

NEW YORK STATE DEPARTMENT OF HEALTH
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL
DECEMBER 9, 2021
TRANSCRIPT
CONCOURSE MEETING ROOM 6, ALBANY AND ZOOM

Dr. Gutierrez It is 10:15, and having quorum for the meeting of the Codes, Regulation and Legislation, I will start with the proceedings.

Dr. Gutierrez Mr. Kraut, anything you want to announce or you want me to go ahead now?

Mr. Kraut No, I just think that following the meeting we'll convene the meeting of the full council.

Mr. Kraut Go ahead, Dr. Gutierrez.

Dr. Gutierrez Thank you very much.

Dr. Gutierrez I am Dr. Gutierrez, Chair of the Committee on Codes, Regulation and Legislation.

Dr. Gutierrez I have the privilege to call the order the codes committee meeting and welcome members, participants and observers.

Dr. Gutierrez Webcasting, I would like to remind council members, staff and audience that this meeting is subject to the opening meeting law and is broadcast over the internet. The webcasts are accessed at the Department of Health website NYHealth.Gov. The on demand webcast will be available no later than 7 days after the meeting for a minimum 30 days, and then a copy will be retained in the department for 4 months. There are some suggestions or ground rules to follow to make this successful. Number one, because there is synchronized captioning, it is important that people do not talk over each other. Captioning cannot be done correctly with two people speaking at the same time. Number two, the first time you speak, please state your name and briefly identify yourselves as council members or DOH staff. This will be of assistance to the broadcasting company recording this meeting. Number three, please note the microphones are hot, meaning they pick up every sound. I therefore ask you to avoid rustling of 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 form that needs to be filled out before you enter the meeting room, which records your attendance at meetings. It is required by the Joint Commission on Public Ethics in accordance to Executive Law Section 166. The form is also posted on the Department of Health website NYHealth.Gov under Certificate of Need. So in the future, you can fill out the form prior to the council meeting. Thank you for your cooperation in fulfilling our duties as prescribed by law. I am aware that at the present current time. Tom Holt is present, Roxann Levine is present, Dr. Rugby is present, Dr. Watkins is present, and Dr. Young is present as well as myself. With quorum, we'll start the meeting of the Codes, Regulations and Legislation Committee.

Dr. Gutierrez I'm calling it to order.

Dr. Gutierrez And for members of the public attending this meeting, when the time for you to participate comes, please limit your comments to three minutes or less. I will limit one

presenter per organization and please be prepared to deliver your comments promptly after your name is. To to that effect, your name will be called in order, and before you are due to proceed, please move close to the position in front in order to deliver your remarks. There are three regulation proposals on the agenda for today's adoption.

Dr. Gutierrez Number one for adoption is 21-08 amending of Section 756.3 and repeal of Section 766.4 of Title 10 NYCRR dealing with abortion services.

Dr. Gutierrez Ms. Meaghan Carroll of the department is available and will provide us with information on this proposal.

Dr. Gutierrez Ms. Carroll, please proceed.

Meaghan Carroll Sorry.

Meaghan Carroll Hi. My name is Meaghan Carroll, and I'm with the Department of Health in the Division of Family Health. As we previously presented on the November 18th meeting, the proposed changes to this public health section represent important updates to conform with new clinical practice guidelines found in nationally recognized standards of care to allow practitioners to make critical health decisions in the provision of abortion care. These updates also remove outdated and stigmatizing language in New York State Public Health Regulation regarding abortion. Changes in 756.4 also repeal and replace outdated language to conform regulation with the Reproductive Health Act of 2019, and remove a requirement for a physician or practitioner admitting privileges, which is no longer in compliance and consistent with federal court rulings. Since our previous presentation, we have compiled public comment after the regulations were published. We received over 15 public comments, most of which were positive and supported the changes, seeing them as an important step in removing barriers to accessing abortion care in New York State. Commenters agreed that updates to the outdated language and old clinical standards were necessary and would improve the provision of abortion care in New York, and they strongly supported the removal of stigmatizing language. Some commenters also provided some additional suggestions, including updates to other public health law sections that were determined not relevant to the provision of abortion care. There were small suggested changes to terminology which resulted in some minor updates to the language, and there was one public comment that suggested repealing certain sections of this provision with the argument that the regulation in and of itself perpetuates a notion that abortion is a disfavored process. In the response to public comments, the department did review these comments and did disagree, viewing the regulation as an important affirmation of the right to seek abortion care in New York State and a way to ensure that the care is provided in the highest quality. A copy of the final regulations is included in this packet.

Dr. Gutierrez Thank you very much.

Dr. Gutierrez Can I have a motion for a recommendation of adoption of this emergency regulation to the full Public Health and Health Planning Council from members of this committee?

Dr. Gutierrez A motion, I need, please.

Dr. Gutierrez I see Dr. Young.

Dr. Gutierrez A second, Dr Watkins.

Dr. Gutierrez Are there any questions from the committee or the council?

Dr. Gutierrez I don't see any hands up.

Dr. Gutierrez Are there any members of the public who wish to comment on this proposal? I understand that there is nobody listed.

Dr. Gutierrez If so, I put this for vote.

Dr. Gutierrez All in favor, please signify by raising your hand or saying, aye.

All Aye.

Dr. Gutierrez Anybody opposed?

Dr. Gutierrez Are there any abstentions?

Dr. Gutierrez The motion carries.

Dr. Gutierrez This regulation now goes to the full council for adoption later on.

Dr. Gutierrez For adoption today is also 20-25 amending of Section 405.34G of Title 10 NYCRR dealing with stroke services. Of the department is available and will provide us with information on this proposal.

Dr. Gutierrez Please go ahead.

Lauren Orciuoli Thank you.

Lauren Orciuoli Good morning. My name is Lauren Orciuoli, and I am a part of the Department of Health in the Office of Quality and Patient Safety. I'm here today to present an amendment to the Stroke Service Regulation for adoption. The proposal would amend 10 NYCRR Section 405.34 Subdivision G. Section 405.34 was enacted on March 19th, 2019 to create a tiered voluntary stroke designation program and stroke system of care for hospitals in New York State. The regulation outlines a process through which the department has entered into collaborative agreements with nationally recognized accrediting organizations to certify the ability of hospitals to provide specialized care to suspected stroke patients at the primary thrombectomy, capable and comprehensive level of care. The regulation requires hospitals that received designation as a stroke center prior to the enactment of the regulation to enter into a contractual agreement with the certifying organization recognized by the Commissioner of Health within two years of the effective date of the regulation. Within a year after the hospital enters into a contractual agreement with the certifying organization, they must complete their certification as a stroke center and request designation as a stroke center from the department. Thus, any hospital that does not complete the certification and designation process by March 19th, 2022 would relinquish their designation as a stroke center. Due to the COVID-19 pandemic, all regular in-person surveys and reviews scheduled by certifying organizations were temporarily suspended. There are approximately 80 hospitals that still need to comply with the regulation. There are 4 certifying organizations, and the department is aware of a waitlist for hospitals seeking to receive certification. The backlog has made the timeline as written

in the regulation unfeasible. The proposed amendment will allow the department to extend the transition timeline at the discretion of the department in response to the challenges associated with the COVID-19 pandemic without future amendments to the regulation. Without this amendment, many hospitals will be in jeopardy of losing their designation as a stroke center, which would reduce access to specialized stroke care in New York State. The Department of Health received one comment during the public comment period regarding the proposed amendment. The comment was from Greater New York Hospital Association, and was in support of the proposed amendment.

Lauren Orciuoli Thank you.

Dr. Gutierrez Thank you.

Dr. Gutierrez Can I have a motion to advance this proposal?

Dr. Gutierrez I have Dr. Young.

Dr. Gutierrez Dr. Watkins, second.

Dr. Gutierrez Do we have any discussion, any questions?

Dr. Gutierrez Yes, I have Dr. Berliner.

Dr. Gutierrez Go ahead.

Dr. Berliner Just a quick question

Dr. Berliner Do each have the same standards for certification of a stroke center?

Lauren Orciuoli Yeah, thank you, Dr. Berliner.

Lauren Orciuoli The department has set a baseline standard for all four accrediting organizations to follow. They must utilize the department's standards that were devised in accordance with the American Heart Standards of care and with our Stroke Advisory Committee when they're certifying stroke centers in New York State. Each certifying organization can have more stringent requirements, but they cannot be below the baseline.

Dr. Berliner Thank you.

Lauren Orciuoli Yep.

Dr. Gutierrez Any other questions?

Dr. Gutierrez Any other questions have comments?

Dr. Gutierrez If not, I will put this to a vote.

Dr. Gutierrez Everybody in favor raise your hand or say, aye.

All Aye.

Dr. Gutierrez Anybody opposed?

Dr. Gutierrez Any abstentions?

Dr. Gutierrez The motion carries.

Dr. Gutierrez Last for adoption today we have 19-33, amendment to Subpart 5-1 of Title 10 NYCRR Public Water Systems. Ms. Christine Wheeler of the department is available and will provide us with information on this proposal.

Dr. Gutierrez Can I have a motion for a recommendation of adoption?

Dr. Gutierrez I have Dr. Young.

Dr. Gutierrez A second, Dr Watkins.

Dr. Gutierrez And we can proceed.

Dr. Gutierrez Ms. Wheeler, please, can you tell us your side of the story?

Christine Wheeler Thank you.

Christine Wheeler My name is Christine Wheeler. I'm Director of the Bureau of Water Supply Protection in the Center for Environmental Health. We are requesting the council consider adopting amendments to Subpart 5-1 of Title 10 Public Water Systems to correct several typographical and minor technical errors. These amendments were published as consensus rulemaking in the New York State Register on July 14th. The proposed modifications received no public comments. The amendments update tables for consistency with federal and state requirements, update outdated references and correct typographical errors. These amendments are necessary for the department to maintain full primacy for delivery, oversight and management of New York's Public Drinking Water Supply Supervision Program and to ensure consistency with federally enacted drinking water regulations as promulgated by the United States Environmental Protection Agency.

Christine Wheeler Thank you.

Dr. Gutierrez Thank you, Ms. Wheeler.

Dr. Gutierrez Are there any questions or comments from members of the committee or the council?

Dr. Gutierrez Are there any members of the public that wish to speak on this?

Dr. Gutierrez Hearing none, I would put this to a vote.

Dr. Gutierrez All in favor, please say yes or aye.

All Aye.

Dr. Gutierrez Anybody against?

Dr. Gutierrez Any abstentions?

Dr. Gutierrez The motion carries.

Dr. Gutierrez This ends the meeting of the Codes committee.

Dr. Gutierrez go on to passing the baton to Mr. Kraut.

Mr. Kraut Thanks so much Dr. Gutierrez and members of the committee.

Mr. Kraut It's now my privilege to call to order the meeting of the Public Health and Health Planning Council on December 9th, 2021.

Mr. Kraut I'm Jeffrey Kraut. I'm Chair of the committee. I'd like to welcome members, department staff, participants and observers. Today's meeting, we are going to hear a report from Dr. Ursula Bower from the Office of Public Health that will be followed by a report by Dr. Gutierrez presenting regulations for adoption and then under a project review recommendations and establishment actions, Mr. Robinson. At the outset of the Codes committee, Dr. Gutierrez provided the guidelines for a successful meeting. I hope everybody remembers them and will continue to follow them. Under the agenda that we are going to take today, we've particularly for the Establishment and Project Review Committee, we've established the agenda based on the topics and categories that captures our roles and responsibilities, and we're batching certificate of need applications. I'd ask all the members to take the time to review those batched applications that Mr. Robinson is going to be presenting. If you have any issue with how we've batched them or would like to have an applicant removed, please feel free to do so. Originally, Dr. Bassett, our a newly appointed Commissioner of Health was going to be able to meet with us. Unfortunately, she sends her regrets. She's unable to participate in today's meeting due to her attending an event with the Governor. However, she did indicate that she certainly is planning to join us at the next full council meeting in February, and we hope that comes to pass. You may have an opportunity to welcome the Commissioner in other venues, hope you do so, and we're certainly looking forward to working with her on all the issues that we have worked on and need to address in the upcoming months and year. I also want to take this time and extend our appreciation to Dr. Zucker, who served as Commissioner of Health for the past seven years and was a member of this council. And throughout his time in New York, he faced many challenges. Dr. Zucker, along with his team was tremendously diligent during those times and as we know, under very, very challenging circumstances. And on behalf of the council, Dr. Boufford and myself have signed a resolution of appreciation for Dr. Zucker. I just want to share with you the highlights of that resolution, how Dr. Zucker has diligently served the residents of the State of New York since his tenure, which began in 2014, and he's diligently also supported the activities of this council in carrying out our mandate to protect and improve the health of all New Yorkers. The partnership that he developed with us, I think we certainly move closer to that shared goal of making New Yorkers among the healthiest people in the nation that has been validated by many surveys and rankings. And I think Dr. Zucker, to his credit was one of the driving forces to make that happen. He led the initiative for the Prevention Agenda to improve the health and well-being of all of New Yorkers. He was the principal public health expert in addressing COVID-19 pandemic response. We know he was guided by the science and tried to make decisions based on the best information available at that time. He implemented emergency regulations for the protection against COVID-19, prohibited the sale of electric electronic liquids with flavors, warning signage against the dangers of vaping and illegal e-cigarettes and e-liquid products. He authorized the State Sanitary Code regulations to ensure safe drinking standards, improve access to breast

cancer screening, implemented requirements for children's camps, expanded the list of prohibited synthetic cannabinoids and was instrumental in supporting the development of the One Brooklyn Health System to improve the health care outcomes attain financial stability and sustainability I should say for the three safety net hospitals in Central Brooklyn that comprise One Brooklyn Health. He facilitated and led the response to the measles outbreak and was instrumental in advocating and improving maternal health outcomes with a wide range of initiatives.

Dr. Gutierrez Mr. Gallagher, if you could mute yourself, please.

Dr. Gutierrez And he improved the maternal health outcomes in a wide range of activities and partnerships. On behalf of the members, we want to express to Dr. Zucker our affection, respect and admiration for his leadership, his commitment, his dedication and his professionalism has helped to make New York State and the Department of Health a national leader in health care in a symbol of excellence. And of course, on behalf of the council, the pleasure, we enjoyed working with him, an innovative, discerning and courageous leader who consulted with us and developed policies and programs with members of the council and just keeping in mind what we were all here to do. I think all of us appreciated his philosophy, his openness and his style. He had a vision, and he certainly pursued it with great vigor. I just want to thank everybody. I want to thank him in particular for the work he's done. I'm grateful that we've had the opportunity to serve with him. I hope each and every one of you share your sentiments when you do see him.

Mr. Kraut And if anybody would like to add anything, I'll just open it up before I move on to the next item.

Mr. Kraut Dr. Boufford

Dr. Boufford Thanks, Jeff.

Dr. Boufford I just want to to highlight in the presentation you just made all of the things that were going on in the department because of the staff's commitment and Howard's leadership other than COVID. This is really having been in public service and large organization that's really the challenge of leadership is to keep the trains running on time when these emergencies just really push for distraction at every moment, really for political reasons and other reasons, really, you know, obviously fundamental and profound public health reasons because of the scope of this pandemic. I think Howard should be congratulated and I'm glad you acknowledged all of the other sort of amazing public health progress that was made under his leadership. I just also wanted to share. He was kind enough to meet with our inaugural class at the School of Public Health a couple of weeks ago really after his stepping down had been announced relative to the new Governor's appointment of Dr. Bassett, who we I agree with you. We are just delighted is joining us. He was unbelievably gracious and I think very open with the students about. We often forget this. I think about the real political challenges of being a public health professional at state level and at city level. I just want to echo his commitment to having evidence based interventions and the challenges of a very, very challenging environment in which to work. So thanks Howard. Personally for me and I think our students in the next generation of public health professionals have a lot to learn about this balancing act that is public health leadership.

Dr. Boufford Thank you.

Mr. Kraut Thank you so much, Dr. Boufford.

Mr. Kraut Mr. La Rue.

Mr. La Rue Thank you, Mr. Kraut.

Mr. La Rue Scott La Rue, member the council. I just want to also thank Dr. Zucker. He always recognized and appreciated the role and the service of faith based and mission driven organizations and community organizations across the state and always ensured that they had a seat at the table and we'll always be appreciative for all the support that he gave us.

Mr. La Rue So, thank you, Dr. Zucker.

Mr. Kraut Thank you, guys. Thank you.

Mr. Kraut I'd now like to turn to adoption of the minutes.

Mr. Kraut May I have a motion for the adoption of the October 7, 2021 minutes of the Public Health and Health Planning Council?

Mr. Kraut I have a motion, Gutierrez.

Mr. Kraut I have a second.

Mr. Kraut All those in agreement, say aye or indicate, aye.

Mr. Kraut Thank you.

Mr. Kraut That's approved.

Mr. Kraut May I have a motion for the adoption of the October 26th, 2021, Public Health and Health Planning Council minutes?

Mr. Kraut I have a motion, Dr. Ortiz.

Mr. Kraut Second.

Mr. Kraut All those in favor indicate by raising your hand or saying, aye.

Mr. Kraut Thank you.

Mr. Kraut And then lastly, may I have a motion for adoption of the November 18th, 2021, Public Health and Health Planning Council minutes?

Mr. Kraut I have a motion by Dr. Gutierrez.

Mr. Kraut A second by Dr. Watkins.

Mr. Kraut Thank you very much.

Mr. Kraut All those approved say aye or raise your hand.

Mr. Kraut Thank you very much.

Mr. Kraut I now want to turn it over to Dr. Bower, who is our newly appointed leader to serve the department as Deputy Commissioner in the Office of Public Health, who will give us a report on the activities of our office. I wish her a warm welcome for joining us.

Mr. Kraut Dr. Bower.

Dr. Bower Thank you.

Dr. Bower Good morning, everyone. I'll just reiterate, Dr. Bassett does send her regrets and looks forward to meeting with you at the next meeting and working with you. Thank you for the opportunity to introduce myself to you today. I'm Ursula Bower, Deputy Commissioner for Public Health and director of the Office of Public Health. I joined the department in August of this year and previously had worked at the department from 2001 to 2009. In 2010, I left to become the Director of the National Center for Chronic Disease Prevention and Health Promotion at the Centers for Disease Control and Prevention, a job I held for 8 and a half years. From there, I joined the Office of the Surgeon General at the U.S. Department of Health and Human Services as a Senior Advisor for Community Health and economic prosperity. I served in that role for 3 years. I'm a Chronic Disease Epidemiologist by training. I earned a Ph.D. in Epidemiology from Yale University, a Master of public health degree from Columbia University and a Master of Arts degree in Political Science from Rutgers. I also served in the Epidemic Intelligence Service, which is a two year training program at the CDC. I've worked as a Chronic Disease Epidemiologist in three state health departments; Louisiana, Florida and New York State. I'm delighted to be part of the New York State Department of Health team. As many of you already know, the Office of Public Health is one of about a dozen offices within the department. The office, OPH includes the AIDS Institute, the Center for Community Health, the Center for Environmental Health, the Office of Health Emergency Preparedness, the Office of Public Health Practice and the Wadsworth Center and Laboratories. The Office of Public Health Practice spearheads the prevention agenda for the department, and that's an initiative I know the council has a keen interest in. The Office of Public Health is home to a variety of public health functions focused on communicable and chronic diseases, maternal child and family health, nutrition, environmental health, injury prevention and more. It's a vast and deep portfolio and I have so much to learn about our work. It's difficult to capture the work of OPH in concise language that really reflects the richness and variety of the portfolio. From my perspective, OPH's role is to develop, deploy and evaluate public health programs drawing on the best available data science and practice to foster innovation in public health, science and practice based on emerging evidence and through basic and applied research and to strive to ensure public health interventions reach deeply, widely and equitably throughout the state and across communities in collaboration, of course, with our stakeholders and partners. Nearly everyone at the department, including myself, has been or is contributing to the COVID-19 pandemic response. In the nearly two years that we've been fighting the pandemic with all hands on deck several public health crises have emerged or accelerated. The opioid crisis has gotten worse. Congenital syphilis has re-emerged. Sexually transmitted infections are increasing. Progress toward ending the HIV AIDS epidemic appears to be stalling. Vaccine hesitancy has become a public health threat. Climate change has exacerbated public health issues from algal blooms to legionellosis to zoonotic infections. Each of these issues is a top concern for the Office of Public Health. Each requires financial and staff resources, leadership, attention and political will to address. We have a new Governor, as you know, a new Commissioner

acting, a new Office of Public Health Director, a new OPH Deputy Director who started last month and a new Deputy Director for the Wadsworth Center who started this morning. We just closed the application period for the Wadsworth Center Director position and look forward to interviewing candidates. We are working hard to fill key positions throughout the Office of Public Health. In this context, we do see some opportunities for advancing some early wins, if you will, if we can garner the attention and resources needed for immediate action. We're eager to see the Wadsworth Center Life Sciences building come to fruition. As you know, the Wadsworth Center is our premier public health laboratory. There is a library there too, yes, that's right. The programs are currently dispersed across five facilities, facilities on five campuses throughout the Capitol district, with over 700 employees. Several of those facilities are in poor condition, and that does hamper employee safety, retention and recruitment and threatens quality, efficiency and work productivity. Efforts to bring these dispersed labs and programs together began in earnest in 2018, when the total appropriation to build a new facility reached 750 million. We then paused due to the the pandemic and are now in the process of getting back on track with that work. Local health departments are critical allies. We cannot accomplish our public health mission without their dedication, collaboration, expertise and boots on the ground. We're eager to find better ways to support our local health departments in meeting their increasing demands beyond the current pandemic, including issues like elevated blood lead levels, opioid related overdoses and deaths, enforcing community sanitation regulations and responding to drinking water quality concerns. These are a couple of examples of urgent needs we think we can make progress on in 2022. Other early wins we can put on the list are leading the nation on PFAS compounds and publishing all maximum contaminant level public testing data on our DOH website, deploying federal and state resources for lead service line replacement and establishing state infrastructure and state funding for pandemic and health emergency response. Again, I thank you for the opportunity to introduce myself to you this morning, and I look forward to working with you.

Dr. Bower Thank you.

Mr. Kraut Dr. Bower, thank you so much for the introduction. On behalf of the council, we're ecstatic that you've chosen to join and lead this role and we really look forward to working with you. As you know we'd like to spend more time working on the public health portion of health planning. I know our Committee Chair, Dr. Boufford, our Planning Chair a lot of agenda items we'd like to help support in the state. We welcome you.

Mr. Kraut Dr. Boufford.

Dr. Boufford Thanks Jeff.

Dr. Boufford I just want to welcome Dr. Bower to indicate to colleagues that she and I have already had very productive conversations. I think she's excited. To me, I was really excited. She was incredibly knowledgeable about the prevention agenda given all the other things that she outlined that she's taking responsibility for. I know she will be very supportive as we reactivate the Public Health Committee of this council and hopefully the Ad Hoc Committee on Leadership for Public Health of the Council in the New Year. I think one of the really rewarding things in discussions that I've had with her and also continue to have with colleagues in the department is that the local health directors are still very much maintaining their local leadership on the prevention agenda, reporting in their information in the face of all of the pressures they're under with COVID. We're looking forward to engaging local health directors as well as our primary care colleagues in future plans for the department in the waiver that's still pending, as well as building back better and fairer

after the epidemic and then in moving the prevention agenda and the Public Health Committee's interest in the context of the prevention agenda, which was developed initially and then interrupted by the pandemic in March of 2020, which we really kind of suspended our formal activities. So with Dr. Bower's presence, we're looking forward to working with her and reactivating our public health side of the council's work. So, thank you and welcome, Dr. Bower.

Mr. Kraut Thanks so much, Dr. Boufford.

Mr. Kraut I'm now going to introduce Dr. Gutierrez to give a report on the Codes, Regulations and Legislation Committee. There are three items for us to discuss and adopt.

Mr. Kraut Dr. Gutierrez.

Dr. Gutierrez Thank you very much.

Dr. Gutierrez Good morning again, everybody. My name is Dr. Gutierrez. I am the Chair of the Committee of Codes, Regulation and Legislation. We met earlier this morning and we adopted or, we propose, have a proposal for the adoption of three amendments. The first one is 21-08 amendment to Section 756.3, repeal of Sections 756.4 of Title 10 NYCRR, abortion services. Ms. Carroll from the department is present should there be any questions from the members of the council.

Dr. Gutierrez At this point, I move to accept these regulations.

Mr. Kraut I have a motion from Dr. Gutierrez.

Mr. Kraut Do I have a second?

Mr. Kraut Are there any questions from the council?

Mr. Kraut Hearing, I'll call for a vote.

Mr. Kraut All those in favor?

All Aye.

Mr. Kraut All those against?

Mr. Kraut All those abstaining?

Mr. Kraut I have been abstention from Mr. La Rue.

Mr. Kraut The motion carries.

Mr. Kraut Thank you.

Mr. Kraut The second motion for adoption in stroke services 20-25, amendment of Section 405.34 G of Title 10 NYCRR stroke services. Lauren from the department is present should there be any questions of the members.

Dr. Gutierrez I so move to accept this regulation now.

Mr. Kraut I have a motion from Dr. Gutierrez.

Mr. Kraut May I have a second?

Mr. Kraut Thank you.

Mr. Kraut Are there any questions for the department?

Mr. Kraut Hearing none, I'll call for a vote.

Mr. Kraut All those in favor?

All Aye.

Mr. Kraut Opposed?

Mr. Kraut Abstentions?

Mr. Kraut The motion carries.

Dr. Gutierrez Last for adoption is a 19-3 amendment Subpart - 1 of Title 10 NYCRR Public Water Systems. Christine Wheeler from the department is present should there be any questions from the members.

Dr. Gutierrez I move to accept this regulation or to adopt rather this regulation.

Mr. Kraut I have a motion from Dr. Gutierrez.

Mr. Kraut I have a second.

Mr. Kraut Any question to the department?

Mr. Kraut Hearing none, all those in favor?

All Aye.

Mr. Kraut Opposed?

Mr. Kraut Abstention?

Mr. Kraut That motion carries as well.

Dr. Gutierrez This concludes my report.

Mr. Kraut Thank you very much, Dr. Gutierrez and members of the committee. You've been a little busy these last couple of months, and I suspect you will continue to be.

Mr. Kraut I now want to hand it over to Mr. Robinson, who will give us a report of the recommendations of Project Review and Establishment Committee.

Mr. Kraut Mr. Robinson.

Mr. Robinson Thank you, Mr. Kraut.

Mr. Robinson Just to remind members of the council about the batching that we are doing as my glasses fog up with the mask and everything. If there are any applications that you'd like to have considered separately, please indicate so now. Otherwise, I will proceed with the batching as we've structured it.

Mr. Kraut Okay.

Mr. Robinson Very good.

Mr. Robinson Application 201 273B CFR Advanced Services LLC doing business as Village Med and Rehabilitation in Queens County to establish and construct a new diagnostic and treatment center to be located at 61-33 Woodhaven Boulevard in Rego Park. The department and the committee recommend approval with conditions and contingencies. Application 211 132B Arena Care LLC in Suffolk County to establish and construct a diagnostic and treatment center to be located at 8 Maple Avenue in Bayshore to provide primary and specialty medical care, behavioral health, occupational therapy, physical therapy and speech language pathology services. Here again, the department and the committee recommend approval with conditions and contingencies. Application 211 27B, Samaritan Day Top Health Inc in Bronx County. This is to establish and construct a diagnostic and treatment center to be located at 362 East 148 Street in the Bronx and Certified Medical Services and Primary Care. The Department and the committee recommend approval with conditions and contingencies. Application 212015B, River Spring Project Corp, also known as River Spring, DTC Corp in Kings county to establish and construct a diagnostic and treatment center to be located at 673 Livonia Avenue, Brooklyn, and an extension clinic to be located at 63 Marcus Garvey Boulevard in Brooklyn to serve the Pace program of Elder Serv Health Inc. The Department and the committee recommend approval with conditions and contingencies. Application 212 032B, EMES Vision Center LLC in Kings County to establish and construct a diagnostic and treatment center to be located at 5202 5204 16th Avenue in Brooklyn to provide ophthalmology and optometry services. Again, the Department recommends approval with conditions and contingencies. Also, certificates of amendment for the Certificate of Incorporation of Hudson River Health Care Inc of a name change and a certificate of dissolution.

Mr. Robinson I make a motion for that batch.

Mr. Kraut Thank you, Mr. Robinson.

Mr. Kraut I have a second by Dr. Kalkut.

Mr. Kraut Are there any questions on any one of those applications?

Mr. Kraut Hearing none, I'll call for a vote.

Mr. Kraut All those in favor, aye.

All Aye.

Mr. Kraut Opposed?

Mr. Kraut Abstentions?

Mr. Kraut The motion carries

Mr. Robinson Thank you.

Mr. Robinson You are going to be recusing yourself and Dr. Boufford, you are going to take this application. I think.

Mr. Robinson This is application 212 009E, Long Island Community Hospital and Hospice.

Dr. Kalkut Mr. Robinson, excuse me for interrupting. I'm also recusing.

Mr. Kraut I'm not recusing.

Mr. Robinson I apologize.

Mr. Robinson Thank you.

Mr. Robinson I misread the K's in my report here. You are correct. Mr. Kraut is not recusing. Dr. Kalkut is.

Mr. Robinson Thank you for that clarification.

Mr. Robinson Again, this is an application 212 009E, Long Island Community Hospital and Hospice in Suffolk County to establish NYU Langone Health System as the active parent and cooperator of Long Island Community Hospital and Long Island Community Hospital Hospice, and change the corporate name of the operator. The department and the committee recommend approval with the condition and contingencies.

Mr. Robinson I so move.

Mr. Kraut I have a motion by Mr. Robinson.

Mr. Kraut I have a second by Dr. Gutierrez.

Mr. Kraut Any questions?

Mr. Kraut Hearing none, I'll call for a vote.

Mr. Kraut All those in favor?

All Aye.

Mr. Kraut Opposed?

Mr. Kraut Abstention?

Mr. Kraut The motion carries.

Mr. Robinson Thank you.

Mr. Robinson This application includes a conflict and refusal by Ms. Soto, who I believe is not present at the meeting today, but just wanted to acknowledge her recusal.

Mr. Robinson Application 211 262E, Westchester Community Corp doing businesses as Einstein advanced care in Westchester County, and this is to establishment Westchester Community Corp as the operator of the facility, located at f555 Paxton Road in Elmsford, that is currently operating as an extension clinic of Burke Rehabilitation Hospital and certify other medical specialties. The department and the committee recommend approval with conditions and contingencies.

Mr. Robinson I so move.

Mr. Kraut I have a motion by Mr. Robinson.

Mr. Kraut I have a second, Dr. Gutierrez.

Mr. Kraut Any questions?

Mr. Kraut Hearing none, I'll call for a vote.

Mr. Kraut All those in favor?

All Aye.

Mr. Kraut Opposed?

Mr. Kraut Abstention?

Mr. Kraut The motion carries.

Mr. Robinson Thank you.

Mr. Robinson I will note this application includes a conflict in recusal by Mr. Thomas, who has left the room.

Mr. Robinson This is application 211 107E, Northern Lights Home Health Care in St. Lawrence County to transfer a 25 percent interest from one withdrawing member to the remaining members evenly. The department and the committee recommend approval with a condition.

Mr. Robinson I so move.

Mr. Kraut I have a motion.

Mr. Kraut I have a second, Dr. Gutierrez.

Mr. Kraut Any questions on this application?

Mr. Kraut All those in favor?

Mr. Kraut Aye.

Mr. Kraut Opposed?

Mr. Kraut Abstentions?

Mr. Kraut The motion carries.

Mr. Robinson Thank you.

Mr. Robinson The final application is a conflict and recusal by Dr. Lim, who has left her Zoom desk.

Mr. Robinson Application 211 169E, OGL Holdings LLC, doing business as Mt. Sinai At Home in Nassau County to establish OGL Holdings LLC as the new operator of an existing certified home health agency located at 1,000 South Oyster Bay Road in Hicksville on Long Island. The department recommends approval with a condition and contingencies, as does the committee.

Mr. Robinson I so move.

Mr. Kraut I have a motion.

Mr. Kraut I have a second by Dr. Gutierrez.

Mr. Kraut Any questions?

Mr. Kraut All those in favor?

All Aye.

Mr. Kraut Opposed?

Mr. Kraut Abstentions?

Mr. Kraut The motion carries.

Mr. Robinson One additional item to mention that is not an application. During the course of the committee meetings, we noted the growing number of applications that are converting private practices to Article 28 diagnostic and treatment centres. Recognize that that sort of trend is happening on a transactional basis. Believe that it is appropriate for the department to consider this more from a strategic standpoint in terms of what the policy directions for this ought to be. And obviously, both the committee and the full council would very much like to engage in that conversation with you. Just wanted to make note of that and have it ticked on our agenda as a follow up item.

Mr. Robinson With that, I conclude the report of the establishment and Project Review Committee.

Mr. Kraut Thank you so much, Mr. Robinson.

Mr. Kraut The public portion of the Public Health and Health Planning Council is now going to be adjourned.

Mr. Kraut The next committee day that we have scheduled this January 27th and the full council is going to convene on the 10th. It is highly likely as we've been doing these last couple of months because of issues as public health concerns and emergencies that we may have to meet on an emergency basis prior to these dates as soon as we have confirmation to consider regulations or other matters. As soon as we do have confirmation of that, you'll be notified and we hope that everybody will make the effort as you have diligently done so this last year to help move things along on this kind of urgent basis. I want to end by just thanking everybody. It's been a tough, tough year. It's been a tough trying two years. We've had more meetings in this year than I think we've ever had in our history, and we've been able to diligently. I use that term a lot today, but we've really a committed bunch of people. You're all volunteers. You have a lot of demands on your time. I know the department, the State of New York, we're all grateful for all the efforts everybody has been made to keep things moving forward and to address the urgency of keeping New Yorkers as safe as possible and as healthy. And with that, you know, I just appreciate it and I want to wish everyone a joyous and a meaningful holiday. I hope the new year is going to be filled with health and happiness, not only for each of you and your families, but for all New Yorkers. We continue to do our work. I hope that those words have meaning throughout the year. Thank you so much again for your commitment to our cause here. And I want to thank the Department of Health staff similarly. You guys have been under tremendous almost 24 hours a day working on issues, and we were not at the tail end of this. We just have to adjust as circumstances dictate. Want to thank the department for the support it's given to council for this past year and for all the work you do and you do not get thanked enough for that work. We are grateful for our partnership and we want all New Yorkers to know how valued your efforts and your commitment is to the State of New York and thank the department and the leadership for all of that they've done this past year.

Mr. Kraut So with that, I'll have a motion to adjourn.

Mr. La Rue I did, Mr. Kraut.

Mr. La Rue I don't want to be a downer after those very nice comments and holiday greetings, but I know that the public comment period is continuing right now on the safe staffing legislation, and the department is working on promulgating these regulations. They go into effect on January 1st with or without these regulations. I just want to continue to voice my concern about the inability in this extraordinarily difficult staffing crisis for operators to meet this new requirement with the best of expectations and efforts to do so, and that there are penalties that can be implemented retrospectively in April for not meeting these. There is not a resolution to this. It's a matter of great concern for those of us who are operating nursing homes and already modulating admissions and taking beds off line in order to adjust to staffing levels. I know there is potentially a window in that legislation about a crisis or a set of circumstances under which these penalties can be waived, and I certainly hope everybody is taking this into consideration. We've got to, unfortunately, a well-intended piece of legislation that I'm not sure who is going to be able to meet on January 1st.

Mr. Kraut Thanks, Mr. La Rue.

Mr. Kraut I know, you know, I'm not going to ask the department necessarily to respond. I think we're all aware of the efforts the Governor has made to try to supplement some of the staffing Upstate with the use of the National Guard. I know the concerns Mr. La Rue

has voiced have been heard and resonated up in Albany. I certainly believe that when we do have a chance to reconvene after the new year, you'll have better answers to some of the questions.

Mr. Kraut Anybody else would like to make kind of a year end statement or any other issue?

Mr. Kraut Open it up for discussion.

Mr. Kraut Okay.

Mr. Kraut Well, again, thank you so much. Thank everybody and be well, be safe. Take care.

Mr. Kraut Bye bye.

Mr. Kraut We are adjourned.