

Certificate of Need

- * Public Need
- * Financial Feasibility
- * Character and Competence
- * “At the time and place and under the circumstances proposed.”

Certificate of Need (CON)

- * Review of Establishment Actions
 - * New facilities or operators
- * Review of Construction Projects
 - * Capital Projects
 - * Expansion of Capacity

Operational Requirements

- * Once CON and Operating Certificate is issued operational oversight of service occurs through the powers vested to the Commissioner in PHL Section 2803
- * This is known as “licensure”, though the statute does not specifically call it this.

Commissioner's Powers

- * Article 28, section 2803, provides that the Commissioner “shall have the power to inquire into the operation of hospitals and to conduct periodic inspections with respect to the fitness and adequacy of the premises, equipment, personnel, rules and by laws, standards of medical care, ...system of accounts, records...adequacy of financial resources and sources of future revenue”

Regulatory Authority

- * PHL Section 2803 requires the Commissioner, with PHHPC, to “establish minimum standards and procedures” for hospitals.
- * Title 10 NYCRR Part 405-general hospitals regulations
 - * Governing Body Medical Staff QA
 - * Anesthesia Surgical Services
 - * Administration Nursing Services

Regulations

- * D&TC-Part 703
- * ASC-Part 755
- * ESRD-Part 757
- * Nursing homes-Part 415

Contrast this with OBS

- * Authority in Article 230-d (OPMC Law)
- * “Licensee practices in which OBS is performed shall maintain full accredited status”.
- * Adverse Event Reporting
- * No regulations