



PUBLIC HEALTH AND HEALTH PLANNING COUNCIL – THE CERTIFICATE OF NEED (CON) PROCESS

The Certificate of Need is the process set forth in Article 28 of the NYS Public Health Law in which the Public Health and Health Planning Council (PHHPC), the Commissioner of Health and the Department of Health (the Department) authorize individuals or business entities to build and/or operate certain healthcare facilities or health care services. The objectives of the CON process are to promote delivery of high quality health care and ensure that services are aligned with community need. The CON provides the Department of Health oversight in limiting investment in duplicate beds, services and medical equipment which, in turn, limits associated health care costs.

The CON process begins when an applicant completes and files a CON application with the Department via NYSE-CON, the Department's electronic CON system. Once a CON application is filed, the public has an opportunity to submit comment to the Department for consideration. Comments should be submitted to the Bureau of Project Management, New York State Department of Health, Room 1842 Corning Tower, Albany, NY 12237.

Once the Department of Health completes the required reviews and makes a recommendation for approval or disapproval, the application is sent to the PHHPC for its consideration. The PHHPC has the authority to approve applications for establishment and make recommendations for approval on construction for consideration by the Commissioner of Health.

Establishment and Project Review Committee Meetings:

Prior to consideration of a CON application by the full PHHPC, the application is reviewed by the Establishment and Project Review Committee (EPRC), a subcommittee of the PHHPC, which generally meets a few weeks before each scheduled PHHPC meeting. This committee is responsible for reviewing CON applications involving construction, service changes or establishment, and transfers of ownership among other things. Possible outcomes of the EPRC meeting include the committee making a recommendation of approval, disapproval or deferral on an application.

During the EPRC meeting where the CON application is considered, members of the public and the applicant are invited to comment.

Information on Public Comment for the EPRC and PHHPC:

The ERPC and PHHPC Agendas are posted to the Department of Health's website a week prior to the meeting at: https://www.health.ny.gov/facilities/public_health_and_health_planning_council/.

The public has 72 hours prior to the EPRC meeting to submit written public comments to the EPR Committee or the full PHHPC. No written correspondence will be distributed to the Council members the day of the meeting. All correspondence addressed to Council members must be sent to the Council's Executive Secretary no later than 72 hours prior to the meeting at which the application will be presented.

Correspondence should be sent directly to Colleen Leonard Executive Secretary, Public Health and Health Planning Council Empire State Plaza, Corning Tower, Room 1805 Albany, New York 12237 or via e-mail at Colleen.Leonard@health.ny.gov and PHHPC@health.ny.gov.

Upon arrival at the EPRC meeting site, members of the public must place their name on the Speaker Sign-in Sheet under the CON application for which they would like to comment. Members of the public must also fill out a Notice of Appearance Form as required by the Joint Commission on Public Ethics. Please note that CON applicants and members of the public are not permitted to speak at the Full PHHPC Council meeting.

Additional Information:

Meeting dates and locations can be found on the Department's website at https://www.health.ny.gov/facilities/public_health_and_health_planning_council/

Albany EPRC and PHHPC meetings take place at the Empire State Plaza, Concourse Level, Meeting Room 6. For EPRC and PHHPC meetings to be held at 90 Church Street, New York, NY, if a member of the public wishes to comment at the EPRC meeting or observe the full PHHPC meeting, they should submit their name in advance to Colleen Leonard at colleen.leonard@health.ny.gov or PHHPC@health.ny.gov to be placed in the building's security system.

For questions about accessibility or for observers and participants who require interpretive services, please contact Colleen Leonard at (518) 402-0964 or e-mail colleen.leonard@health.ny.gov or PHHPC@health.ny.gov. Please provide as much advance notice as possible to allow us to provide optimal access.

Meetings can also be viewed via live webcast at <https://www.health.ny.gov/events/webcasts/>.

Questions pertaining to the Council or the process can be sent to colleen.leonard@health.ny.gov and PHHPC@health.ny.gov or call (518) 402-0964.

A link to the meeting materials is also sent via an email listserv to which the public can subscribe to. To join the CON listserv, please follow the instructions at the below link: <https://www.health.ny.gov/facilities/cons/listserv.htm>