



PUBLIC HEALTH AND HEALTH PLANNING COUNCIL

Empire State Plaza, Corning Tower, Room 1805
Albany, New York 12237

(518) 402-0964
PHHPC@health.ny.gov

February 29, 2024

Re: Public Health and Health Planning Council – Seeking Candidates for Freestanding Ambulatory Surgery Seat

To Whom It May Concern:

The Department of Health's Public Health and Health Planning Council Unit is currently seeking candidates to be considered to serve on the New York State Public Health and Health Planning Council (PHHPC) in the newly created Freestanding Ambulatory Surgery Center's (ASC) seat.

PHHPC Duties and Background

Effective December 1, 2010, Chapter 58 of the Laws of 2010 consolidated the responsibilities and functions of the Public Health Council (PHC) and the State Hospital Review and Planning Council (SHRPC) into a newly established council, the Public Health and Health Planning Council (PHHPC).

Powers and Duties

The PHHPC (Council) has a broad array of advisory and decision-making responsibilities with respect to New York State's public health and health care delivery system. It is charged with adopting and amending the Sanitary Code and health care facility, home care agency, and hospice operating regulations. The PHHPC also makes decisions concerning the establishment and transfer of ownership of health care facilities, home care agencies and hospice programs. It makes recommendations to the Commissioner of Health concerning major construction projects, service changes, and equipment acquisitions in health care facilities and home care agencies. It also advises the Commissioner on issues related to the preservation and improvement of public health. The Council's powers and duties are set forth in [section 225 of the Public Health Law](#)

Public Health

§ 225. Public Health and Health Planning Council; powers and duties. The Council, at the request of the Commissioner, shall consider any matter relating to the preservation of the public health. The Council may advise the Commissioner and submit to the Commissioner, any recommendations relating to the preservation and improvement of public health.

- The PHHPC is charged with advising the Commissioner with respect to matters pertaining to the preservation and improvement of public health.
- The PHHPC's **Public Health Committee** (PHC) is charged with addressing these powers.
- In addition, the PHC is instrumental in carrying out the Prevention Agenda 2019-2024: New York State's Health Improvement Plan.
https://www.health.ny.gov/prevention/prevention_agenda/2019-2024/

Certificate of Need (CON)

- Approves applications for the establishment of hospitals under Article 28, home care agencies under Article 36 and hospices under Article 40.
- Approves the establishment of fundraisers, corporate name changes, and changes in certificates of incorporation.
- Advances recommendations to the Commissioner of Health on CON construction proposals by health care providers certified under PHL Article 28 (hospitals), 36 (home care agencies) and 40 (hospices).
- ***The Establishment and Project Review Committee*** is charged with reviewing the CON applications and making their recommendation to the Full Council for action.

Regulations

§ 225. Sanitary code. Adopts sanitary regulations, known as the State Sanitary Code, subject to the approval of the Commissioner. (10NYCRR Parts 1-24).

- The Council has the power to adopt and amend sanitary regulations, known as the State Sanitary Code, subject to the approval of the Commissioner under 10 New York Codes Rules and Regulations Parts 1-24. The Council also adopts regulations relating to health care facility, hospice, and home care agency public need, establishment, reimbursement, operating standards and structural standards, subject to the approval of the Commissioner.
- ***The Committee on Codes, Regulations and Legislation*** reviews new or revised regulations and makes their recommendations to the Full Council for their action.

Policy

PHL §224-B. In carrying out its powers and duties, the council shall take into account the impact of its actions and recommendations on the quality, accessibility, efficiency and cost-effectiveness of health care throughout the state.

- The Council, at the request of the Commissioner, shall consider any matter relating to the preservation of the public health. The Council may advise the Commissioner and submit to the Commissioner, any recommendations relating to the preservation and improvement of public health.
- In carrying out its powers and duties, the Council shall take into account quality, accessibility, efficiency and cost-effectiveness of health care in New York State.
- The ***Health Planning Committee*** advises the Council on need methodologies, health facility planning and other emerging health care issues.

Privilege Appeals

- Pursuant to PHL Section 2801-b, the Council considers complaints by physicians, dentists, podiatrists, optometrists, and licensed midwives who have had their hospital privileges terminated, suspended or denied.
- ***The Health Personnel and Interprofessional Relations Committee*** meets in executive session to review and recommend their decision to the Full Council.

Meetings

- The Council holds **10 scheduled meetings per year** which consists of:
 - 5 regularly scheduled Committee Days - the Establishment and Project Review Committee regularly convenes on this day.
 - 5 regularly scheduled Full Council meetings. The Committee on Codes, Regulations and Legislation convene the morning of Full Council.
 - The meetings are rotated from Albany and NYC meeting locations.
 - Albany Meetings – Convene in the Concourse Meetings Rooms
 - NYC Meetings – Convene at the Department of Health’s 90 Church Street Office.
 - The other Standing Committee’s convene when requested by the Chair of the Committee’s.

Membership

The PHHPC consists of the Commissioner of Health and 26 members. Membership on the Council is required to reflect the diversity of the State's population, including the State's various geographic areas and population densities. The members must include representatives of the public health system, health care providers that comprise the state's health care delivery system, and individuals with expertise in the clinical and administrative aspects of health care delivery, in issues affecting health care consumers, health planning, health care financing and reimbursement, in health care regulation and compliance, and in public health practice. The following specific requirements apply:

- At least two members must also be members of the Behavioral Health Services Advisory Council
- At least four members must be representatives of general hospitals or nursing homes;
- At least one member must be a representative of each of the following:
 - home care agencies,
 - diagnostic and treatment centers,
 - health care payers,
 - labor organizations for health care employees.
- At least one member must be the chair of the Minority Health Council.
- At least two members must be a health care consumer advocacy organization.
- Women's health services providers
- One representative of freestanding ambulatory surgery centers

Further information regarding the PHHPC can be found at the following links:

health.ny.gov/facilities/public_health_and_health_planning_council/
health.ny.gov/facilities/public_health_and_health_planning_council/2024_meeting_schedule.htm

Candidates interested in serving in this seat are encouraged to consider the time commitment and duties associated with serving on PHHPC. Please submit your curriculum vitae for consideration by March 11, 2024 via e-mail to:

Colleen M. Leonard
Executive Secretary, Public Health and Health Planning Council
Corning Tower, Room 1805
Albany, New York 12237
Colleen.Leonard@health.ny.gov
cc: PHHPC@health.ny.gov

Please e-mail PHHPC@health.ny.gov with any questions. Thank you.

Sincerely,



Colleen M. Leonard
Executive Secretary

cc: The Office of Diversity Equity and Inclusion