfied. It meets current character and competence review in a satisfactory under the new rules and guidelines. It meets financial review. The department recommends approval with contingencies and conditions.

Mr. Robinson Thank you.

Mr. Robinson Any questions in New York from the committee or the council?

Dr. Soffel The same concern that I have raised before, which is, again, the proposed new owners currently operate nursing homes with below average quality ratings. I'm sort of concerned that we are going to be so glib about approving a transfer of ownership to an owner who in my mind hasn't demonstrated competence in operating a nursing home.

Mr. Robinson Can we get the application forward, please?

Applicant Frank, Frank Cicero again, and Lisa Altieri to represent the applicant. I'd like to make a statement about the application first and then Lisa, I think, will speak to the quality issues. This application, I'm going to wait till Dr. Soffel has a chance.

Mr. Robinson Just give her a second.

Applicant Understood.

Applicant Thank you.

Mr. Robinson Denise.

Applicant Frank, Frank Cicero, representing the applicant along with Lisa Altieri. I just wanted to give a brief background on this application. The seller, the Bethel Homes is in the process of consolidating its operations in this area to one of its other nursing homes and also supports a CCRC in that area and is also very hopeful that this application can be approved, so it may use the funding from this application to help support it in its acquisition of another struggling CCRC north of it in New York State, which it's working closely with the department on. That is the purpose of this application. Moving forward, Lisa will discuss the quality measures of the folks who are proposing to come in.

Applicant Thank you.

Applicant Good morning. My name is Lisa Altieri. For the client, we've been working with them for quite a few years. One of the things that I think you heard before was that some of these facilities have been purchased, have either been what's called under special focus facility by CMS, which means they actually have to have a survey, an annual survey every six months. Several of these facilities were under special focus facility when they were purchased and with it during COVID, we're actually graduated from Special Focus Facility, improve their star ratings, including their health inspections and their staffing. In addition, there was another facility when they purchased the facility that was a county facility, and within a year they were put on the candidate list for special purpose facility. Within the year, the facility was removed from that candidate list. There's a number of those types of facilities in the full list. A number of these facilities were also county facilities where they have also improved over the time, both in staffing, quality measures and health inspections. I hope that answers your questions.

Applicant If you have any other specific ones, I'd be happy to take them.

Mr. Furnish This is Mark again with the department. I wouldn't characterize our character and competence review as glib. We do spend a lot of time reviewing all the applications, especially under the new statutory provisions quality and the long term care weighs in as well. Of the three applications you see here today, many did not make the list due to our concerns on quality until we get satisfactory answers. We do spend a lot of time reviewing this and going over that. I hope that gives you some assurance.

Dr. Soffel I'm sorry, Mark. I did not mean any disrespect to the department.

Dr. Soffel I'm sorry. I did not mean any disrespect to the department or the department staff.

Mr. Furnish None taken. I just wanted to get that on the record.

Mr. Furnish Thanks.

Mr. Robinson I mean, I think you're raising important questions. I think actually understanding the process of how and I think you do know a lot of this quite well, but I think understanding the process by which nursing homes actually have to. I think the process they go through for review and how they start. The lag time in getting star ratings and how long it takes to actually move the needle is an important consideration as we consider this. I think it's always good that we're asking the question and appreciate the fact that you're raising the flag on this.

Mr. Robinson Thank you.

Mr. Robinson Any other questions?

Mr. Kraut Mr. Robinson, I would just add that I don't think there has been a member who has joined the council who has not raised a similar issue. It is part of the learning process. We're trying to improve it, as you heard, but it's an imperfect process at best.

Mr. Robinson I think these discussions are important. I think we need to continue to educate ourselves, all of us. These new members in a sort of fresh look at old issues is sometimes helpful.

Mr. Robinson Thank you.

Mr. Robinson Anybody else from the public wishing to speak?

Mr. Robinson I'm going to call the question on this application.

Mr. Robinson All in favor?

All Aye.

Mr. Kraut Everybody voted affirmatively.

Mr. Robinson Thank you.

Mr. Robinson As they did here in Albany.

Mr. Robinson No opposition.

Mr. Robinson No abstentions.

Mr. Robinson The motion carries.

Mr. Robinson I apologize that I am going to just make a comment regarding the discussion that I had to quickly leave the room for momentarily at the end of the full council meeting, which is that as we send our letter to the state, to the Governor, to the legislature expressing our concerns about this, I wanted to note that the workforce issues go beyond what is within the purview of the Department of Health. You may have already addressed that. The solution isn't entirely within the Health Department's purview either. One example of that is the fact that just yesterday, the Department of Education, the Board of Regents, once again seems to have rejected any opportunity to enter into interstate compacts that would allow reciprocal licensure so that we could easily recruit people in professions like nursing and other health professions from other states without them having to go through a licensure process separately here. I think that remains another impediment to trying to solve our workforce problems. So, just pointing out that it's more comprehensive than what's within the purview of the department.

Mr. Kraut I would just add, Dr. Boufford, before she departed, said there is an agenda we need to approach the State Ed Department with that impacts health care policy, and that's about scope of practice and issues. I think a lot of people are nodding their heads down here, Peter.

Mr. Kraut Thank you.

Mr. Robinson I apologize for that, but with that, I'm going to adjourn this meeting.

Mr. Robinson Jeff, do you want to just say something about the full council meeting coming up.

Mr. Kraut Next full council meeting day is going to be on December 8th. We hope the weather will be amenable. We hope everybody be able to attend. We do no longer have a zoom option for members.

Mr. Kraut Yes, Dr. Berliner.

Dr. Berliner I'd like to request that we we get two reports at the full council meeting, one on standalone emergency rooms and one on the operations of the proton beam center, both with demonstration projects, I believe.

Mr. Kraut I know I had discussed the freestanding ED's. They may need more time for the proton just to collect the data. I think the report may be such that we may have to have a report out at a committee. Like it may take longer than the agenda permits. That's what we're just trying to confirm, because we want to get the freestanding providers to come in the room with us, which it's a little bit of a logistic challenge, but we are working on that. The proton, I have to tell you, we got que that up.

Mr. Kraut Again, I just wish everybody a meaningful and a restful of a peaceful Thanksgiving surrounded by family and friends and frankly bring strangers in. We'll see you all on the eighth.

Mr. Kraut Thank you very much. .

Mr. Kraut Thank everybody and thank the department. This was a big agenda. The Codes had a lot of, you know, we got over 106 letters. I want to thank everybody for all the homework and effort and all the comments.

Mr. Kraut Thank you very much.

Mr. Robinson We are adjourned.

Mr. Kraut Thank you, Peter.