

STATE OF NEW YORK
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL

COMMITTEE DAY

AGENDA

June 10, 2026
10:15 a.m.

Empire State Plaza, Concourse Level, Meeting Room 6, Albany

I. COMMITTEE ON ESTABLISHMENT AND PROJECT REVIEW

Peter Robinson, Chair

A. Applications for Establishment and Construction of Health Care Facilities/Agencies

Ambulatory Surgery Center – Establish/Construct

<u>Number</u>	<u>Applicant/Facility</u>
1. 261080 B	Hawkins ASC, LLC d/b/a Vanguard Specialty Surgery Center (Suffolk County)
2. 261138 E	Saratoga-Schenectady Endoscopy Center, LLC (Saratoga County)

Diagnostic and Treatment Centers – Establish/Construct

<u>Number</u>	<u>Applicant/Facility</u>
1. 252183 B	St. Mary's Center, Inc. (New York County)

Residential Healthcare Facility – Establishment

<u>Number</u>	<u>Applicant/Facility</u>
1. 252210 E	Amsterdam SNF LLC d/b/a Wilkinson Rehabilitation and Nursing Center (Montgomery County)

Home Care Service Agency Licensures

Licensed Home Care Services Agencies - Changes of Ownership

<u>Number</u>	<u>Applicant/Facility</u>
1. 222245 E	Family Respite Homecare Agency, Inc. (Please see exhibit for list of Geographical Service Area)
2. 231025 E	Family Home Care Agency Inc. (Please see exhibit for list of Geographical Service Area)
3. 242060 E	High Standard Home Care Inc. (Please see exhibit for list of Geographical Service Area)
4. 251085 E	Bridges LHCSA, LLC d/b/a Bridges Cornell Heights Home Health (Please see exhibit for list of Geographical Service Area)

B. Application for Construction of Health Care Facilities/Agencies

Ambulatory Surgery Center – Construction

<u>Number</u>	<u>Applicant/Facility</u>
1. 252166 C	Hillside Polymedic Diagnostic and Treatment Center (Queens County)

C. Certificates

Certificate of Assumed Name

Applicant

Certificate of Assumed Name of Cayuga Ridge, LLC

****Agenda items may be called in an order that differs from above****



Department of Health **Public Health and Health Planning Council**

Project # 261080-B
Hawkins ASC, LLC d/b/a Vanguard Specialty Surgery Center

Program: DTC *County:* Suffolk
Purpose: Establishment and Construction *Acknowledged:* March 2, 2026

Executive Summary

Description

Hawkins ASC, LLC d/b/a Vanguard Specialty Surgery Center requests approval to establish and construct a multi-specialty Freestanding Ambulatory Surgery Center specializing in Pain Management, Orthopedics (spine), Podiatry, and Vascular surgical services in leased space at 640 Hawkins Avenue, Ronkonkoma, New York (Suffolk County). The proposed center will be comprised of two (2) operating rooms and one (1) procedure room.

The sole proposed member of Hawkins ASC, LLC, is Daniel Choi, MD. Dr. Daniel Choi, board-certified in Orthopedics, will also serve as the Medical Director of the proposed FASC.

Catholic Health-Good Samaritan University Hospital provided a letter of intent to enter into an affiliation agreement with Vanguard Special Surgery Center to provide back-up services 19 miles/22 minutes away.

OPCHSM Recommendation

Contingent approval with an expiration of the operating certificate five years from the date of its issuance.

Need Summary

The applicant projects 1,736 procedures in Year One and 2,101 procedures in Year Three, with Medicaid at 5% and Charity Care at 2% by the third year.

Program Summary

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §2801-a(3).

Financial Summary

The total project cost of \$9,364,688 will be met with \$1,201,888 in member equity, a bank loan of \$3,500,000 at an interest rate of 6.00% for an eight-year term, and an equipment lease of \$4,662,800 at an interest rate of 9.60% for an eight-year term.

Budget:	<u>Year One</u>	<u>Year Three</u>
Revenues	\$9,335,891	\$11,310,177
Expenses	<u>\$8,492,169</u>	<u>\$10,205,026</u>
Net Income	\$843,722	\$1,105,151

Health Equity Impact Assessment

This project does not meet the criteria requiring a Health Equity Impact Assessment under Section 2802-B of the PHL.

Recommendations

Health Systems Agency

There will be no HSA recommendation for this project.

Office of Primary Care and Health Systems Management

Approval with an expiration of the operating certificate five years from the date of its issuance, contingent upon:

1. Submission of a check for the amount enumerated in the approval letter, payable to the New York State Department of Health. Public Health Law Section 2802.7 states that all construction applications requiring review by the Public Health and Health Planning Council shall pay an additional fee of fifty-five hundredths of one percent of the total capital value of the project, exclusive of CON fees. [PMU]
2. Architectural Design Development Drawings: Submission of architectural and life safety drawings, acceptable to the Department, as described in the Bureau of Architecture and Engineering Review Drawing Submission Guidelines DSG-1.0. [AER]
3. Engineering Design Development Drawings: Submission of mechanical, electrical, plumbing and fire protection drawings, acceptable to the Department, as described in the Bureau of Architecture and Engineering Review Drawing Submission Guidelines DSG-1.0. [AER]
4. Submission of an executed loan that is acceptable to the Department of Health. [BFA]
5. Submission of an executed working capital loan that is acceptable to the Department of Health. [BFA]
6. Submission of an executed transfer and affiliation agreement, acceptable to the Department, with a local acute care hospital. [HSP]
7. Submission by the governing body of the ambulatory surgery center of an Organizational Mission Statement which identifies, at a minimum, the populations and communities to be served by the center, including underserved populations (such as racial and ethnic minorities, women, and handicapped persons) and the centers commitment to meet the health care needs of the community, including the provision of services to those in need, regardless of ability to pay. The statement shall also include a commitment to the development of policies and procedures to ensure that charity care is available to those who cannot afford to pay. [RNR]
8. Submission of a signed agreement with an outside, independent entity satisfactory to the Department to provide annual reports to DOH. Reports are due no later than April 1st for the prior year and are to be based upon the calendar year. Submission of annual reports will begin after the first full or, if greater or equal to six months after the date of certification, partial year of operation. Reports should include:
 - a. Data displaying actual utilization including procedures;
 - b. Data displaying the breakdown of visits by payor source;
 - c. Data displaying the number of patients who needed follow-up care in a hospital within seven days after ambulatory surgery;
 - d. Data displaying the number of emergency transfers to a hospital;
 - e. Data displaying the percentage of charity care provided;
 - f. The number of nosocomial infections recorded during the year reported;
 - g. A list of all efforts made to secure charity cases; and
 - h. A description of the progress of contract negotiations with Medicaid managed care plans.[RNR]

Approval conditional upon:

1. This project must be completed by **December 1, 2027**, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date. [PMU]
2. Construction must start on or before **January 1, 2027**, and construction must be completed by **September 1, 2027**, presuming the Department has issued a letter deeming all contingencies have been satisfied prior to commencement. It is the responsibility of the applicant to request prior approval for any changes to the start and completion dates. In accordance with 10 NYCRR Section 710.10(a), if construction is not started on or before the approved start date, this shall constitute abandonment of the approval. [PMU]
3. The submission of Final Construction Documents, as described in BAER Drawing Submission Guidelines DSG-05, is required prior to the applicant's start of construction. [AER]
4. The staff of the facility must be separate and distinct from the staff of other entities; the signage must clearly denote that the facility is separate and distinct from other entities; the clinical space must be used exclusively for the approved purpose; and the entrance must not disrupt any other entity's clinical program space. [HSP]
5. The applicant must ensure registration for and training of facility staff on the Department's Health Commerce System (HCS). The HCS is the secure web-based means by which facilities must communicate with the Department and receive vital information. Upon receipt of the Operating Certificate, the Administrator/director that has day-to-day oversight of the facility's operations shall submit the HCS Access Form at the following link to begin the process to enroll for HCS access for the first time or update enrollment information as necessary:
https://www.health.ny.gov/facilities/hospital/docs/hcs_access_form_new_clinics.pdf. Questions may be directed to the Division of Hospitals and Diagnostic & Treatment Centers at 518-402-1004 or email: hospinfo@health.ny.gov. [HSP]
6. The submission of annual reports to the Department as prescribed by the related contingency, each year, for the duration of the limited life approval of the facility. [RNR]

Council Action Date

June 24, 2026

Need Analysis

Project Description

Hawkins ASC, LLC, D/B/A Vanguard Special Surgery Center seeks approval to establish and construct a multi-specialty freestanding ambulatory surgery center (FASC) to be located at 640 Hawkins Avenue, Ronkonkoma, 11779 (Suffolk County). The center will specialize in Pain Management, Orthopedics (spine), Podiatry, and Vascular surgical services. The proposed site of the Center is not in a Health Professional Shortage Area (HPSA) or in a Medically Underserved Area (MUA).

Background and Analysis

The primary service area is Suffolk County, whose population is projected to decrease to 1,486,821 by 2031 based on Cornell Program on Applied Demographics estimates. Demographics for the primary service area are noted below, including a comparison with New York State.

Demographics	Suffolk County	New York State
Total Population	1,530,146	19,852,366
Hispanic or Latino (of any race)	22.8%	19.8%
White (non-Hispanic)	62.0%	52.8%
Black or African American (non-Hispanic)	6.9%	13.4%
Asian (non-Hispanic)	4.4%	9.0%
Other (non-Hispanic)	3.8%	5.0%

Source: 2024 American Community Survey (5-year Estimates Data Profiles)

In 2024, 95.3% of the population of Suffolk County had health coverage as follows:

Employer Plans	54.9%
Medicaid	12.8%
Medicare	13.3%
Non-Group Plans	13.8%
Military or VA	0.457%

Source: Data USA

Ambulatory Surgery within a 10-Mile Radius of Proposed Center

Facility Name	Type	Patient Procedures		
		2023	2024	2025*
PrecisionCare Surgery Center	ASC	2,487	2,968	2,547
Stony Brook University Hospital	Hospital	32,535	32,868	32,113
St Catherine of Siena Hospital	Hospital	9,712	9,310	8,951
The Center for Advanced Spine and Joint Surgery	ASC	3,048	3,940	5,418
John T Mather Memorial Hospital of Port Jefferson New York Inc	Hospital	9,573	9,495	9,338
Advanced Surgery Center of Long Island	ASC	10,383	10,692	10,445
Port Jefferson Ambulatory Surgery Center	ASC	3,636	3,889	3,624
Total Visits		71,374	73,162	72,436

Source: HFIS and SPARCS

* Data may not reflect a full year of submissions

The facilities listed above provide multi-specialty, single specialty orthopedics, or single specialty pain management ambulatory surgical services.

The following applications are approved for multi-specialty ambulatory surgery centers and within a 10-mile radius of the applicant:

- CON 212260 - SurgiCore Suffolk, LLC, to provide pain management, podiatry, and orthopedic surgery
- CON 251234 - Smithtown ASC, to provide gastroenterology, pain management, general surgery and vascular surgery
- CON 231348 - Long Island Community Hospital at NYU Langone Health, a hospital extension clinic to provide orthopedic, podiatry, general, vascular, and endoscopy surgery

Additionally, CON 251025 - Stony Brook University Hospital/Ambulatory Surgery Center, located in Suffolk County, has approval to construct a hospital extension clinic in Commack (outside of the 10-mile radius noted above) providing multi-specialty ambulatory surgery services for pain management, orthopedic, ophthalmology, and urology surgery.

The majority of patients will be referred to the Center by the participating physicians, followed by referrals from independent physicians practicing in Suffolk County, referrals through Sun River Health (a Federally Qualified Health Center/FQHC), and patient self-referral through community advertising. Participating physicians currently work closely with the Catholic Health hospital system, primarily Good Samaritan University Hospital, and plan to triage their case mix between the hospital and the proposed FASC based on acuity.

The projects 1,736 procedures in Year One and 2,101 in Year Three, with Medicaid at 5% and Charity Care at 2%. These projections are based on the current practices of participating surgeons. The table below shows the applicant's projected payor source utilization for Years One and Three.

Payor	Year One		Year Three	
	Volume	%	Volume	%
Commercial FFS	0	0.0%	0	0.0%
Commercial MC	590	34.0%	714	34.0%
Medicare FFS	0	0.0%	0	0.0%
Medicare MC	590	34.0%	714	34.0%
Medicaid FFS	0	0.0%	0	0.0%
Medicaid MC	87	5.0%	106	5.0%
Charity Care	35	2.0%	42	2.0%
Other (Workers Comp/No Fault)	434	25.0%	525	25.0%

The applicant has contacted the following Medicaid Managed Care entities: HealthFirst, Fidelis Care, and UHC Community Plan. In addition, they will provide charity care (or a sliding fee scale) for individuals who are uninsured or under-insured, which includes a formal relationship with Sun River Health, an FQHC with multiple locations throughout Long Island.

Conclusion

Approval of this project will bring existing procedures into the regulatory environment of Article 28 health care facilities, providing more choices in surgical venues for the residents of Suffolk County.

Program Analysis

Project Proposal

Proposed Operator	Hawkins ASC, LLC dba Vanguard Specialty Surgery Center
To Be Known As	Hawkins ASC, LLC dba Vanguard Specialty Surgery Center
Site Address	640 Hawkins Avenue, Ronkonkoma, NY 11779 (Suffolk County)
Specialties	Ambulatory Surgery - Multi Specialty Pain Management Orthopedics (spine) Podiatry Vascular
Hours of Operation	Monday through Friday, 7:00 a.m. to 6:00 p.m.
Staffing (1st Year / 3rd Year)	18 FTEs / 21 FTEs
Medical Director	Dr. Choi, M.D.
Transfer Agreement and Distance	PENDING: Catholic Health-Good Samaritan University Hospital 19 miles away / 25 minutes away
Nearest Hospital	Stony Brook University Hospital 101 Nicolls Road, Stony Brook, NY 11794 7 miles away / 20 minutes away

The sole member of Hawkins ASC, LLC, D/B/A Vanguard Special Surgery Center is Daniel Choi, M.D. Dr. Daniel Choi's private medical practice, Spine Medicine and Surgery of Long Island P.C., specializes in spine surgery and pain management. Currently, Spine Medicine and Surgery of Long Island P.C. experiences delays in scheduling surgeries as it utilizes several different surgical facility sites. The current practice does not have stable operating room (OR) time because the practice does not control surgical schedules of facilities it utilizes. Projected utilization will provide additional facility access as patients wait for available ORs across multiple facilities.

Several physicians and Dr. Choi have committed to perform surgeries at the new FASC. High acuity surgical cases generated by the practice will continue to be referred to Catholic Health Hospital. This relationship with Catholic Health Hospital will allow the hospital system to focus their OR utilization on higher acuity cases that are more appropriate for their setting while lower acuity will be referred and seen more quickly in the proposed FASC. Sun River Health, a Federally Qualified Health Center (FQHC) serving Long Island, has and will continue to refer patients to Dr. Choi's Spine Medical Long Island facility for services.

Certain individuals who currently work in the physician's practice may transition to the ASC to facilitate the ramp-up period, and a clear delineation of roles, responsibilities, and reporting structures will be maintained between the two entities. Additional employees needed will be recruited from accredited schools, training programs and job fairs. Outsourced staffing and recruiting firms will be engaged as needed.

Patients who will be treated at Vanguard Special Surgery Center will be existing patients of each participating physician's private practice as well as from independent physicians practicing in Suffolk County. All physicians who practice at the Center will be Board-Certified or Board-Eligible. After the Center is established, participating physicians will continue to be on call and see patients at hospitals they are currently affiliated with. The physicians/surgeons will also continue to perform inpatient and ambulatory procedures that are more appropriately performed in a hospital setting. All anesthesia will be administered and monitored by a qualified, board-certified anesthesiologist. The Center intends to engage anesthesiology services through a board-certified anesthesiologist with demonstrated experience serving ambulatory surgery centers.

The Center will seek accreditation from the Accreditation Association for Ambulatory Health Care (AAAHC) within three (3) years of operations. The proposed ASC will be located on the first floor of an existing commercial building with medical and office tenants. The ASC will include:

- (2) Operating Rooms,
- (1) Procedure room, and
- (18) Pre/Post-op Patient Holding Bays.

Eight (8) bays will be used for pre-op, and ten (10) bays will be used for post-op.

Proposed renovations will include 9,893 square feet of the existing 42,718 square feet of space to be completed within three years. The interior space scope of work will involve installing new HVAC, plumbing, electrical and fire protection systems.

This proposed surgery center has a Development Agreement with Gramercy Prime, who has direct experience overseeing operations of other freestanding ambulatory surgery centers in New York. The Center will utilize SIS Charts, a cloud-based electronic medical record (EMR) platform developed by Surgical Information Systems (SIS) and designed specifically for freestanding ambulatory surgery centers.

Catholic Health-Good Samaritan University Hospital provided a letter of intent to enter into an affiliation agreement with Vanguard Special Surgery Center to provide back-up services. Catholic Health-Good Samaritan University Hospital is located at 1000 Montauk Highway, West Islip, New York, which is 19 miles away.

The following table shows the projected FTE's in Year One and Year Three following completion of this project:

Position	Year One	Year Three
Management and Supervision	1.0	1.0
Technician & Specialist (Surgical Tech, Rad Tech, Central Sterile Tech)	6.0	6.5
Registered Nurses	7.0	8.5
Physician / Medical Director	1.0	1.0
Clerical and Other Administrative	3.0	4.0
Totals	18.0	21.0

The private practice, Spine Medicine and Surgery of Long Island, P.C., and Vanguard Specialty Surgery Center will be maintained as separate, independently managed entities.

Medical Director

Dr. Choi, MD, FAAOS is a board-certified Orthopedic who will serve as the Center's Medical Director as well as perform Orthopedic procedures at the center. Dr. Choi will oversee the clinical operations of the facility and serve as the Chairman of the Quality Improvement Committee.

Character and Competency

Dr. Daniel Eun-suk Choi received a Medical Degree from the Northwestern University Feinberg School of Medicine located in Chicago, Illinois in 2011; completed a Bachelor's degree in Psychology from the Northwestern University Weinberg School of Arts and Sciences located in Evanston, Illinois in 2006; completed an Orthopedic Surgery Residency at Rutgers New Jersey Medical School located in Newark, New Jersey in 2016; and completed an Orthopedic and Neurosurgical Spine Surgery Fellowship at the Harvard Medical School-Beth Israel Deaconess Medical Center in located in Boston, Massachusetts in 2017.

Since 2021, Dr. Choi has been the Chief Executive Officer, Owner, and Operator of Spine Medicine and Surgery of Long Island, PLLC / New Jersey Spine Medicine and Surgery, LLC located in Ronkonkoma, NY with a focus on Spine Surgery and Interventional Pain Management Practice; and was an Attending Orthopedic Spine Surgeon at Long Island Spine Specialists, P.C. located in Commack, NY from 2017 to 2021.

Currently, Dr. Choi serves as a Clinical Assistant Professor in the Department of Orthopedic Surgery at Zucker School of Medicine at Hofstra/Northwell since 2019; is a Medical School Admissions Committee Member at the Zucker School of Medicine at Hofstra/Northwell since 2020; and served as an Orthopedic Surgery Residency Spine Education Chair at Plainview Hospital since 2019.

Dr. Choi is an attending Orthopedic Surgeon at eleven (11) hospitals in New York and in New Jersey: privileges at Saint Francis Hospital (Roslyn), Huntington Hospital, Lenox Hill Hospital, Good Samaritan Hospital (West Islip), Mount Sinai South Nassau, North Shore University Hospital, Mercy Medical Center (Rockville Centre) as well in other hospitals in New Jersey.

Dr. Choi was the first physician on Long Island to perform dual-portal endoscopic spinal surgery and performs several other innovative procedures that are now performed at FASCs (SI joint fusions, percutaneous posterior cervical fusion (minimally invasive), Spinal Cord Stimulator permanent implant placement).

Dr. Choi disclosed that he is a partner in the following companies:

Spine Medicine and Surgery of Long Island,
Spine Medicine and Surgery of New Jersey,
Agility Management Services LLC,
Agility Billing Services LLC, and
DAE Realty LLC

These affiliated business ventures focus on Spine, Orthopedic and Pain Management medical practices serving patients of Long Island and northern New Jersey. Services focus on practice management, billing, and administrative services that support medical practices.

Integration with Community Resources

All patients undergoing procedures at the Center will be required to have an established primary care physician or provider prior to scheduling elective surgery. The Center will maintain a directory of primary care resources in central Suffolk County, including community health centers, Federally Qualified Health Centers (FQHCs), and private primary care practices, and will actively refer any unaffiliated patients to these resources.

The Center has developed a collaborative relationship with Sun River Health, an FQHC with multiple locations throughout Long Island. Sun River Health has referred patients to Dr. Choi's Spine Medicine & Surgery of Long Island practice in the past. This relationship will continue and will serve as a formal channel for ensuring that underinsured and uninsured patients referred for surgical care are connected to primary care services.

Post-operative care protocols will include discharge planning that reinforces the patient's connection to their primary care provider, ensuring continuity of care following any ambulatory surgical procedure performed at the Center.

Staff from the Division of Certification & Surveillance reviewed the disclosure information submitted regarding licenses held, formal education, training in pertinent health and/or related areas, employment history, a record of legal actions, and a disclosure of the applicant's ownership interest in other health care facilities. Licensed individuals were checked against the Office of Medicaid Management, the Office of Professional Medical Conduct, and the Education Department databases as well as the US Department of Health and Human Services Office of the Inspector General Medicare exclusion database.

Conclusion

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §2801-a(3).

Financial Analysis

Total Project Cost and Financing

Total project cost, which is for new construction and the acquisition of moveable equipment, is estimated at \$9,364,688, and further broken down as follows:

New Construction	\$3,794,500
Design Contingency	\$379,450
Construction Contingency	\$189,725
Architect/Engineering Fees	\$225,000
Construction Manager Fees	\$60,000
Moveable Equipment	\$4,662,800
CON Fee	\$2,000
Additional Processing Fee	<u>\$51,213</u>
Total Project Cost	\$9,364,688

The applicant's financing plan appears as follows:

Equity	\$1,201,888
Bank Loan (6.00% interest rate for an eight-year term)	\$3,500,000
Equipment Lease (9.60% interest rate for an eight-year term)	<u>\$4,662,800</u>
	\$9,364,688

The applicant has provided letters of interest for both the bank loan and equipment lease.

Operating Budget

The applicant has submitted an operating budget, in 2026 dollars, for the first and third years of operation, summarized below:

	<u>Year One</u>		<u>Year Three</u>	
	<u>Per Procedure</u>	<u>Total</u>	<u>Per Procedure</u>	<u>Total</u>
<u>Revenues</u>				
Commercial FFS	\$8,620	\$5,085,800	\$8,620	\$6,154,680
Medicare Managed Care	\$4,310	\$2,542,900	\$4,310	\$3,077,340
Medicaid Managed Care	\$2,075	\$180,525	\$2,075	\$219,950
Other	\$5,076	\$2,202,984	\$5,076	\$2,664,900
Charity Care		(\$175,708)		(\$210,850)
Bad Debt Expense		<u>(\$500,610)</u>		<u>(\$605,843)</u>
Total		<u>\$9,335,891</u>		<u>\$11,300,177</u>
<u>Expenses:</u>				
Operating	\$3,785	\$6,571,001	\$3,933	\$8,263,875
Capital	<u>\$1,107</u>	<u>\$1,921,168</u>	<u>\$924</u>	<u>\$1,941,151</u>
Total Expenses	\$4,892	\$8,492,169	\$4,857	\$10,205,026
Net Income		\$843,722		\$1,105,151
Utilization: (Procedures)		1,736		2,101

The following is noted with respect to the submitted operating budget:

- The number of FTEs in the first and third years are projected to be 18.0 FTEs and 21.0 FTEs. The average salary is \$96,941 and \$107,847 during Year One and Year Three.
- The number of registered nurse FTEs during Year One and Year Three are 7 and 8.5, respectively. The average salary for the nurses is \$200,000 and \$300,000 in Year One and Year Three.
- Revenues are based on current reimbursement methodologies for ambulatory surgery services. Commercial rates were derived from experience conducting direct payer contracting for FASCs in the NY metro markets. Medicare rates were derived using the publicly published CMS rates for the Center's geographical area. Medicaid rates were derived from contracted rates with Medicaid Managed Care plans and the NY Medicaid rates assigned to other facilities in the NY metro market.
- The ratio of procedures to clinical staff in the first and third years is 151 (1,736/11.5 FTEs) and 145 (2,101/14.5 FTEs).
- The primary population to be served by this proposed FASC will be the Suffolk County communities of Islandia, Ronkonkoma, Bohemia, Holbrook and Lake Grove.
- Hawkins ASC, LLC expects to perform 1,736 procedures in Year One and 2,101 procedures in Year Three of operation. Volume estimates are based on the physician applicant and additional physicians who have committed to perform procedures at the proposed center. In support of projected levels, the physicians have submitted letters indicating their projected annual procedures.
- The majority of the proposed center's patients will be referred to the center by the participating physicians as well as independent physicians practicing in the Suffolk County communities.

Utilization broken down by payor source, for the first and third years are as follows:

	<u>Year One</u>	<u>Year Three</u>
Commercial MC	33.99%	33.98%
Medicare Managed Care	33.99%	33.98%
Medicaid Managed Care	5.01%	5.05%
Workers Comp/No Fault	25.00%	24.99%
Charity Care	<u>2.01%</u>	<u>2.00%</u>
Total	100.00%	100.00%

Lease Rental Agreement

The applicant has submitted an executed lease rental agreement for the site that they will occupy, which is summarized below:

Premises	9,893 square feet located at 640 Hawkins Avenue, Ronkonkoma, New York
Lessor	New York Spine Medicine and Surgery, PLLC and Agility Management Services, LLC
Lessee	Hawkins ASC, LLC
Term	15 years with two additional renewable lease terms
Rental	Year One \$494,650 annual rental (\$50.00 per sq. ft.) with a 2% annual increase thereafter.
Provisions	The lessee shall be responsible for maintenance, utilities and real estate taxes.

The applicant has provided an affidavit that the lease will be a non-arm's length arrangement. The applicant has submitted two real estate letters attesting to the reasonableness of the per square foot rental.

Capability and Feasibility

The total project cost for this application is \$9,364,688 and will be funded with a bank loan of \$3,500,000 at an interest rate of 6.00% for an eight-year term, an equipment lease of \$4,662,800 at an interest rate of 9.60% for an eight-year term, and equity of \$1,201,888 to be provided from the sole members personal resources.

The working capital requirements are estimated at \$1,683,683, equivalent to two months of third-year expenses. The sole member will provide equity from personal resources to meet these requirements. BFA Attachment A, Personal Net Worth Statement of Daniel Choi MD, shows the availability of sufficient funds for the equity contribution.

BFA Attachment B, Pro Forma Balance Sheet, shows a positive net asset position of \$1,663,683 as of the first day of operations.

The submitted budget projects a net income of \$843,722 in Year One and \$1,105,151 in Year Three. Revenues are based on current reimbursement methodologies for ambulatory surgery services. The budget appears reasonable.

Conclusion

The applicant has demonstrated the capability to proceed in a financially feasible manner.

Attachments	
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BHFP Attachment	Map
BFA Attachment A	Personal Net Worth Statement - Daniel Choi MD
BFA Attachment B	Pro Forma Balance Sheet



Department of Health **Public Health and Health Planning Council**

Project # 261138-E
Saratoga-Schenectady Endoscopy Center, LLC

Program: Diagnostic and Treatment Center **County:** Saratoga
Purpose: Establishment **Acknowledged:** April 13, 2026

Executive Summary

Description

Saratoga-Schenectady Endoscopy Center LLC (SSEC), an existing Article 28, Single-Specialty Ambulatory Surgery Center, is seeking approval to add one new member. Dr. Sidney Olefson will join the existing fourteen members, all of whom will have equal membership of 6.667%. SSEC has exceeded the 25% threshold for membership changes over the past five years, requiring this application to be submitted as a full review.

Membership before and after the requested change is as follows:

Current Members	
Saratoga Schenectady Endoscopy Center, LLC.	
Member	Ownership %
Howard Malamood, M.D.	7.14%
John DeFrancisco, M.D.	7.14%
William Gusten, M.D.	7.14%
David Goetz, M.D.	7.14%
Natalya Belova, M.D.	7.14%
Mark Metwally, M.D.	7.14%
Justin Provost, M.D.	7.14%
Chad Cornish, M.D.	7.14%
Vinay Sood, M.D.	7.14%
Zachary Feinberg, M.D.	7.14%
Christopher Brown, M.D.	7.14%
Leon Averbukh, M.D.	7.14%
Matthew Josephson, M.D.	7.14%
Mohammad Sohail, M.D.	7.14%
Total	100.00%

Proposed Members	
Saratoga Schenectady Endoscopy Center, LLC.	
Member	Ownership %
Howard Malamood, M.D.	6.667%
John DeFrancisco, M.D.	6.667%
William Gusten, M.D.	6.667%
David Goetz, M.D.	6.667%
Natalya Belova, M.D.	6.667%
Mark Metwally, M.D.	6.667%
Justin Provost, M.D.	6.667%
Chad Cornish, M.D.	6.667%
Vinay Sood, M.D.	6.667%
Zachary Feinberg, M.D.	6.667%
Christopher Brown, M.D.	6.667%
Leon Averbukh, M.D.	6.667%
Matthew Josephson, M.D.	6.667%
Mohammad Sohail, M.D.	6.667%
Sidney Olefson, M.D.	6.667%
Total	100.00%

OPCHSM Recommendation

Approval

Need Summary

There will be no need review per Public Health Law §2801-a (4).

Program Summary

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §2801-a(3).

Financial Summary

There is no project cost associated with this application. The total purchase price for the 6.667% membership interest is \$567,142 and will be funded with a 5-year loan at 6.39% interest. There is no operating budget presented with this application as this transaction is for a change in membership, with no changes to services or locations served. Upon BFA review, the facility is in good financial standing.

Health Equity Impact Assessment

This project does not meet the requirements for a Health Equity Impact Assessment under Section 2802-B of the PHL.

Recommendations

Health Systems Agency

There will be no HSA recommendation for this project.

Office of Primary Care and Health Systems Management

Approval conditional upon:

1. This project must be completed by **one year from the date of the recommendation letter**, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date. [PMU]

Council Action Date

June 24, 2026

Program Analysis

Project Proposal

Proposed Operator	Saratoga-Schenectady Endoscopy Center, LLC
Site Address	1 Wellness Drive, Burnt Hills, NY 12027 (Saratoga County)
Specialties	Ambulatory Surgery - Single Specialty - Gastroenterology
Hours of Operation	Monday through Friday, 7a.m.- 4p.m.
Staffing (1st Year / 3rd Year)	63.0 FTEs / 65.0 FTEs
Medical Director(s)	William Gusten, M.D.
Emergency, In-Patient and Backup Support Services Agreement and Distance	Saratoga Hospital, located 13.4 miles, 27-minute drive time away Ellis Hospital, located 8.5 miles away, 19-minute drive time away

Saratoga-Schenectady Endoscopy Center LLC has been operating since 2004 as a single-specialty endoscopy ambulatory surgery center and is accredited by the Accreditation Association of Ambulatory Health Care. This application is being submitted to add one new owner, Dr. Sidney Olefson, to join the existing fourteen members, all to be equal members of 6.667%.

The following table shows the projected FTEs in Year One and Year Three following completion of this project:

Position	Year One	Year Three
Management and Supervision	2.0	2.0
Technician and Specialist	18.0	19.0
Registered Nurses	34.0	35.0
Clerical and Other Administrative	9.0	9.0
Totals	63.0	65.0

Character and Competence

Sidney Olefson, M.D. has worked as a Gastroenterologist at Saratoga Schenectady Gastroenterology Associates since February of 2025. Prior to this, Dr. Olefson worked as a Gastroenterologist at Prima Care, P.C. from 2020 to 2025, and at Greater Boston Gastroenterology, P.C. from 2019-2020. Dr. Olefson also worked as a Hospitalist at Hospital of Central Connecticut from 2017 to 2019. Dr. Olefson graduated from Union Graduate College with a Master of Business Administration in 2010 and from Albany Medical College with a Doctor of Medicine in 2013. Dr. Olefson completed an Internal Medicine Residency at Warren Alpert Medical School of Brown University in 2014, followed by a Residency in Internal Medicine in 2016. Dr. Olefson completed a Fellowship in Gastroenterology-Hepatology at the University of Connecticut School of Medicine in 2019. Dr. Olefson is Board Certified in Internal Medicine and Gastroenterology.

Staff from the Division of Certification & Surveillance reviewed the disclosure information submitted regarding licenses held, formal education, training in pertinent health and/or related areas, employment history, a record of legal actions, and a disclosure of the applicant's ownership interest in other health care facilities. Licensed individuals were checked against the Office of Medicaid Management, the Office of Professional Medical Conduct, and the Education Department databases as well as the U.S. Department of Health and Human Services Office of the Inspector General Medicare exclusion database.

Additionally, the staff from the Division of Certification & Surveillance reviewed the ten-year surveillance history of all associated facilities. Sources of information included the files, records, and reports found in the Department of Health. Included in the review were the results of any incident and/or complaint investigations, independent professional reviews, and/or comprehensive/focused inspections. The review found that any citations were properly corrected with appropriate remedial action.

Conclusion

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §2801-a(3).

Financial Analysis

Operating Budget

There is no operating budget presented with this application as this transaction is for a change in membership, with no changes to services or locations served. Upon a BFA review, the facility is in good financial standing.

Membership Interest Purchase Agreement

The applicant submitted a Membership Interest Subscription Agreement for the proposed member; the terms are summarized below:

Date	April 1, 2026
Description	Transfer a combined 6.667% ownership interest of the 14 members in SSEC LLC to Dr. Sidney Olefson, M.D.
Transferers	Howard Malamood, M.D., John DeFrancisco, M.D., William Gusten, M.D., David Goetz, M.D., Natalya Belova, M.D., Mark Metwally, M.D., Justin Provost, M.D., Chad Cornish, M.D., Vinay Sood, M.D., Zachary Feinberg, M.D., Christopher Brown, M.D., Leon Averbukh, M.D., Matthew Josephson, M.D., Mohammad Sohail, M.D.
Transferee	Dr. Sidney Olefson, M.D.
Purchase Price	\$567,142.00
Percentage Interest	Howard Malamood, M.D., 6.667%, John DeFrancisco, M.D. 6.667%, William Gusten, M.D., 6.667%, David Goetz, M.D., 6.667%, Natalya Belova, M.D., 6.667%, Mark Metwally, M.D., 6.667%, Justin Provost, M.D., 6.667%, Chad Cornish, M.D., 6.667%, Vinay Sood, M.D., 6.667%, Zachary Feinberg, M.D., 6.667%, Christopher Brown, M.D., 6.667%, Leon Averbukh, M.D., 6.667%, Matthew Josephson, M.D., 6.667%, Mohammad Sohail, M.D., 6.667%.
Total Transfer	Sidney Olefson, M.D. 6.667%

Lease Agreement

The applicant provided an executed Lease agreement for the existing site; the terms are summarized below:

Date	May 1, 2020
Premises	1 wellness Drive, Burnt Hills, NY 12027
Landlord	Saratoga-Schenectady real Property, LLC.
Lessee	Saratoga-Schenectady Endoscopy center, LLC
Term	Initial term of 10 years with option to extend for successive periods of five (5) years with the base rental increasing by five percent (5%) in each successive five (5) year term.
Rent	Fixed rent is \$29.00 per square foot, \$1,028,572 per annum, \$85,714.33 per month.
Provisions	Taxes, Utilities, Insurance, Maintenance

The applicant submitted a Statement indicating the tenant and the landlord have similar ownership and the applicant has submitted 2 letters of rent reasonableness submitted with the original lease and the original lease has not changed since May 1, 2020.

Capability and Feasibility

There is no project cost associated with this application. The total purchase price for the transfer of 6.667% ownership to the new member is \$567,142 and will be funded with a bank loan to Dr. Sidney H. Olefson, Ballston Spa National Bank has provided a letter of interest. BFA Attachment A, Proposed New Member Net Worth Statement, shows that the proposed member has sufficient liquid resources available for the purchase.

BFA Attachment C, 2023-2024 Certified Financial Statements of Saratoga-Schenectady Endoscopy Center, LLC, shows positive working capital, a positive net asset position, and a net income of \$6,468,206 and \$9,824,757 in 2023 and 2024, respectively.

BFA Attachment D, 2025 Internal Financial Statements of Saratoga-Schenectady Endoscopy Center, LLC, shows positive working capital, a positive net asset position, and a net income of \$9,032,594.

Conclusion

The applicant has demonstrated the capability to proceed in a financially feasible manner.

Attachments

BFA Attachment A	Proposed New Member Net Worth Statement
BFA Attachment B	Organization Chart
BFA Attachment C	2023-2024 Certified Financial Statements of Saratoga-Schenectady Endoscopy Center, LLC
BFA Attachment D	2025 Internal Financial Statements of Saratoga-Schenectady Endoscopy Center, LLC



Project # 252183-B
St. Mary's Center, Inc.

Program: Diagnostic and Treatment Center
Purpose: Establishment and Construction
County: New York
Acknowledged: November 26, 2025

Executive Summary

Description

St. Mary's Center, Inc. ("SMC"), a New York not-for-profit corporation, requests approval to establish and construct an Article 28 Diagnostic and Treatment Center (D&TC) in leased space at 73 Lenox Avenue in Central Harlem.

St. Mary's Center will be certified for Medical Services – Primary Care and Certified Mental Health Services O/P. The D&TC will occupy the first floor and a portion of the third floor of an existing three-story building.

Argus Community, Inc. (Argus), a New York not-for-profit corporation, is the sole corporate member of St. Mary's Center, Inc.

Stuart Wasser, M.D., board-certified in Internal Medicine, will serve as the Medical Director.

St. Mary's Center has a Transfer and Affiliation Agreement for backup and emergency services with Harlem Hospital Center, 1.1 miles/9 minutes away.

OPCHSM Recommendation

Contingent Approval

Need Summary

The applicant projects 3,285 visits in Year One and 10,951 visits in Year Three, with 85% Medicaid and 5% Charity Care. The ADHCP projects 6,750 visits in Year One and 12,000 visits in Year Three with 100% Medicaid.

Program Summary

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §2801-a(3).

Financial Summary

The total project cost of \$5,833,509 will be funded by \$33,899 in equity from St. Mary's Center, Inc., and a \$5,799,610 Statewide Health Care Facility Transformation Program II Grant.

Table with 3 columns: Budget, Year One, Year Three. Rows: Revenues, Expenses, Net Income/(Loss).

Health Equity Impact Assessment

This project does not meet the requirements for a Health Equity Impact Assessment under Section 2802-B of the PHL.

Recommendations

Health Systems Agency

There will be no HSA recommendation for this project.

Office of Primary Care and Health Systems Management

Approval contingent upon:

1. Submission of a check for the amount enumerated in the approval letter, payable to the New York State Department of Health. Public Health Law Section 2802.7 states that all construction applications requiring review by the Public Health and Health Planning Council shall pay an additional fee of fifty-five hundredths of one percent of the total capital value of the project, exclusive of CON fees. [PMU]
2. Architectural Design Development Drawings: Submission of architectural and life safety drawings, acceptable to the Department, as described in the Bureau of Architecture and Engineering Review Drawing Submission Guidelines DSG-1.0. [AER]
3. Engineering Design Development Drawings: Submission of mechanical, electrical, plumbing and fire protection drawings, acceptable to the Department, as described in the Bureau of Architecture and Engineering Review Drawing Submission Guidelines DSG-1.0. [AER]

Approval conditional upon:

1. This project must be completed by **July 15, 2027**, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date. [PMU]
2. Construction must start on or before **November 15, 2026**, and construction must be completed by **April 15, 2027**, presuming the Department has issued a letter deeming all contingencies have been satisfied prior to commencement. It is the responsibility of the applicant to request prior approval for any changes to the start and completion dates. In accordance with 10 NYCRR Section 710.10(a), if construction is not started on or before the approved start date, this shall constitute abandonment of the approval. [PMU]
3. The submission of Final Construction Documents, as described in BAER Drawing Submission Guidelines DSG-05, is required prior to the applicant's start of construction. [AER]
4. The staff of the facility must be separate and distinct from the staff of other entities; the signage must clearly denote the facility is separate and distinct from other entities; the clinical space must be used exclusively for the approved purpose; and the entrance must not disrupt any other entity's clinical program space. [HSP]
5. The applicant must ensure registration for and training of facility staff on the Department's Health Commerce System (HCS). The HCS is the secure web-based means by which facilities must communicate with the Department and receive vital information. Upon receipt of the Operating Certificate, the Administrator/director that has day-to-day oversight of the facility's operations shall submit the HCS Access Form at the following link to begin the process to enroll for HCS access for the first time or update enrollment information as necessary: https://www.health.ny.gov/facilities/hospitals/docs/hcs_access_forms_new_clinics.pdf. Questions may be directed to the Division of Hospitals and Diagnostic & Treatment Centers at 518-402-1004 or email: hospinfo@health.ny.gov. [HSP]

Council Action Date

June 24, 2026

Need Analysis

Project Description

St. Mary’s Center, Inc. (SMC), an affiliate of Argus Community, an organization which provides comprehensive health, housing, and social services to vulnerable New Yorkers, focusing on those with substance use disorders (SUD), mental health challenges, and histories of homelessness or incarceration, and operator of Article 28 – Licensed RHC and ADHCP services, is seeking approval to establish and construct an Article 28 diagnostic and treatment center (D&TC) at 73 Lenox Avenue, New York, NY 10026 (New York County). The Center will be certified for Medical Services – Primary Care, Certified Mental Health Services O/P, and a 50 slot AIDs Adult Day Health Care Program.

Background and Analysis

The primary service area (PSA) for this project includes New York County and Bronx County specifically within Manhattan neighborhoods of West Harlem (within Manhattan Community District 9 PUMA), Central Harlem (within Manhattan Community District 10 PUMA), and East Harlem (within Manhattan Community District 11 PUMA), as well as the Bronx neighborhood of Melrose/Mott Haven (within Bronx Community Districts 1&2 PUMA). The primary service area is in a Health Professional Shortage Area (HPSA) for Primary Care, Dental Health, and Mental Health. It is also within a Medically Underserved Area (MUA).

The population of New York County is projected to increase to 1,730,911, a 6.2% increase, and the population of Bronx County is projected to increase to 1,610,332, an increase of 14.6% by 2031, according to the Cornell Program on Applied Demographics. Demographics for the primary service area are noted below, including a comparison with New York State.

Demographics	Manhattan Community District 9	Manhattan Community District 10	Manhattan Community District 11	Bronx Community Districts 1&2	Bronx County	New York County	New York State
Total Population	112,952	135,011	127,516	154,955	1,404,779	1,629,477	19,852,366
Hispanic or Latino (of any race)	37.8%	24.7%	41.0%	69.6%	55.1%	24.4%	19.8%
White (non-Hispanic)	24.4%	15.8%	14.6%	2.2%	8.7%	45.5%	52.8%
Black or African American (non-Hispanic)	22.4%	49.3%	30.7%	24.6%	28.7%	12.5%	13.4%
Asian (non-Hispanic)	10.5%	4.1%	9.1%	0.7%	4.0%	12.4%	9.0%
Other (non-Hispanic)	4.9%	6.1%	4.7%	2.9%	3.5%	5.2%	5.0%

Source: 2024 American Community Survey (5-Year Estimates Data Profiles)

In 2023, 95.7% of New York County and 92.7% of Bronx County had health coverage as follows.

Health Plans	Bronx County	New York County
Employer plans	29.5%	52.4%
Medicaid	43.4%	19.3%
Medicare	7.06%	11.0%
Non-group plans	12.3%	12.8%
Military or VA plans	0.392%	0.284%

Source: Data USA

The population within the service area had health coverage as follows.

Health Coverage	Manhattan Community District 9 PUMA*	Manhattan Community District 10 PUMA*	Manhattan Community District 11 PUMA*	Bronx Community Districts 1&2 PUMA**
Medicare coverage alone	3.6%	3.3%	6.5%	3.2%
Medicaid/means-tested coverage alone	21.5%	28.5%	30.1%	47.9%

*Source 2021: ACS 5-Year Estimates, Table S2704

**Source: 2024: ACS 5-Year Estimates, Table S2704

The projected payor mix for the D&TC is shown below.

Applicant Projected Payor Mix		
Payor	Year One	Year Three
Commercial	0%	5.00%
Medicare	4.99%	5.00%
Medicaid	90.02%	84.99%
Charity Care	4.99%	5.00%

Source: Applicant

The applicant projects 3,285 visits in Year One and 10,951 visits in Year Three for the proposed D&TC (excluding ADHCP visits). The ADHCP visits are projected at 6,750 for Year One and 12,000 in Year Three, with 100% Medicaid as the payor.

The ADHCP services are currently operated under the organization's RHC operating certificate and will be transferred to the D&TC through this application. The ADHCP will be relocated from its existing site at 512–516 West 126th Street, New York, NY 10027, and will maintain its approved capacity of 50 AIDS slots. At present, the program serves approximately 50 registrants daily, provides approximately 5,000 annual visits and projects an increase due to the new location and the benefits of co-location with primary care services. According to the applicant, St. Mary's Center's ADHCP is one of only five AIDS-designated ADHC programs in New York City and one of two located in Harlem.

SMC anticipates a significant demand for the proposed Center's services due to its long-standing service to the populations in Harlem and South Bronx, with barriers to healthcare access. Although SMC does not currently operate a D&TC, the proposed site will provide comprehensive primary and behavioral healthcare. Patient engagement will be supported through SMC's partnerships with community organizations (SMC's ADHCP, community outpatient and residential substance use and HIV treatment programs, as well as food pantries and transitional housing programs). According to the applicant, the center will offer services designed to meet the needs of the community, especially in managing chronic conditions such as hypertension, diabetes, asthma, and HIV. They will also provide nutrition counseling and health education. SMC will serve all New Yorkers, however, will specialize in serving those with mental health needs, those who use substances, people living with HIV, individuals experiencing homelessness, and people residing in public housing. SMC will provide walk-in appointments and flexible scheduling. Outreach and signage will make clear that all individuals can access care at SMC regardless of their insurance status.

The proposed D&TC will be near several public housing complexes. It will be directly across from the King Towers, and will be one avenue from the Taft complex, which houses New York City Housing Authority residents. Its goal is to eliminate obstacles to care by providing culturally sensitive services and preventive screenings and continuous care coordination. By being conveniently located, they aim to build trust and collaboration with patients to provide comprehensive and accessible health care.

Prevention Quality Indicators (PQIs) are rates of admission to the hospital for conditions for which good outpatient care can potentially prevent the need for hospitalization, or for which early intervention can prevent complications or more severe diseases. The table below provides information on PQI rates for 2024 related to this application.

PQI Name	Bronx County	New York County	New York State
Diabetes Short-Term Complications	12	7	7
Diabetes Long-Term Complications	27	13	13
Chronic Obstructive Pulmonary Disease or Asthma	59	25	25
Hypertension	16	7	7
Heart Failure	61	36	38
Community-Acquired Pneumonia	15	9	12
Uncontrolled Diabetes	11	5	5
Urinary Tract Infection	17	10	13
Prevention Quality Overall Composite	202	103	113

Source: NYSDOH, Data Hub

Rates are per 10,000 and are rounded crude rates

Conclusion

Approval of this project will allow SMC to provide access to primary care and behavioral health services while addressing health disparities in the communities served.

Program Analysis

Program Proposal

Proposed Operator	St. Mary's Center, Inc.
Doing Business As	St. Mary's Center, Inc.
Site Address	73 Lenox Avenue, New York, NY 10026 (New York County)
Shift/Hours/Schedule	Monday through Friday from 8 am to 6 pm Saturday from 9 am to 2 pm
Approved Services	Medical Services - Primary Care Certified Mental Health Services O/P 50-bed Adult Day Health Care-Aids
Staffing (1st Year/3rd Year)	13.0 FTEs for 1 st year and 24.5 in 3 rd year
Medical Director(s)	Dr. Stuart Wasser
Emergency, In-Patient and Backup Support Services Agreement and Distance	Harlem Hospital Center 506 Lenox Avenue, New York, NY 10037 Nearest hospital is Harlem Hospital Center - 1.1 miles / 9 minutes.

SMC's D&TC will specialize in serving patients with HIV/AIDs as well as those with co-occurring Mental Health and Substance Use Disorder (SUD). SMC's goal is to provide expanded primary care for residents from Argus's residential programs and for individuals across NYC. SMC will offer Medical Services - Primary Care and Certified Mental Health Services O/P. An additional fifty (50) Adult Day Health Care - AIDS slots will be included on the operating certificate. SMC will provide comprehensive and integrated behavioral health services which will include Mental Health screenings, therapy, psychiatric care, primary care, HIV services and case management; and other basic services such as wound care, screenings and vaccines.

St. Mary's Center, Inc. has an executed Transfer and affiliation agreement with Harlem Hospital which is located at 506 Lenox Avenue, New York, New York. Harlem Hospital is located 1.1 miles away/9 minutes away from this proposed D&TC.

All administrative aspects of SMC will be overseen by Argus Community's CEO, Dr. Miriam Vega. Dr. Vega is a nationally known turnaround specialist who developed the CHANGE (customized, holistic, analytical, network building, grassroots & evaluator) model of capacity program. Prior to joining Argus Community, Dr. Vega served as CEO and as COO of multiple Federally Qualified Health Centers (FQHCs), including Joseph P. Addabbo in NYC. Dr. Vega has a Ph.D. in Social Psychology from the University of California, Berkeley and a BA from Vassar College in Psychology; and completed a 2-year Prevention Fellowship at SUNY Downstate Medical Center, sponsored by the Centers for Disease Control and Prevention (CDC).

The following table shows the projected FTEs in Year One and Year Three following completion of the project.

Positions	Year One	Year Three
Management & Supervision	2.0	2.0
Physicians	1.0	1.0
Social Worker & Psychologist	2.4	4.8
Nurse Practitioners	0.1	2.2
Licensed Practical Nurse	1.0	3.0
Registered Nurse	1.5	2.0

Positions	Year One	Year Three
Infection Control, Environment and Food Service	0.2	0.5
Clerical & other Administrative	2.0	4.0
Psychiatrist	0.1	0.1
Business Development Associate	1.0	2.0
ADHC Intake Associate	1.0	2.0
Other Therapists and Assistants	0.5	1.0
Totals	13.0	24.5

Argus Community, Inc. is the sole corporate member (passive parent corporation) of St. Mary's Center, Inc. They share the same Board of Directors.

Board Member/Title
William S. Friedman / Director, Chairperson & Treasurer
Leslie A. Ross / Vice-Chair, Director & Secretary
Tom Javits / Director
Peter G. Samuels / Director
Ayanna Y. Thomas / Director
Frederick Harris / Director
Father Larry Ford / Director
Diane B. Pollard / Director

Character and Competence

Dr. Stuart Wasser will serve as Medical Director. He received a Doctor of Medicine degree from the New York University School of Medicine in 1986 and received a Bachelor of Arts degree from Columbia University in 1982. Dr. Stuart is certified by the American Board of Addiction Medicine and the American Board of Internal Medicine.

Since 1998, Dr. Wasser has operated private medical practice in Internal Medicine and Addiction Medicine in Rockville Centre, Long Island. He has worked in an Urgent Care Medicenter in Huntington, NY since 2003, and has held directorships of outpatient substance abuse clinics at EDNY in Hempstead, NY, Peninsula Counseling Center in Valley Stream, NY and at Friends of Bridge Valley Stream in New York.

William S. Friedman is the current chairperson, director and treasurer of the board. He graduated from Columbia University School of Law in 1970 and was admitted to the New York Bar in 1971. Mr. Friedman is also a graduate of Brandeis University. Mr. Friedman practiced law primarily in real estate and tax law until 1990 when he retired to devote more time to real estate investments and management. He is the founder and former general partner and chief executive officer of Beachwold Partners LP and was a former member of the Peace Corps.

Leslie A. Ross is currently the board's vice-chair, secretary and director. In 1993 Ms. Ross completed a master's degree in education from Bank Street College in New York City and received a bachelor's degree from Hunter College/CUNY in New York City. She was an educator at the Barnard Center for Toddler Development at Columbia University and from 1971-1975, Ms. Ross was the assistant to Elizabeth L. Sturz, who was the founder of Argus Community, Inc.

Tom Javits is currently a director of the board and serves on the Trust for Public Land - NYC Advisory Council. Mr. Javits completed a Master of Business Administration at Harvard Business School in Boston, Massachusetts in 1984; completed a Master of Science degree at Antioch University in San Francisco, California in 1977, and received a Bachelor of Science degree from the University of California in Berkeley, California in 1974. Mr. Javits has been a licensed NY State Real Estate Broker since 1992. Mr. Javits is a Principal and Real Estate executive at Javits Development Consulting in New York City. He was the Vice President for Construction and Facilities at the Metropolitan Museum of Art in New York City from 2010 – 2020 and is has been retired since January 1, 2021.

Peter G. Samuels is currently a director of the board. Mr. Samuels completed a Jurist Doctorate degree from Harvard Law School in 1974 and has been an attorney since 1975. Mr. Samuels has been a partner at Proskauer Rose Law Firm in New York City since 1971. He served for six years as co-head of the Firm's Mergers & Acquisitions Group. He advises on corporate governance and issues relating to strategic considerations and related matters. Mr. Samuels plays a leading role with Proskauer's pro bono initiatives and serves on the Independent Commission on NYC Criminal Justice and Incarceration Reform.

Ayanna Yasmin Thomas is currently a director on the board. She serves as an Associate at Bond Schoeneck & King; is affiliated with the New York City Bar Association and the New York State Bar Association. Ayanna Thomas has been a board member for nine (9) years; possesses a license as an Associate Broker; received a law degree from St. John's University School of Law in Queens, New York in 2015 and is a licensed Notary. Ayanna Thomas completed a Bachelor of Arts degree in Political Science at the State University of New York at New Paltz, New York in 2012; was admitted to the Bar in 2016 and admitted to the Southern and Eastern district of New York in 2023. Since 2024, Ayanna Thomas has been the general counsel for the Democracy Prep Public Schools in New York City; and was a member and partner at Bond, Schoeneck & King, PLLC in White Plains, New York from 2023 to 2024.

Fred Harris has been a director of the board since 2018. Mr. Harris has advanced degrees in Engineering and Law and is currently the executive vice president of development at Vornado Realty Trust. Mr. Harris served as a special advisor for real estate development of Jonathan Rose Companies; was a governor of the Real Estate Board of New York; was a Trustee of Brooklyn Hospital and was an adjunct professor at Columbia University.

Larry Ford is currently a director of the board; serves as a director with the Office Revitalization and Restructuring for US Franciscans; serves on the Board of St. Bonaventure University, and was formerly the board chair of CREATE, Inc. Father Ford is also a member of the Presbyteral Council of the Archdiocese of New York. Father Ford serves as the secretary for the Province of Our Lady of Guadalupe; and was the Pastor for Holy Name of Jesus-St. Gregory The Great Parish in New York City. Father Ford holds degrees in Industrial Relations, Divinity and non-Profit Administration with completed Doctorial work in Higher Education.

Diane B. Pollard is currently a director on the board and was the board chair for the St. Mary's Center. She was the founder of the St. Mary's Episcopal AIDS Center which is a residential community for individuals with HIV/AIDS; and established the outpatient center.

Staff from the Division of Certification & Surveillance reviewed the disclosure information submitted regarding licenses held, formal education, training in pertinent health and/or related areas, employment history, a record of legal actions, and a disclosure of the applicant's ownership interest in other health care facilities. Licensed individuals were checked against the Office of Medicaid Management, the Office of Professional Medical Conduct, and the Education Department databases as well as the US Department of Health and Human Services Office of the Inspector General Medicare exclusion database.

Conclusion

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §2801-a(3).

Financial Analysis

Total Project Cost and Financing

Total project costs for renovations and movable equipment are estimated at \$5,833,509, broken down as follows:

Renovation & Demolition	\$3,828,125
Design Contingency	382,813
Construction Contingency	382,813
Planning Fees	48,750
Architect/Engineering Fees	420,000
Other Fees	237,110
Movable Equipment	500,000
CON Application Fee	2,000
CON Processing Fee	<u>31,898</u>
Total Project Cost	\$5,833,509

The applicant's financing plan appears as follows:

Applicant Equity	\$33,899
Grant - Statewide Health Care Facility Transformation Program II	<u>5,799,610</u>
Total	\$5,833,509

BFA Attachment C, 2023-2024 St. Mary's Center, Inc. and SMC Manhattan Health Center, Inc.'s Certified Financial Statements, indicate sufficient resources to meet the equity requirement.

Operating Budget

The applicant has submitted first and third-year operating budgets in 2026 dollars, as summarized below:

	<u>Year One</u>		<u>Year Three</u>	
	Per Visit	Total	Per Visit	Total
Revenues-D&TC:				
Medicaid-FFS	\$328.48	\$108,069	\$379.82	\$208,144
Medicaid-MC	\$263.18	691,644	\$380.13	3,330,296
Medicare-MC	\$155.02	25,424	\$161.19	88,169
Commercial-MC		0	\$100.10	54,756
Other Operating Income*		<u>16,210</u>		<u>243,243</u>
Sub-Total -		\$841,347		\$3,924,608
Revenues-ADHC				
Medicaid-MC	\$173.11	<u>\$1,168,465</u>	\$173.11	<u>\$2,077,272</u>
Total Revenues		\$2,009,812		\$6,001,880
Expenses:				
Operating	\$551.85	\$1,812,813	\$275.29	\$3,014,660
Capital	\$162.81	534,825	\$48.84	534,825
Operating-ADHC	\$188.99	<u>1,275,712</u>	\$159.99	<u>1,919,890</u>
Total		\$3,623,350		\$5,469,375
Net Income (Loss)		(\$1,613,538)		\$532,505
Visits – D&TC		3,285		10,951
Visits - ADHC		6,750		12,000

*First Year Indigent Care \$16,210, Third Year Indigent Care \$62,443, and New York State Patient Centered Medical Home incentive program \$180,800

The following is noted concerning the submitted budget:

- Revenue and rates for the D&TC assume Federally Qualified Health Center (FQHC) with a Look-Like designation 6 months into the first year.
- Revenue and rate for the ADHC is based on the amounts the Center expects to be entitled and collected.
- The staffing plan aligns with standard provider productivity ratios and complies with Federal and NYS regulations for primary care and ADHC. The staff will be attentive to the patient's cultural and linguistic factors.
- Expenses are based on experience, staffing ratios, and input from Argus Community.
- SMC will actively engage patients from nearby public housing complexes, shelters, and supportive housing programs. It will use outreach, walk-in appointments, and trauma-informed care models to reduce barriers to access and build trust within the community.
- SMC has incorporated several strategies to ensure success.
 - The D&TC and ADHC will be situated in a visible, easily accessible location on Lenox Avenue, improving patient access and community visibility
 - The ADHC will help in transportation planning and will provide Metro Cards or transportation reimbursement.
 - SMC will leverage Argus Community's outreach and engagement networks to foster referral pathways and partnerships with local agencies and community organizations.
 - Argus Community will oversee operational planning and financial management for sustainability and assist in adapting to unforeseen challenges.
- Breakeven utilization for the third year is 9,905 D&TC visits and 11,091 ADHC visits.

Utilization broken down by payor source during the Year One and Year Three is as follows:

	Year One		Year Three	
	Visits	%	Visits	%
Medicaid-FFS	329	10.02%	548	5.00%
Medicaid-MC	2,628	80.00%	8,761	80.00%
Medicare-MC	164	4.99%	547	5.00%
Commercial-MC	0	0.00%	547	5.00%
Charity	164	4.99%	548	5.00%
Total	3,285	100%	10,951	100%

ADHC Payor:	Visits	%	Visits	%
Medicaid-MC	6,750	100%	12,000	100%

Lease Rental Agreement

The applicant has submitted an executed lease for the proposed site; the terms are summarized below:

Date:	March 2, 2026
Premises:	Total 8,830 sq ft at 73 Lenox Avenue, NY, NY 10026 D&TC (5,143 sq ft) (3,434 sq ft on 1 st floor and 1,709 sq ft on 2 nd floor), ADHC (3,687 sq ft.) (816 sq ft in basement and 2,871 on 2 nd floor)
Landlord:	Create, Inc.
Lessee:	St. Mary's Center, Inc.
Term:	10 Years, two (2) ten (10) year automatic renewals
Payment:	\$220,750 annually (\$25 per square foot) for the initial term, \$309,050 annually (\$35 per square foot) for the first renewal term, and \$397,350 annually (\$45 per square foot) for the second renewal term.
Provisions:	Utilities, Maintenance, and Insurance. The property is exempt from real property taxation.

The applicant has provided an affidavit attesting that the lease is a non-arms-length agreement. Letters from two NYS licensed realtors have been provided attesting to the rental rate being fair market value.

Capability and Feasibility

The total project costs of \$5,833,509 will be funded by \$33,899 in equity from St. Mary’s Center, Inc., and a \$5,799,610 grant from the Statewide Health Care Facility Transformation Program.

The working capital requirement, estimated at \$2,217,430 based on two months of first-year expenses plus a projected loss of (\$1,613,538), will be funded from operations.

The submitted budget projects a net loss of (\$1,613,538) in Year One and a net income of \$532,505 in Year Three. The budget appears reasonable. Argus Community, Inc.’s Chief Strategy Officer, has submitted a letter committing to supporting the projected loss and to meet working capital needs that may arise.

BFA Attachment A, Argus Community, Inc. and Affiliates’ June 30, 2024, Certified Consolidated Financial Statements, show \$44,763,783 in net assets, including \$15,544,486 in liquid resources. BFA Attachment B, Argus Community, Inc. June 30, 2025, Internal Financial Statements, shows a negative working capital position, a positive net asset position, and a net income of \$2,465,138.

BFA Attachment C, St. Mary’s Center, Inc., and SMC Manhattan Health Center, Inc., 2024 Consolidated Financial Statements show negative working capital, positive net assets, and an operating loss of (\$890,074). BFA Attachment D, St. Mary’s Center, Inc., and SMC Manhattan Health Center, Inc., October 31, 2025, Internal Financial Statements, show a negative working capital position, a positive net asset position, and a net loss of (\$472,675).

The applicant has demonstrated the capability to proceed in a financially feasible manner.

Conclusion

The applicant has demonstrated the capability to proceed in a financially feasible manner.

Attachments

BHFP Attachment	Map
BFA Attachment A	Argus Community Inc. June 30, 2024, Certified Financial Statements
BFA Attachment B	Argus Community, Inc.’s July 1, 2024 - June 30, 2025, Internal Financial Statements.
BFA Attachment C	St. Mary’s Center, Inc. and SMC Manhattan Health Center, Inc.’s 2024 and 2023 Certified Financial Statements.
BFA Attachment D	St. Mary’s Center, Inc. and SMC Manhattan Health Center, Inc., October 31, 2025, Internal Financial Statements



Project # 252210-E
Amsterdam SNF LLC d/b/a
Wilkinson Rehabilitation and Nursing Center

Program: Residential Health Care Facility
Purpose: Establishment

County: Montgomery
Acknowledged: December 4, 2025

Executive Summary

Description

Amsterdam SNF LLC, a Nevada limited liability company authorized to conduct business in New York, requests approval to be established as the new operator of Wilkinson Residential Health Care Facility, an existing not-for-profit residential health care facility (RHCF). Wilkinson Residential Health Care Facility is a 160-bed skilled nursing facility with an adult day health care program, located at 4988 State Highway 30, Amsterdam, (Montgomery County). Upon PHHPC approval, the name of the facility will be changed to Wilkinson Rehabilitation and Nursing Center.

The current operator, St. Mary's Healthcare, has entered into an Asset Purchase Agreement dated October 16, 2025, with Amsterdam SNF LLC for the acquisition of the operating interests. Concurrently, 4988 State HWY 30 LLC, entered into Purchase and Sale Agreement with St. Mary's Healthcare for the sale and acquisition of the real property interest of the nursing facility. 4988 State HWY LLC, as landlord, and Amsterdam SNF LLC, as tenant, have entered into a proposed lease agreement for site control of the facility.

The sole member of Amsterdam SNF LLC is Amsterdam SNF Holdco LLC, whose sole member is David Lichtschein.

OALTC Recommendation
Contingent Approval

Need Summary

There will be no change in beds as a result of this application. As of April 28, 2026, the facility reported 93.3% occupancy of its staffed beds, while Montgomery County had 96.7% occupancy of its staffed beds.

Program Summary

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §2801-a(3).

Financial Summary

There are no project costs associated with this application. The purchase price for the operations is the assumption of certain liabilities and account receivables. The purchase price for the realty is \$13,600,000, which will be funded with \$500,000 in members' equity and a \$13,100,000 loan for five years at an interest rate of 6.67%.

The proposed budget is as follows:

Table with 3 columns: Budget, Year One, Year Three. Rows: Revenues, Expenses, Net Income.

Health Equity Impact Assessment

This project does not meet the requirements for a Health Equity Impact Assessment under Public Health Law §2802-B.

Recommendations

Long Term Care Ombudsman Program

The LTCOP recommends Approval. (See LTCOP Attachment A)

Health Systems Agency

There will be no HSA recommendation for this project.

Office of Aging and Long-Term Care

Approval contingent upon

1. Submission of executed real property loan commitment acceptable to the Department of Health. [BFA]
2. Submission of a commitment signed by the applicant which indicates that, within two years from the date of the council approval, the percentage of all admissions who are Medicaid and Medicare/Medicaid eligible at the time of admission will be at least 75 percent of the planning area average of all Medicaid and Medicare/Medicaid admissions, subject to possible adjustment based on factors such as the number of Medicaid patient days, the facility's case mix, the length of time before private paying patients became Medicaid eligible, and the financial impact on the facility due to an increase in Medicaid admissions. [RNR].

Approval conditional upon:

1. This project must be completed by one year from the date of the approval letter, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date. [PMU]

Council Action Date

June 24, 2026

Need Analysis

Background and Analysis

The primary service area is Montgomery County, which has a population projected to decrease by 1.0% to 49,047 by 2031 based on Cornell Program of Applied Demographic estimates. Demographics for the primary service area are noted below, including a comparison with New York State.

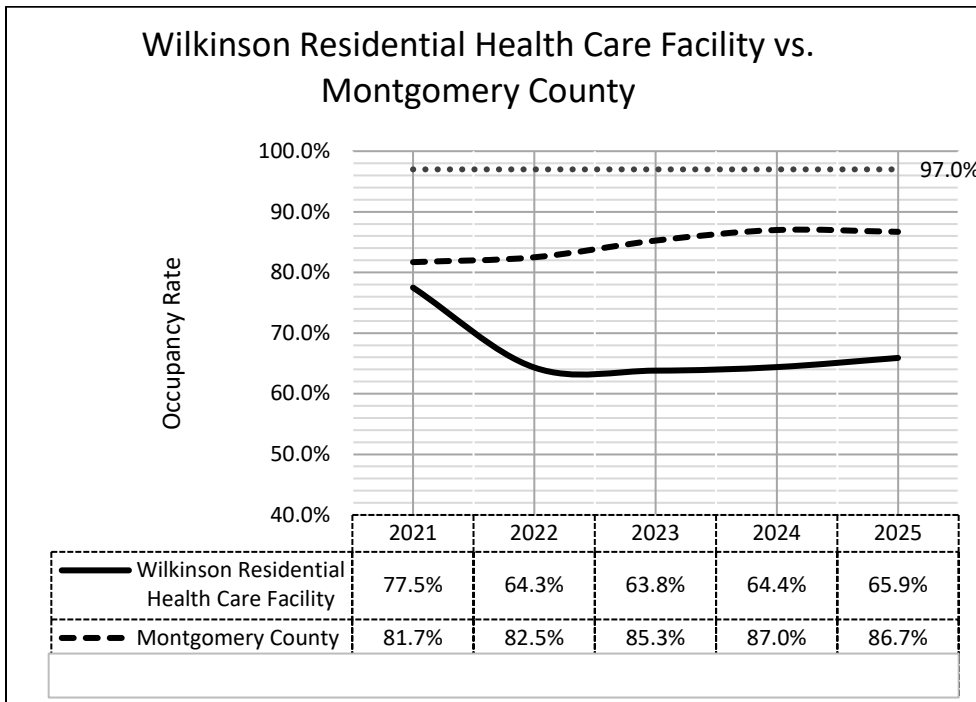
Demographics	Montgomery County	New York State
Total Population (2024 Estimate)	49,528	19,852,366
Hispanic or Latino (of any race)	15.4%	19.8%
White (non-Hispanic)	77.0%	52.8%
Black or African American (non-Hispanic)	2.5%	13.4%
Asian(non-Hispanic)	0.8%	9.0%
Other (non-Hispanic)	4.2%	5.0%

Source: 2024 American Community Survey (5-year Estimates Data Profiles)

The table below provides population estimates of individuals 65 years old and above in Montgomery County and New York State.

	Montgomery County Age Group 65-84	Montgomery County Age Group 85+	New York State Age Group 65-84	New York State Age Group 85+
Estimated 2024 Population	8,271	1,355	3,108,608	445,420
Population Projection by 2031	10,121	1,861	3,749,085	638,383
Percent Change	+22.4%	+37.3%	+20.6%	+43.3%

Source: 2024 American Community Survey (5-Year Estimates) and Cornell Program on Applied Demographics



Occupancy through 2024 is from the RHCf cost reports and 2025 data is from non-certified Health Electronic Response Data System (HERDS)

The table below shows the CMS Rating and the utilization of the closest RHCf to Wilkinson Residential Health Care Facility.

Facility Name	CMS Overall Rating	Beds	Distance from other RHCfs	Occupancy			
	As of 4/2026			Miles/Time	2022	2023	2024
Wilkinson Residential Health Care Facility	2	160	0 miles/0 mins	64.3%	63.8%	64.4%	65.9%
River Ridge Living Center	1	120	3.8 miles/11 mins	79.5%	87.9%	93.7%	90.5%
Capstone Center for Rehabilitation and Nursing	1	120	6.9 miles/13 mins	93.4%	94.9%	95.7%	96.5%
Nathan Littauer Hospital Nursing Home	1	84	14 miles/21 mins	65.6%	67.4%	60.1%	69.3%
Wells Nursing Home Inc	1	100	19 miles/13 mins	71.8%	82.6%	86.5%	88.8%

Source: CMS and RHCf Cost Reports. Occupancy through 2024 is from the RHCf cost reports and 2025 data is from non-certified Health Electronic Response Data System (HERDS)

Based on weekly census data, the facility reported 75% of their 160 licensed beds were staffed and 70.0% occupied on April 28, 2026, for a 93.3% occupancy of staffed beds. Montgomery County had 91.5% of the county's 590 licensed beds staffed and 88.5% occupied for a 96.7% occupancy of staffed beds.

The facility's utilization has been between 63.8% to 65.9% over the past 4 years. According to the applicant, the current operator is a healthcare system and did not dedicate sufficient resources to the RHCf's marketing and admissions activities. The utilization has led to operating losses and the eventual decision to pursue a change of operator application by the current operator.

The applicant proposes the following efforts to increase occupancy at the facility:

- Meetings with local community leaders to determine community needs from a communal perspective.
- Meetings with local hospitals to ensure a cooperative effort in identifying and developing programs to determine what the hospitals feel is needed from a local nursing facility.
- Meetings with local physicians to determine what the medical community feels is lacking in the area (i.e. IV care, pulmonary services, trachea care, etc.).
- They note that once this information is compiled, the operator will implement the programs that are responsive to the needs of the community.

The following table provides the Case Mix Index (CMI) for the facility and surrounding RHCfs, which reflects the relative resources predicted to provide care to a resident. The New York State average CMI was 1.3520 and 1.2360 for Montgomery County. The higher the case mix weight, the greater the resource requirement for the residents.

Case Mix Index	2023	
	All Payor Mix	Medicaid Only
Wilkinson Residential Health Care Facility	1.2653	1.1529
River Ridge Living Center	1.2569	1.3011
Capstone Center for Rehabilitation and Nursing	1.051	0.9725
Nathan Littauer Hospital Nursing Home	1.1636	0.9541
Wells Nursing Home Inc	0.9255	0.843

Medicaid Access

To ensure that the Residential Health Care Facility needs of the Medicaid population are met, 10 NYCRR §670.3 requires applicants to accept and admit a reasonable percentage of Medicaid residents in their service area. The benchmark is 75% of the annual percentage of residential health care facility admissions that are Medicaid-eligible individuals in their planning area. This benchmark may be increased or decreased based on the following factors:

- the number of individuals within the planning area currently awaiting placement to a residential health care facility, and the proportion of total individuals awaiting such placement that are Medicaid patients and/or alternate level of care patients in general hospitals.
- the proportion of the facility's total patient days that are Medicaid patient days and the length of time that the facility's patients who are admitted as private paying patients remain such before becoming Medicaid eligible.
- the proportion of the facility's admissions who are Medicare patients or patients whose services are paid for under provisions of the federal Veterans' Benefit Law.
- the facility's patient case-mix based on the intensity of care required by the facility's patients or the extent to which the facility provides services to patients with unique or specialized needs.
- the financial impact on the facility due to an increase in Medicaid patient admissions.

An applicant will be required to make appropriate adjustments in their admission policies and practices to meet the resultant percentage. Based on the applicant's data, the facility's Medicaid admissions rate has been above the threshold of 75% of the Montgomery County rate.

Medicaid Access	2022	2023	2024
Montgomery County Total	44.6%	54.8%	55.8%
<i>Montgomery County Threshold Value</i>	33.5%	41.1%	41.9%
Wilkinson Residential Health Care Facility	86.0%	93.2%	91.7%

Conclusion

There will be no changes in beds as a result of this application. As of April 28, 2026, the facility reported 93.3% occupancy of its staffed beds, while Montgomery County had 96.7% occupancy of its staffed beds.

Program Analysis

Program Description

	Existing	Proposed
Facility Name	Wilkinson Residential Health Care Facility	Wilkinson Rehabilitation and Nursing Center
Address	4988 Street Highway 30 Amsterdam, New York 1201	Same
RHCF Capacity	160 beds	Same
ADHCP Capacity	38	Same
Type of Operator	Not-for-Profit Corporation	Limited Liability Company
Class of Operator	Voluntary	Proprietary
Operator	St. Mary's Healthcare	Amsterdam SNF LLC Member: Amsterdam SNF HOLDCO LLC 100% Member: David Lichtschein* 100% <i>*Managing Member</i>

Amsterdam SNF LLC d/b/a Wilkinson Rehabilitation and Nursing Center have indicated there will be an administrative services agreement with Advanced Health Inc. owned by David Heinemann. Advanced Health Inc. consults and assists the established operator with the following as noted in the administrative services agreement: Financial and back-office services, administrative services, and clinical consulting. There is no common ownership between the Advanced Health Inc. and the proposed operator of Wilkinson Rehabilitation and Nursing Center. It was disclosed in the application that Advanced Health Inc. also provides consulting and/or administrative services to the following facilities Lilac Manor Rehabilitation and Nursing Center, Beacon Rehabilitation and Nursing Center, Regal Heights Rehabilitation and Health Care Center, Schervier Nursing Care Center, San Simeon by the Sound Center for Nursing & Rehabilitation, Fairport Rehabilitation and Nursing Center, The Grand Rehabilitation and Nursing at Batavia, The Grand Rehabilitation and Nursing at Pawling, and Waterview Heights Rehabilitation and Nursing Center.

Amsterdam SNF LLC will lease the property from 4988 State HWY 30 LLC as the sole member of 4988 State HWY 30 RE HOLDCO LLC. The applicant filed an affidavit stating that there are no common members between Amsterdam SNF LLC as tenant and 4988 State HWY 30 LLC as the landlord.

Character and Competence

David Lichtschein holds concurrent employment as an operator of Highland Care Center Inc. a skilled nursing facility located in Jamaica, NY and as a self-employed consultant based in Lakewood, NJ. Prior employment includes a role as clergy at Surf Manor Home for Adults located in Brooklyn, NY. David Lichtschein holds an advanced degree in Talmudic Studies from Beth Medrash Govoha and discloses the following health facility ownership interests:

<u>New York Nursing Homes</u>	
Highland Care Center (23%)	05/2017 to present
Achieve Rehab and Nursing Facility	Pending
Beacon Rehabilitation and Nursing Center	Pending

Conclusion

The individual background review indicates the applicants have met the standards set forth in Public Health Law §2801-a(3).

Financial Analysis

Operating Budget

The applicant has provided the Current Year (2024) results and the Years One and Three operating budgets, in 2026 dollars, after the change in ownership as summarized below:

	<u>Current Year</u>		<u>Year One</u>		<u>Year Three</u>	
	<u>Per Diem</u>	<u>Total</u>	<u>Per Diem</u>	<u>Total</u>	<u>Per Diem</u>	<u>Total</u>
Revenues (RHCF)						
Medicaid FFS	\$193.48	\$4,773,171	\$209.52	\$7,316,764	\$210.00	\$7,572,864
Medicaid MC	\$	0	\$209.52	408,564	\$209.52	408,564
Medicare FFS	\$669.81	2,742,202	\$771.17	5,386,600	\$789.35	5,692,800
Medicare MC	\$	0	\$660.00	1,306,800	\$680.00	1,411,000
Commercial FFS	\$381.22	1,659,839	\$387.80	767,836	\$389.62	809,636
Private	\$372.08	1,668,801	\$415.52	2,455,750	\$426.31	2,601,750
Other Income*		<u>3,278,068</u>		<u>1,200</u>		<u>1,200</u>
Sub-Total		\$14,122,081		\$17,643,514		\$18,497,814
Revenue (ADHC)						
Medicaid FFS	\$121.25	556,681	\$113.16	520,536	113.16	520,536
Private	\$183.00	<u>27,633</u>	\$183.00	<u>27,450</u>	183.00	<u>27,450</u>
Total Revenues		\$14,706,395		\$18,191,500		\$19,045,800
Expenses (RHCF)						
Operating	\$426.27	\$16,029,111	\$286.99	15,419,200	\$283.10	\$15,706,300
Capital	1.84	<u>69,014</u>	<u>\$29.98</u>	<u>1,611,000</u>	<u>\$34.28</u>	<u>1,901,650</u>
Sub-total	\$428.11	\$16,098,125	\$316.97	17,030,200	\$317.38	\$17,607,950
Expenses (ADHC)						
Operating	\$186.89	\$886,219	\$101.89	\$484,000	\$101.89	\$484,000
Capital	<u>\$0.00</u>	0	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>0.00</u>
	\$186.89	\$886,219	\$101.89	\$484,000.	\$101.89	\$484,000
Total Expenses		\$16,984,344		\$17,514,200		\$18,091,950
Net Income (Loss)		<u>(\$2,277,949)</u>		<u>\$677,300</u>		<u>\$953,850</u>
RHCF Patient Day		37,603		53,727		55,480
RHCF Utilization %		64.38%		92.00%		95.00%
ADHC Visits		4,742		4,750		4,750

The following is noted concerning the submitted RHCF operating budget:

- The Current Year reflects the facility's 2024 revenues and expenses.
- Medicaid revenue is based on the reimbursement methodology of the 2025 Nursing Home Medicaid Rate.
- Medicare rates are based on the full Federal rates for the Medicare Prospective Payment System in effect for FY 2025 and are increased by approximately 2.50% per annum for inflation to reflect 2026 dollars. Private and other rates are based on similar facilities in the same geographical area increased by 2.50% per annum for inflation to reflect 2026 dollars.
- Staffing is based on historical operations, analysis of similar facilities, and the proposed operator's experience. Staffing will increase by 29.55 FTEs for infection control, environment and food service.
- Expenses are based on relining 2024 operating expenses between categories, taking inflation into consideration and adjusting for current operator's expense allocation. Overall increase in expenses of \$529,856 is due to a \$1,541,986 increase in capital expenses, primarily rent increasing from \$69,014 to \$1,610,001 per year offset by a \$1,012,130 decrease in other direct expenses (primarily professional fees and purchase services).
 - The projected percentage of direct care staffing costs to projected facility revenues is 48.17% in Year One and 45.92% in Year Three, exceeding the 40% requirement in Public Health Law §2828.
 - The percentage of direct resident care costs to projected facility revenue is 76.75% in Year One and 73.61% in Year Three, exceeding the 70% requirement in Public Health Law §2828.
 - The facility's projected profit percentage is forecasted to be 3.95% in Year One and 5.30% in Year Three, passing the 5% maximum outlined in Public Health Law §2828 in Year One and slightly failing in Year Three.
 - The staffing ratio is 3.87 hours in Year One and 3.75 hours in Year Three, exceeding the required 3.5 hours care per resident/day under 10 NYCRR §415.13.
- The facility's projected utilization for Year One is 92% and Year Three is 95%. It is noted that utilization for (2022-2024) averaged 64.51%. As of March 10, 2026, occupancy was 70.63% while 71.88% of the available beds were staffed.
 - The applicant plans to improve occupancy by developing new programs based on information obtained from community leaders, area hospitals, and local physicians.

Utilization by payor for Years One and Three after the change in ownership is summarized below:

<u>Payor (RHCF)</u>	<u>Current Year</u>		<u>Year One</u>		<u>Year Three</u>	
	<u>Patient Days</u>	<u>%</u>	<u>Patient Days</u>	<u>%</u>	<u>Patient Days</u>	<u>%</u>
Medicaid FFS	24,670	65.61%	34,922	65.00%	36,062	65.00%
Medicaid MC	0	0.00%	1,950	3.62%	1,950	3.51%
Medicare FFS	4,094	10.89%	6,985	13.00%	7,212	13.00%
Medicare MC	0	0.00%	1,980	3.69%	2,075	3.74%
Commercial FFS	4,354	11.58%	1,980	3.69%	2,078	3.75%
Private Pay	<u>4,485</u>	<u>11.92%</u>	<u>5,910</u>	<u>11.00%</u>	<u>6,103</u>	<u>11.00%</u>
Total RHCF	37,603	100%	53,727	100%	55,480	100%
<u>Payor (ADHC)</u>						
Medicaid FFS	4,591	96.82%	4,600	96.84%	4,600	96.84%
Private Pay	<u>151</u>	<u>3.18%</u>	<u>150</u>	<u>3.16%</u>	<u>150</u>	<u>3.16%</u>
Total ADHC	4,742	100%	4,750	100%	4,750	100%

Asset Purchase Agreement (APA)

The applicant submitted an executed APA to acquire the operations associated with the RHCF and ADHC, which will become effective upon PHHPC approval. The terms are summarized below:

Date:	October 16, 2025, (Effective Date)
Seller:	St. Mary's Healthcare
Buyer:	Amsterdam SNF, LLC
Asset Acquired:	Rights, title, and interest as of the closing date. Increase balance from the effective date and beyond, cash, and accounts receivable. From the effective date: tangible personal property, transferable Healthcare Reimbursement Payor agreements, books and records, patient agreements, websites, domain names, email addresses, warranties, intellectual property, goodwill, and claims.
Excluded Assets:	Before 10/16/25, Cash, accounts receivable, prepaids, deposits, retroactive adjustments, claims, corporate records, proprietary materials, and transaction documents.
Assumption of Liabilities:	Liabilities expressly assume. And other liabilities arising on or after the effective date.
Excluded Liabilities:	Any liability before the closing date
Purchase Price	Assumption of Certain Liabilities on or after the effective date offset by Accounts Receivables (per applicant as of 12/31/25 Accounts Receivable were \$1,930,498 and assumed current liabilities were \$1,488,776. If balance continues it will result in positive cash flow of \$441,722 to the applicant's operations
Payment of the Purchase Price	Determined 30 days prior to closing

The applicant has submitted an original affidavit, which is acceptable to the Department, in which the applicant agrees, notwithstanding any agreement, arrangement, or understanding between the applicant and the transferor to the contrary, to be liable and responsible for any Medicaid overpayments made to the facility and surcharges, assessments or fees due from the transferor under Article 28 of the Public Health Law concerning the period before the applicant acquiring its interest, without releasing the transferor of its liability and responsibility. As of April 24, 2026, the facility had no outstanding Medicaid liabilities.

Purchase and Sale Agreement – Real Property

The applicant has submitted an executed Purchase and Sale Agreement for the sale and acquisition of the real property. The terms are summarized below:

Date:	October 16, 2025.
Seller:	St. Mary’s Healthcare
Purchaser:	4988 State Hwy 30, LLC
Asset Transferred:	Real Property located at 4988 State Highway 30, Amsterdam, NY 12010
Subdivision Section 2(b):	The Parties acknowledge and agree that the conveyance and sale of the Seller’s fee simple interest in the Premises pursuant to this Agreement is conditioned upon the completion of the subdivision of the Hospital Campus (the “Subdivision”) into two separate lots consisting of the Premises and the remaining portion of the Hospital Campus being retained by the Seller.
Ground Lease Contingency Section 2 c:	In the event the applicable governmental authorities do not issue the necessary variances and other approvals required to effectuate the Subdivision as contemplated in Section 2(b) prior to the date APA Purchaser receives noncontingent approval from the DOH to operate the Facility, the Parties agree that, in lieu of the conveyance and sale of the fee simple interests in the Premises, Seller shall sell to Purchaser, and Purchaser shall purchase from Seller, a leasehold interest in the Premises with a purchase option pursuant to a 99-year ground lease and purchase option.
Purchase Price:	\$13,600,000
Payment:	\$ 700,000 deposit (three business after Execution date) <u>12,900,000</u> at closing \$13,600,000

The purchase price of the real property is proposed to be satisfied as follows:

Equity – 4988 State Hwy 30, LLC member(s)	\$500,000
Popular Bank Loan: 5-years. Interest at 3.0% above the SOFR rate (approximately 3.67%) or 6.67%. Repayment: 18 months interest only, then interest and principal amortized over 25 years.	<u>13,100,000</u>
Total	\$13,600,000

Popular Bank has provided a term sheet. The members of 4988 State Hwy 30, LLC have sufficient resources to fund the \$500,000 equity payment as shown on BFA Attachment A-2. The applicant has provided an affidavit stating his willingness to fund the balloon payment with equity should terms acceptable to the Department of Health be unavailable when refinancing.

Service Agreement

Amsterdam SNF, LLC entered an executed Service Agreement with Advanced Health, Inc.; terms are summarized below:

Date:	November 12, 2025
Facility Operator:	Amsterdam SNF, LLC
Service Provider:	Advanced Health, Inc.
Term:	One year and automatically renews for one (1) year term.
Services:	Provide or assist with financial and back-office services, administrative services, and clinical consulting.
Compensation:	\$720,000 per year (\$60,000 per month)

The applicant attested that the service agreement is arm's length agreement. Amsterdam SNF, LLC has submitted an executed attestation stating that the applicant understands and acknowledges that there are powers that must not be delegated, the applicant will not willfully engage in any illegal delegation and understands that the Department will hold the applicant accountable.

Lease Agreement

The applicant submitted an executed lease agreement, the terms of which are summarized below:

Dated:	November 12, 2025
Premises:	A 160-bed RHCF is located at 4988 State Highway 30, Amsterdam, NY, 12010.
Landlord:	4988 State Hwy 30, LLC
Lessee:	Amsterdam SNF, LLC
Term:	Ten years
Rent:	\$1,360,000 (yr 1); \$1,496,000 (yr 2); \$1,645,600 (yr 3); \$1,810,160 (yr 4) (Which equals 10% per year). Fifth year base rent reset to greater 3% increase or the fair market value set by Landlord. Sixth year 3% increase. Seventh year 3% increase or market value set by Landlord. Eighth year 3% increase. Ninth year 3% increase or market value set by Landlord. Tenth year 3% increase.
Provisions:	Triple Net

The applicant attested that the lease arrangement is an arm's length agreement. The applicant has provided two letters from NYS licensed realtors attesting to the reasonableness of the rental rate.

The applicant's justification for the 10% annual rent increase in the second through fourth years is that rent starts off at less than fair market value (FMV). The 10% rent increases are expected to bring the rent up to FMV.

As part of the negotiating process between the buyer and seller, it was acknowledged that the new operator would need to make physical plant improvements. According to the current operator some of the improvements will include:

- Updates to resident rooms, new lighting, furniture and flooring (in some current rooms, furniture is non-matching).
- Improvements to the rehab center.
- Improvements to the food service program.

Until the proposed applicant becomes the operator of the existing RHCF, a scope of work has not been defined relating to the necessary capital improvements.

Capability and Feasibility

There are no project costs associated with this application. The purchase price for the operations is the assumption of certain liabilities and account receivables. As of December 31, 2025, assumed account receivables exceed assumed liabilities. The purchase price for the realty is \$13,600,000 to be funded by 4988 State Hwy 30, LLC with \$500,000 member equity and a \$13,100,000 loan for five years. The interest rate is 3.0% above SOFR rate (which is approximately 3.67%), for a total rate of 6.67%.

Repayment terms, interest only for the first 18 months and then interest and principal amortized over 25 years. Popular Bank has provided a letter of interest at the stated terms.

The working capital requirement is estimated at \$2,919,033 based on two months of Year One expenses, funded with member's equity. BFA Attachment A-1, Net Worth Statement Amsterdam SNF, LLC reveals sufficient equity to meet the funding requirements of this project.

The budget projects a net income of \$677,300 in Year One and \$953,850 by Year Three. Total revenues in Year One are expected to increase by \$3,485,105 as projected utilization climbs from 64.38% to 92%. Overall expenses are projected to increase by \$529,856 in Year One, primarily from a \$1,541,986 increase in capital expenses (all rent except \$999 in interest expense) and \$1,012,130 reduction in other direct expenses. The reduction in other direct expenses is composed of \$2,005,308 increase in wage and benefits, \$1,220,574 increase in supplies, utilities and other direct expenses, offset by \$1,150,039 reduction in professional fees and \$3,087,973 reduction in purchase services.

Department staff note as of March 10, 2026, utilization was approximately 70.63%, which is less than the Year One projection by 21.37%. BFA Attachment F, Budget Sensitivity Analysis, incorporated a 70.63% occupancy rate while using the applicants projected payer mix, rates and applying their reduced per diem operating cost of \$286.99 to their Year One budget (note Capital and ADHC cost were not adjusted for the reduced utilization rate). Based upon this scenario, net profits would decline by \$514,534, going from \$677,300 to \$162,766.

BFA Attachment B, Pro Forma Balance Sheet for Amsterdam SNF, LLC, shows the entity will start with \$3,040,000 in members' equity.

BFA Attachment C, 2023-2025 St. Mary's Healthcare (Balance Sheet) and Wilkinson Residential Health Care Facility's (Revenue and Expenses for the RHCF and ADHC departments), shows positive working capital and positive net assets, while Wilkinson Residential Health Care Facility (RHCF and ADHC departments) generate operating losses between \$2.3M and \$4M.

BFA Attachment D, Proposed Members' Ownership Interest in the Affiliated RHCFS and Financial Summary, shows average positive working capital, positive net assets, and an average net income of \$150,564. In 2024, the facility incurred a \$4,016,859 loss as the result of \$8 million accrual for a proposed residual equity retroactive takeback. The 2025 Internal Financial Statement showed a positive net income of \$4,282,361.

Conclusion

The applicant has demonstrated the capability to proceed in a financially feasible manner.

Attachments

LTCOP Attachment A	Long Term Care Ombudsman Program Review
BHFP Attachment	Map
BFA Attachment A-1	Net Worth Statement Amsterdam SNF, LLC
BFA Attachment A-2	Net Worth Statement 4988 State Hwy 30, LLC
BFA Attachment B	Pro Forma Balance Sheet, Amsterdam SNF, LLC
BFA Attachment C	2023-2025 St. Mary's Healthcare (Balance Sheet) and Wilkinson Residential Health Care Facility's (Revenue and Expenses for the RHCf and ADHC departments)
BFA Attachment D	Proposed Members' Ownership Interest in the Affiliated RHCf's and Financial Summary
BFA Attachment E	4988 State Hwy 30, LLC Organizational Chart
BFA Attachment F	Budget Sensitivity Analysis



Project # 22245-E

Family Respite Homecare Agency, Inc.

Program: LHCSA
Purpose: Establishment

County:
Acknowledged: December 23, 2022

Executive Summary

Description

Family Respite Homecare Agency, Inc., a Licensed Home Care Services Agency (LHCSA) located at 818 57th Street, Unit 2a, Brooklyn, New York, 11220, requests approval for the transfer of 90.1% ownership interest from one withdrawing shareholder to the remaining shareholder.

There are no proposed changes to the counties served or services provided.

OALTC Recommendation

Approval

Need Summary

In accordance with 10 NYCRR §765-1.16(c)(2), this application is exempt from Public Need review as the agency is actively serving over 25 patients, as attested to by the current operator.

Program Summary

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §3605.

Financial Summary

In accordance with 10 NYCRR §765-1.2(b)(3) the applicant has submitted financial documents prepared by a Certified Public Accountant (CPA) demonstrating the financial feasibility of the agency.

Recommendations

Health Systems Agency

There will be no HSA recommendation for this project.

Office of Aging and Long-Term Care

Approval conditional upon:

1. This project must be completed by one year from the date of the approval letter, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date.
[PMU]

Council Action Date

June 24, 2026

Program Analysis

Program Description

Family Respite Homecare Agency, Inc. requests approval for the transfer of 90.1% ownership interest from one withdrawing shareholder to the remaining shareholder.

There are no proposed changes to the counties served or services provided.

The current membership of Family Respite Homecare Agency, Inc. is as follows:

- Karen Rabinovich (90.1%)
- Justin Zhu (9.9%)

The proposed membership of Family Respite Homecare Agency, Inc. will be as follows:

- Justin Zhu (100%)

The applicant will continue to serve the residents of the following counties:

- Bronx
- Kings
- Nassau
- New York
- Queens
- Richmond

The applicant will continue to provide the following healthcare services:

- Audiology
- Home Health Aide
- Homemaker
- Housekeeper
- Medical Social Services
- Medical Supplies, Equipment and Appliances
- Nursing
- Nutritional
- Personal Care
- Therapy – Occupational
- Therapy – Physical
- Therapy – Respiratory
- Therapy – Speech Language Pathology

Character and Competence Review

Family Respite Homecare Agency, Inc. will be comprised of the following individual:

Justin Zhu (100%)

Employment:

- Billing Manager, Family Respite Homecare Agency, Inc., (July 2020 – Present)

Affiliations:

- Family Respite Homecare Agency, Inc. (LHCSA), (February 2018 – Present)

A search of the individuals and entities named above revealed no matches on either the Medicaid Disqualified Provider List or the OIG Exclusion List.

Facility Compliance/Enforcement

The information provided by the Center of Home and Community Based Services has indicated that the applicant has provided sufficient supervision to prevent harm, maintain the health, safety, and welfare of residents, and to prevent recurrent code violations.

Need Review

In accordance with 10 NYCRR §765-1.16(c)(2), this application is exempt from Public Need review as the agency is actively serving over 25 patients, as attested to by the current operator.

Financial Review

In accordance with 10 NYCRR §765-1.2(b)(3) the applicant has submitted financial documents prepared by a Certified Public Accountant (CPA) demonstrating the financial feasibility of the agency.

Workforce Review

The applicant’s response regarding the recruitment and retention of the workforce was adequately addressed in their project narrative. Please refer to Attachment A for the agency’s Workforce Summary.

Conclusion

A review of the Personal Qualifying Information indicates that the applicant has the required character and competence to operate a Licensed Home Care Services Agency.

The individual background review indicates the proposed members have met the standard for approval as set forth in New York State Public Health Law §3605

Attachments

OALTC Attachment A	Workforce Summary
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Department of Health **Public Health and Health Planning Council**

Project # 231025-E
Family Home Care Agency Inc.

Program: LHCSA
Purpose: Establishment

County: Nassau
Acknowledged: March 2, 2023

Executive Summary

Description

Establish Family Home Care Agency Inc. as the new operator of a Licensed Home Care Services Agency (LHCSA), currently operated by One Stop Home Care Agency, at 108-10 72nd Avenue, Forest Hills, New York 11375.

There are no proposed changes to the counties served or services provided.

OALTC Recommendation

Approval

Need Summary

In accordance with 10 NYCRR §765-1.16(c)2, this application is exempt from Public Need review as the agency is actively serving over 25 patients, as attested to by the current operator

Program Summary

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §3605.

Financial Summary

The total purchase price for the acquisition of the LHCSA is \$150,000. The applicant intends to fund the projected operating costs during the first two months after being licensed by utilizing existing financial resources from ongoing operations and current assets held by Family Home Care Agency, Inc. and by assets held by Min Kyung An.

In accordance with 10 NYCRR §765-1.2(b)3 the applicant has submitted financial documents prepared by a Certified Public Accountant (CPA) demonstrating the financial feasibility of the agency.

Recommendations

Health Systems Agency

There will be no HSA recommendation for this project.

Office of Aging and Long-Term Care

Approval conditional upon:

1. This project must be completed by one year from the date of the approval letter, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date. [PMU]

Council Action Date

June 24, 2026

Program Analysis

Program Description

Family Home Care Agency, Inc. is requesting approval to become the established operator of One Stop Home Care Agency. The agency will continue to be located at 108-10 72nd Avenue, 2nd Floor, Forest Hills, NY 11375

The current membership of One Stop Home Care Agency, LLC. is as follows:

- Elionora Zavlanova 51%
- Eduard Zavlanov 49%

The proposed membership of Family Home Care Agency, Inc. will be as follows:

- Min Kyung An 100%

The applicant will continue to serve the residents of the following counties:

- Bronx
- New York
- Queens
- Richmond
- Kings

The applicant will continue to provide the following healthcare services:

- Nursing
- Home Health Aide
- Homemaker
- Housekeeper
- Medical Social Services
- Nutritional
- Personal Care
- Therapy – Occupational
- Therapy – Physical
- Therapy – Speech Language Pathology

Character and Competence Review

Family Home Care Agency, Inc. will be comprised of the following individual:

Min Kyung An (100%)

Employment:

- President, One Stop Academy, Inc., (September 2021 – Present)
- Administrator, One Stop Home Care Agency, LLC, (January 2021 – Present)
- President, Homeassist Direct, Inc., (June 2019 – Present)

Affiliations:

No offices held or ownership interests in other health facilities.

A search of the individuals and entities named above revealed no matches on either the Medicaid Disqualified Provider List or the OIG Exclusion List.

Facility Compliance/Enforcement

Not applicable, as there are no affiliated licensed healthcare agencies

Need Review

In accordance with 10 NYCRR §765-1.16(c)2, this application is exempt from Public Need review as the agency is actively serving over 25 patients, as attested to by the current operator.

Financial Review

The total purchase price for the acquisition of the LHCSA is \$150,000. The applicant intends to fund the projected operating costs during the first two months after being licensed by utilizing existing financial resources from ongoing operations and current assets held by Family Home Care Agency, Inc. and by assets held by Min Kyung An.

In accordance with 10 NYCRR §765-1.2(b)3 the applicant has submitted financial documents prepared by a Certified Public Accountant (CPA) demonstrating the financial feasibility of the agency.

Workforce Review

The applicant’s response regarding the recruitment and retention of the workforce was adequately addressed in their project narrative. Please refer to Attachment A for the agency’s Workforce Summary.

Conclusion

A review of the Personal Qualifying Information indicates that the applicant has the required character and competence to operate a Licensed Home Care Services Agency.

The individual background review indicates the proposed members have met the standard for approval as set forth in New York State Public Health Law §3605.

Attachments

OALTC Attachment A	Workforce Summary
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Project # 242060-E High Standard Home Care Inc.

Program: LHCSA Purpose: Establishment

County: Kings Acknowledged: August 20, 2024

Executive Summary

Description

High Standard Home Care Inc., an existing Licensed Home Care Services Agency (LHCSA) located at 103 Quentin Road, Unit G1-2, Brooklyn, requests approval to transfer 100% ownership interests from two withdrawing shareholders to a new member LLC, Superior Care 91, LLC.

There are no proposed changes to the counties served or services provided.

OALTC Recommendation

Approval

Need Summary

In accordance with 10 NYCRR §765-1.16(c)(2), this application is exempt from Public Need review as the agency is actively serving over 25 patients, as attested to by the current operator.

Program Summary

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §3605.

Financial Summary

The total purchase price for the acquisition of the LHCSA is \$5.7 million. The applicant reports that they intend to fund the projected operating costs during the first two months after being licensed by utilizing existing financial resources from ongoing operations from both High standard Home Care, Inc. and Superior Care 91, LLC.

In accordance with 10 NYCRR §765-1.2(b)(3), the applicant has submitted financial documents prepared by a Certified Public Accountant (CPA) demonstrating the agency's financial feasibility.

Recommendations

Health Systems Agency

There will be no HSA recommendation for this project.

Office of Aging and Long-Term Care

Approval conditional upon:

1. This project must be completed by one year from the date of the approval letter, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date.
[PMU]

Council Action Date

June 24, 2026

Program Analysis

Program Description

High Standard Home Care, Inc. is requesting to transfer 100% shareholder interest from two withdrawing shareholders to Superior Care 91, LLC, which consists of two members.

There are no proposed changes to the counties served or services provided.

The current membership of High Standard Home Care, Inc. is as follows:

- Marina Adelman (50%)
- Ludmila Varobey (50%)

The proposed membership of High Standard Home Care, Inc. will be as follows:

- Superior Care 91, LLC (100%)

The members of Superior Care 91, LLC are as follows:

- Chana Bernath (50%)
- Meyer Wertheimer (50%)

The applicant will continue to serve the residents of the following counties:

- Bronx
- Kings
- Nassau
- New York
- Queens
- Richmond

The applicant will continue to provide the following healthcare services:

- Nursing
- Home Health Aide
- Nutritional
- Personal Care
- Therapy – Occupational
- Therapy – Physical Therapy
- Therapy – Speech Language Pathology

Character and Competence Review

The sole shareholder of High Standard Home Care, Inc., Superior Care 91, LLC, will be comprised of the following individuals:

Chana Bernath (50%), President

Employment

Currently unemployed and no employment listed for the last 7 years.

Affiliations

No offices held or ownership interests in other health facilities.

Experience

As per 10 NYCRR §765-1.3(b)(3), regarding experience, the applicant affirms the following:

Chana possesses a fundamental understanding of LHCSA operations, encompassing both regulatory compliance and strategic planning. Her expertise extends to financial cost reporting and revenue structure analysis, enhancing her ability to drive operational excellence in healthcare environments. With over seven years of invaluable experience, Chana has been instrumental in the growth trajectory of a vital healthcare startup organization. Her journey spans various facets of healthcare operations, from financial management to compliance oversight. With a keen eye for detail and an analytical mindset, Chana has navigated complex regulatory landscapes, ensuring adherence to stringent standards. Her meticulous approach, coupled with a comprehensive understanding of programs and systems, has consistently driven operational efficiency and excellence within healthcare environments. Furthermore, Chana's profound grasp of healthcare intricacies, coupled with her extensive experience as a CFO and comptroller in finance in Hamaspik of Rockland, positions her as a formidable asset in the proposed facility's operations. Her ability to synthesize vast amounts of information and distill actionable insights empowers strategic decision-making, fostering sustainable growth and innovation.

Meyer Wertheimer (50%), Vice President & Secretary

Employment

- Executive Director, NYSHA (NYS Hamaspik Association) Brooklyn/Monroe NY, Inc. (2017–Present)

Affiliations

- NYSHA (New York State Hamaspik Association), (Not-For Profit) (2017 – Present)
- Tri-County Care, (Care Coordination Organization) (July 2018 – Present)
- Hamaspik of Rockland, (Office for People with Developmental Disabilities), (November 1998 – August 2023)
- Hamaspik of Kings, (Office for People with Developmental Disabilities), (April 1997 – August 2023)
- Hamaspik of Orange, (Office for People with Developmental Disabilities), (January 1997 – August 2023)
- Hamaspik HomeCare, (LHCSA) (2001 – August 2023)
- Hamaspik Choice, (Managed Long Term Care Program), (November 2013 – August 2023)
- Hamaspik School, (Special Needs Education School) (July 2022 – August 2023)
- Hamaspik Medicare Select, (Dual Eligible Special Needs Plans) (February 2019 – August 2023)

Facility Compliance/Enforcement

The information provided by the Center of Home and Community-Based Services indicates that the applicant has provided sufficient supervision to prevent harm, maintain the health, safety, and welfare of residents, and prevent recurrent code violations.

A review of Hamaspik Choice indicates that the organization is in good standing.

Need Review

In accordance with 10 NYCRR §765-1.16(c)(2), this application is exempt from Public Need review as the agency is actively serving over 25 patients, as attested to by the current operator

Financial Review

The total purchase price for the acquisition of the LHCSA is \$5.7 million. The applicant intends to fund the projected operating costs during the first two months after being licensed by utilizing existing financial resources from ongoing operations from both High standard Home Care, Inc. and Superior Care 91, LLC.

In accordance with 10 NYCRR §765-1.2(b)(3), the applicant has submitted financial documents prepared by a Certified Public Accountant (CPA) demonstrating the agency's financial feasibility.

Workforce Review

The applicant's response regarding the recruitment and retention of the workforce was adequately addressed in their project narrative. Please refer to Attachment A for the agency's Workforce Summary.

Conclusion

A review of the Personal Qualifying Information indicates that the applicant has the required character and competence to operate a Licensed Home Health Agency.

The individual background review indicates the proposed members have met the standard for approval as set forth in New York State Public Health Law §3605.

Attachments

OALTC Attachment A	Workforce Summary
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**Project # 251085-E
Bridges LHCSA, LLC d/b/a
Bridges Cornell Heights Home Health**

Program: LHCSA
Purpose: Establishment

County: Tompkins
Acknowledged: February 20, 2025

Executive Summary

Description

Establish Bridges LHCSA, LLC d/b/a Bridges Cornell Heights Home Health as the new operator of a Licensed Home Care Services Agency (LHCSA), currently operated by Bridges Senior Concepts, Inc., at 403 Wyckoff Avenue, Ithaca (Tompkins County).

There are no proposed changes to the county served or services provided.

OALTC Recommendation

Approval

Need Summary

In accordance with 10 NYCRR §765-1.16(c)2, this application is exempt from Public Need review as the agency is actively serving over 25 patients, as attested to by the current operator.

Program Summary

The individual background review indicates the proposed members have met the standard for approval as set forth in Public Health Law §3605.

Financial Summary

The total purchase price for the acquisition of the LHCSA is \$28 million. The applicant intends to fund the projected operating costs during the first two months after being licensed by utilizing existing financial resources from ongoing operations and current assets held by Bridges Cornell Heights Operator LLC.

In accordance with 10 NYCRR §765-1.2(b)(3), the applicant has submitted financial documents prepared by a Certified Public Accountant (CPA) demonstrating the agency's financial feasibility.

Recommendations

Health Systems Agency

There will be no HSA recommendation for this project.

Office of Aging and Long-Term Care

Approval conditional upon:

1. This project must be completed by one year from the date of the approval letter, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date.
[PMU]

Council Action Date

June 24, 2026

Program Analysis

Program Description

Bridges LHCSA, LLC d/b/a Bridges Cornell Heights Home Health requests approval to become the new operator of the LHCSA.

The current membership of Bridges Senior Concepts, Inc. is as follows:

- Elizabeth Classen Ambrose (100%)

The proposed membership of Bridges LHCSA, LLC d/b/a Bridges Cornell Heights Home Health will be as follows:

- Elizabeth B. Demisse (33.34%)
- Theodors Z. Lakew (33.33%)
- Dawit M. Solomon (33.33%)

The applicant will continue to serve the residents of the following county:

- Tompkins

The applicant will continue to provide the following healthcare services:

- Nursing
- Home Health Aide
- Personal Care

Character and Competence Review

Bridges LHCSA, LLC d/b/a Bridges Cornell Heights Home Health will be comprised of the following individuals:

Elizabeth B. Demisse (33.34%), Managing Member

Employment:

- Executive Vice President & Director, Elizabeth Ambrose – Bridges Cornell Heights, (March 2006 - Present)

Affiliations:

No offices held or ownership interests in other health facilities.

Dawit M. Solomon (33.33%)

Employment:

- Regional Program Leader, Consultative Group on International Agricultural Research (CGIAR), (May 2017 – Present)

Affiliations:

No offices held or ownership interests in other health facilities.

Theodors Z. Lakew (33.33%)

Employment:

- Co-Founder and Previous CEO, Great Abyssinia PLC, (October 2023 – Present)
- Co-Owner, General Industrial & Commercial PLC, (December 2015 – Present)
- Co-Founder and Owner, Noah Real Estate PLC, (October 2006 – Present)
- Co-Founder and Part-Owner, Royal Concept, LLC, (February 2016 – Present)

Affiliations:

No offices held or ownership interests in other health facilities.

A search of the individuals and entities named above revealed no matches on either the Medicaid Disqualified Provider List or the OIG Exclusion List.

Facility Compliance/Enforcement

Not applicable, as there are no affiliated licensed healthcare agencies.

Need Review

In accordance with 10 NYCRR §765-1.16(c)2, this application is exempt from Public Need review as the agency is actively serving over 25 patients, as attested to by the current operator.

Financial Review

The total purchase price for the acquisition of the LHCSA is \$28 million. The applicant intends to fund the projected operating costs during the first two months after being licensed by utilizing existing financial resources from ongoing operations and current assets held by Bridges LHCSA LLC.

In accordance with 10 NYCRR §765-1.2(b)(3), the applicant has submitted financial documents prepared by a Certified Public Accountant (CPA) demonstrating the agency's financial feasibility.

Workforce Review

The applicant's response regarding the recruitment and retention of the workforce was adequately addressed in their project narrative. Please refer to Attachment A for the agency's Workforce Summary.

Conclusion

A review of the Personal Qualifying Information indicates that the applicant has the required character and competence to operate a Licensed Home Care Services Agency.

The individual background review indicates the proposed members have met the standard for approval as set forth in New York State Public Health Law §3605.

Attachments

OALTC Attachment A	Workforce Summary
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Project # 252166-C Hillside Polymedic Diagnostic and Treatment Center

Program: DTC Purpose: Construction

County: Queens Acknowledged: October 28, 2025

Executive Summary

Description

Hillside Polymedic Diagnostic and Treatment Center (Hillside), an existing Article 28 Diagnostic and Treatment Center (D&TC) requests approval to construct a new, 6-story replacement building and certify multi-specialty ambulatory surgery and associated imaging services. The new building will be built on the same plot of land as the existing building at 18730 Hillside Avenue, Jamaica, NY.

Hillside is currently certified for Dental, Primary Care, and Podiatry. They will add Ambulatory Surgery – Multi Specialty, Magnetic Resonance Imaging (MRI), CT Scanner, and Medical Services – Other Medical Specialties. The multi-specialty surgical services will include podiatry, obstetrics/gynecology (no abortion), vascular/endovascular, cardiothoracic (no cardiac surgery) and general surgery.

The new building will include 2 operating rooms, 2 procedure rooms, and 8 pre- and post-surgical stations as well as support spaces. This project will be completed in phases to avoid any disruptions to operations of the D&TC.

OPCHSM Recommendation

Contingent approval with an expiration of the operating certificate five years from the date of its issuance.

Need Summary

The applicant projects 39,568 total visits (including 2,236 ambulatory surgery visits representing 2,460 procedures) in Year One and 68,785 total visits (including 2,372 ambulatory surgery visits representing 2,609 procedures), with Medicaid at 67.6% and Charity Care at 1.4%, by Year Three.

Program Summary

Based on the results of this review, a favorable recommendation can be made regarding the facility's current compliance pursuant to 2802-(3)(e) of the New York State Public Health Law.

Financial Summary

The total project cost, of \$92,224,979 will be financed through a \$83,002,481 loan at a 5.7% interest rate of 35 years, land equity of \$3,549,519, and a personal loan of \$5,672,979 at an interest rate of 12% over a 30-year term.

Table with 3 columns: Budget, Year One, Year Three. Rows: Revenues, Expenses, Net Income.

Health Equity Impact Assessment

This project does not meet the requirements for a Health Equity Impact Assessment under Section 2802-B of the PHL.

Recommendations

Health Systems Agency

There will be no HSA recommendation for this project.

Office of Primary Care and Health Systems Management

Approval with an expiration of the operating certificate five years from the date of its issuance, contingent upon:

1. Submission of a check for the amount enumerated in the approval letter, payable to the New York State Department of Health. Public Health Law Section 2802.7 states that all construction applications requiring review by the Public Health and Health Planning Council shall pay an additional fee of fifty-five hundredths of one percent of the total capital value of the project, exclusive of CON fees. [PMU]
2. Architectural Design Development Drawings: Submission of architectural and life safety drawings, acceptable to the Department, as described in the Bureau of Architecture and Engineering Review Drawing Submission Guidelines DSG-1.0. [AER]
3. Engineering Design Development Drawings: Submission of mechanical, electrical, plumbing and fire protection drawings, acceptable to the Department, as described in the Bureau of Architecture and Engineering Review Drawing Submission Guidelines DSG-1.0. [AER]
4. Submission of an executed bank loan that is acceptable to the Department of Health. [BFA]
5. Submission of an executed personal loan for the working capital portion that is acceptable to the Department of Health. [BFA]
6. Submission of an executed personal loan for the construction portion that is acceptable to the Department of Health. [BFA]
7. Submission of an executed working capital loan that is acceptable to the Department of Health. [BFA]
8. Submission of an executed lease agreement that is acceptable to the Department of Health. [BFA]
9. Submission by the governing body of the ambulatory surgery center of an Organizational Mission Statement which identifies, at a minimum, the populations and communities to be served by the center, including underserved populations (such as racial and ethnic minorities, women and handicapped persons) and the center's commitment to meet the health care needs of the community, including the provision of services to those in need regardless of ability to pay. The statement shall also include commitment to the development of policies and procedures to ensure that charity care is available to those who cannot afford to pay. [RNR]
10. Submission of a signed agreement with an outside, independent entity satisfactory to the Department to provide annual reports to DOH. Reports are due no later than April 1st for the prior year and are to be based upon the calendar year. Submission of annual reports will begin after the first full or, if greater or equal to six months after the date of certification, partial year of operation. Reports should include:
 - a. Data displaying actual utilization including procedures;
 - b. Data displaying the breakdown of visits by payor source;
 - c. Data displaying the number of patients who needed follow-up care in a hospital within seven days after ambulatory surgery;
 - d. Data displaying the number of emergency transfers to a hospital;
 - e. Data displaying the percentage of charity care provided;
 - f. The number of nosocomial infections recorded during the year reported;
 - g. A list of all efforts made to secure charity cases; and
 - h. A description of the progress of contract negotiations with Medicaid managed care plans.[RNR]

Approval conditional upon:

1. This project must be completed by **April 1, 2031**, including all pre-opening processes, if applicable. Failure to complete the project by this date may constitute an abandonment of the project by the applicant and the expiration of the approval. It is the responsibility of the applicant to request prior approval for any extensions to the project approval expiration date. [PMU]
2. Construction must start on or before **January 1, 2027**, and construction must be completed by **January 1, 2031**, presuming the Department has issued a letter deeming all contingencies have been satisfied prior to commencement. It is the responsibility of the applicant to request prior approval for any changes to the start and completion dates. In accordance with 10 NYCRR Section 710.10(a), if construction is not started on or before the approved start date, this shall constitute abandonment of the approval. [PMU]
3. The submission of Final Construction Documents, as described in BAER Drawing Submission Guidelines DSG-05, is required prior to the applicant's start of construction. [AER]
4. The staff of the facility must be separate and distinct from the staff of other entities; the signage must clearly denote that the facility is separate and distinct from other entities; the clinical space must be used exclusively for the approved purpose; and the entrance must not disrupt any other entity's clinical program space. [HSP]
5. The applicant must ensure registration for and training of facility staff on the Department's Health Commerce System (HCS). The HCS is the secure web-based means by which facilities must communicate with the Department and receive vital information. Upon receipt of the Operating Certificate, the Administrator/director that has day-to-day oversight of the facility's operations shall submit the HCS Access Form at the following link to begin the process to enroll for HCS access for the first time or update enrollment information as necessary:
https://www.health.ny.gov/facilities/hospital/docs/hcs_access_form_new_clinics.pdf. Questions may be directed to the Division of Hospitals and Diagnostic & Treatment Centers at 518-402-1004 or email: hospinfo@health.ny.gov [HSP]
6. The submission of annual reports to the Department as prescribed by the related contingency, each year, for the duration of the limited life approval of the facility. [RNR]
7. Reimbursable TPC shall be limited to \$74,446,790 representing Art. 28 spaces and application fees (no APF on shell space costs). [CCC]

Council Action Date

June 24, 2026

Need Analysis

Project Description

Hillside Polymedic Diagnostic and Treatment Center (D&TC) (Hillside or the Center), an existing Article 28 D&TC is seeking approval to construct a new 6-story building to replace the existing 2-story building. The address of the D&TC is 18730 Hillside Avenue, Jamaica, New York 11432 (Queens County), which will not change as a result of this project. The D&TC is currently certified for Dental O/P, Medical Services – Primary Care, and Podiatry – O/P. Through this project, the D&TC will convert to an Ambulatory Surgery Center (ASC) and add Ambulatory Surgery – Multi Specialty; Magnetic Resonance Imaging (MRI), CT Scanner, and Medical Services – Other Medical Specialties. The multi-specialty surgical services will include podiatry, obstetrics/gynecology (no abortion), vascular/endovascular, cardiothoracic (no cardiac surgery) and general surgery. The ASC will include 2 operating rooms, 2 procedure rooms, and 8 pre- and post-surgical stations as well as support spaces. This project will be completed in phases to avoid any disruptions to operations of the D&TC.

Background & Analysis

The primary service area (PSA) consists of the following zip codes (ZCs): 11432, 11433, 11423, 11412, 11429, 11428, 11427, 11364, 11365, and 11366; and to a larger extent Queens County. The facility address is located within a Health Professional Shortage Area for Primary Care. The population of Queens County is estimated to increase to 2,575,100 by 2031 per projection data from the Cornell Program on Applied Demographics, an increase of 10.8%. Demographics for the PSA, and Queens County are noted below, including a comparison with New York State.

Demographics	PSA	Queens County	New York State
Total Population – 2024 Estimate	330,666	2,323,052	19,852,366
Hispanic or Latino (of any race)	17.2%	28.5%	19.8%
White (non-Hispanic)	12.6%	22.5%	52.8%
Black or African American (non-Hispanic)	30.2%	16.3%	13.4%
Asian (non-Hispanic)	31.4%	26.3%	9.0%
Other (non-Hispanic)	8.5%	6.4%	5.0%

Source: 2024 American Community Survey (5-year Estimates Data Profiles)

The PSA and Queens County have a higher minority population compared to the State. According to the applicant, Spanish and Creole are the predominant languages spoken in the PSA and currently served by Hillside. The Black or African American and Asian populations are higher in comparison to the population in Queens County and NYS. Language barriers or limited English proficiency are also an obstacle in seeking care. Hillside plans to provide an outside language interpretation service appropriate for the languages in the PSA including sign-language.

In 2024, 91.8% of the population of Queens County had health coverage as follows:

Employer Plans	39.9%
Medicaid	28.0%
Medicare	11.2%
Non-Group Plans	12.4%
Military or VA	0.273%

Source: Data USA

The table below shows the public health insurance coverage for the zip codes within the PSA. The service area has a higher reliance on public health insurance coverage, particularly in 11432 (where Hillside is located) and 11433.

Payor(s)	ZC 11364	ZC 11365	ZC 11366	ZC 11412	ZC 11423	ZC 11427	ZC 11428	ZC 11429	ZC 11432	ZC 11433
Medicaid alone	16.7%	20.1%	12.3%	21.0%	27.3%	18.4%	23.0%	19.9%	36.5%	33.0%
Medicare alone	8.5%	7.8%	5.6%	5.7%	6.8%	7.9%	8.0%	6.7%	5.2%	3.5%

Source: 2024 American Community Survey (5-year Estimates Data Profiles), Table S2704

As an existing D&TC, Hillside currently contracts with several Medicaid Managed Care plans, including Molina Healthcare of New York; Healthfirst; Fidelis Care; Metroplus Health Plan; Emblem Health; Anthem Blue Cross and Blue Shield and United Healthcare.

In 2024, the applicant reported 13,812 visits and is projecting 39,568 total visits (including 2,236 ambulatory surgery visits representing 2,460 procedures) in Year One and 68,785 total visits (including 2,372 ambulatory surgery visits representing 2,609 procedures) in Year Three. The ambulatory surgery volume is based on the participating surgeons' current caseload. All surgical procedures that will be performed in the proposed ASC will come from the private practices of the participating surgeons. The growth in volume is expected due to the addition of new service lines, including ambulatory surgery service, Imaging, and other medical specialties services. The Center is also projecting an increase in staffing such as new providers and technicians for Year 1 and Year 3 due to the addition of these new services. According to the applicant, the existing space at Hillside is also undersized. The new building will allow for the expansion of medical services and provide modernized spaces based on current standards.

The table below provides a detailed breakdown of the applicant's actual and projected visits for existing and requested services.

	2023	2024	Year 1	Year 2	Year 3
Primary Care**	10,477	10,987	14,138	18,379	22,055
Medical Specialties***	314	1,460	3,956	5,143	6,172
Podiatry	1,246	1,365	1,879	2,443	2,932
Urgent Care (New)			4,000	7,000	8,750
Behavioral Health (New)			2,000	3,500	4,375
Imaging - MRI (New)			1,200	2,100	2,625
Imaging - CT (New)			1,600	2,800	3,500
Imaging - Diagnostic X-Ray	565	551	571	742	890
Imaging - Mammography (New)			2,200	3,850	4,813
Imaging - Ultrasound (New)			2,200	3,850	4,813
Dental (New)			1,600	2,800	3,500
FASC (New)*			2,460	2,533	2,609
TOTAL	12,602	14,363	37,804	55,140	67,034

* FASC services reflects procedures and non-FASC services reflects visits, as per Schedule 17C-2 requirements.

** Includes Family Medicine, Internal Medicine, Obstetrics & Gynecology and Pediatrics services.

*** Includes Cardiology and Endocrinology services.

The table below shows the projected payor source utilization for Years One and Year Three.

Payor	Year One		Year Three	
	Volume	%	Volume	%
Commercial FFS	5,902	14.9%	10,064	14.6%
Medicare FFS	801	2.0%	1,394	2.0%
Medicare MC	5,377	13.6%	9,348	13.6%
Medicaid FFS	717	1.8%	1,245	1.8%
Medicaid MC	25,926	65.5%	45,264	65.8%
Private Pay	274	0.7%	480	0.7%
Charity Care	571	1.4%	990	1.4%

Source: Applicant

The table below shows the number of patient procedures for relevant facilities providing ambulatory surgery services in Queens County for 2022 through 2025.

Ambulatory Surgery within a 4-mile Radius of the Applicant					
Facility Name	Type	Patient Procedures			
		2022	2023	2024	2025
Queens Hospital Center	Hospital	5,292	7,170	7,707	7,210
Jamaica Hospital Medical Center	Hospital	5,369	5,889	5,803	6,481
Flushing Hospital Medical Center	Hospital	4,830	4,945	4,818	5,231
CitiMed Surgery Center	ASC	4,744	4,534	4,033	4,673
North Queens Surgical Center	ASC	8,774	9,653	10,224	8,804
Medex Diagnostic and Treatment Center	ASC	89 ¹	3,318	7,136	8,296
Gramercy Surgery Center, Inc - Queens	ASC	3,055	3,544	3,753	3,637
Total Visits		32,153	39,053	43,474	44,332

Source: HFIS & SPARCS

¹Facility started performing ambulatory surgery services in June 2022.

All the facilities listed above provide multi-specialty services. In addition, the Department recently approved the following CONs with similar services:

- Meridian Surgery Center (CON 241081) provides multi-specialty ambulatory surgery services, approximately 6.4 miles away and 16-minute drive from this site.
- Jay Health, Inc (CON 231223) provides primary care and other medical specialties approximately 4.2 miles away and an 18-minute drive from the applicant.
- Medisys Medical and Pediatric (CON 241272) and Medisys Center for Wellness and Health (CON 242124), with both facilities providing primary care services, both approximately 3.7 miles and 20-minute drive from the applicant.
- MediDental Care (CON 261060) provides dental and primary care services approximately 3 miles and 12-minute drive from the site.

The Department is also currently reviewing:

- Richmond Hill Ambulatory Surgery Center (CON 261079) requesting to provide multi-specialty ambulatory surgery services in gastroenterology, vascular, and podiatry approximately 5.6 miles and 25-minute drive from the applicant.
- International D&TC, LLC (CON 251176) requesting to provide primary care, other medical specialties, audiology, occupational, physical, and speech therapies, approximately 5.1 miles and 16- minutes driving distance from the applicant.

Hillside is a recognized patient-centered medical home (PCMH) by the National Committee for Quality Assurance (NCQA). Through this project Hillside will be a comprehensive health care provider offering primary and specialty care services (including but not limited to cardiology, dermatology, orthopedics, and others), imaging services (MRI, CT, X-ray, and ultrasound), dental services, behavioral health services, urgent care services, podiatry, and multi-specialty surgical services in podiatry, obstetrics/gynecology (no abortion), vascular/endovascular, cardiothoracic (no cardiac surgery) and general surgery.

Prevention Quality Indicators (PQIs) are rates of admission to the hospital for conditions for which good outpatient care can potentially prevent the need for hospitalization, or for which early intervention can prevent complications or more severe diseases. PQIs can also be used to identify areas with poor access to care. The table below provides information on PQI rates for 2024 related to this application. ZC 11432 is included as where the site is located.

Hospital Admissions per 10,000 Adults			
PQI Name	ZC 11432	Queens County	New York State
Diabetes Short-Term Complications	8	6	7
Diabetes Long-Term Complications	11	12	13
Chronic Obstructive Pulmonary Disease or Asthma	24	19	25
Hypertension	11	10	7
Heart Failure	42	33	38
Community Acquired Pneumonia	8	7	12
Urinary Tract Infection	12	11	13
Uncontrolled Diabetes	6	5	5
Prevention Quality Overall Composite	113	98	113
Severe Maternal Morbidity Rate	125	146	149

Source: NYSDOH, Data Hub

Rates are per 10,000 and are rounded crude rates

Queens Hospital Center, a part of the New York City Health + Hospitals (NYC H+H) has submitted a public comment letter in opposition to the approval of this CON application. Specifically stating the conversion of Hillside to an ASC will have a significant negative impact on Queens Hospital Center due to the location of the ASC within Queen’s PSA. This will lead to a loss of outpatient surgical volume which will then cause a loss of revenue and have an impact on its finances. Workforce is also a concern as staff might be attracted to work in a new ASC. The applicant submitted a response to the public comment, stating that all surgical procedures that will be performed in the proposed ASC will come from the private practices of the participating surgeons. There will be no financial impact to any hospitals as the surgical procedures are currently being performed in the private practices of the surgeons and to minimize any workforce impact, the ASC will recruit existing staff members of the private practices.

Based on 2024 SPARCS data, the table below provides ambulatory surgery visits by specialty for the nearby facilities noted above. Based on the data below, 13.3% of Queens Hospital Center’s visits may overlap with the applicant.

	Ob/ Gyn	Cardio- thoracic	Podiatry	Vascular/ Endo- vascular	General Surgery	Specialty Visit Total	2024 Total Visits	% Specialty Visits
Queens Hospital Center	341	13	35	505	128	1,022	7,707	13.3%
Jamaica Hospital Medical Center	153	1	52	865	166	1,237	5,803	21.3%
Flushing Hospital Medical Center	219	0	42	531	512	1,304	4,818	27.1%
CitiMed Surgery Center	0	0	0	0	0	0	4,033	0%
North Queens Surgical Center	0	0	125	345	0	470	10,224	4.6%
Medex Diagnostic and Treatment Center	0	0	0	479	0	479	7,136	6.7%
Grammercy Surgery Center, Inc - Queens	17	0	135	5	47	204	3,753	5.4%

Source: SPARCS

Conclusion

Approval of this project will provide improved access to primary and specialty services including ambulatory surgery for the residents of Queens County.

Program Analysis

Project Proposal

Proposed Operator	Hillside Polymedic Diagnostic and Treatment Center
To Be Known As	Hillside Polymedic Diagnostic and Treatment Center
Site Address	18730 Hillside Avenue Jamaica, NY 11432 (Queens County)
Specialties	ADD: Ambulatory Surgery - Multi-Specialty, CT Scanner, Magnetic Resonance Imaging Medical Services - Other Medical Specialties
Hours of Operation	Monday through Friday - 7 a.m. to 5 p.m.
Staffing (1st Year / 3rd Year)	AMBULATORY: 19.10 / 19.10 FTEs MEDICAL/BEHAVIORIAL/IMAGING SERVICES: 28.5 / 37.25 FTEs
Medical Director	Chudi Chime, M.D.
Emergency, In-Patient and Backup Support Services Agreement and Distance	Long Island Jewish Medical Center (LIJ) 270-5 76 th Avenue New Hyde Park, New York 11040 5.5 miles / 17 minutes' drive

The total square footage of The Center will increase from 8,609 square feet to 72,332 square feet and include two (2) operating rooms (ORs), two (2) procedure rooms, and eight (8) pre & post-surgical stations, as well as support spaces within separate and distinct space from the rest of the D&TC. The second floor will be dedicated space for prenatal care services. Two floors will remain shell space for future use.

The proposed Center is intended to provide a wide range of health care services including primary care, other medical specialties and surgical services to help meet the needs of Queens County residents. Queens County has a high minority population which is traditionally medically underserved due to language barriers or limited English proficiency among others. Hillside intends to enter into a service agreement with an outside language interpretation service as well as sign language.

Specialty care services will include cardiology, dermatology, orthopedics, imaging services (MRI, CT, diagnostic X-ray and ultrasound, dental services, behavioral health services, urgent care services, podiatry; and multi-specialty surgical services in podiatry, obstetrics / gynecology (no abortion services), vascular/endovascular, cardiothoracic (no cardiac surgery) and general surgery.

Hillside will continue operating in its present location until completion of Phase-1, after which it will obtain a Certificate of Occupancy (COO) for the newly constructed building and will relocate its D&TC operation to the newly completed section of the building. The existing Hillside medical services will be expanded in size and in scope by this new building which will include provision for this proposed multi-specialty, free-standing ambulatory surgery center (FASC).

All the proposed FASC procedures will come from private practices of participating surgeons. Ambulatory surgery procedures will be performed either under general or local anesthesia, or conscious sedation; and will not require overnight stays in acute care hospitals. The Center will utilize the same protocols, policies and procedures as it currently uses at the main site.

The Center will expand the hours to meet the needs of patients and physicians. There will also be 24 hours per day, 7 days a week, on-call service if a patient requires assistance during the hours when the ASC is not in operation.

The following table shows the FTEs in Year One and Year Three following the completion of this project:

Position	Current	Year One	Year Three
Management and Supervision	2.00	4.10	4.10
Technician and Specialist	9.00	19.50	21.50
Registered Nurses	0.00	5.00	5.00
Physician/Podiatrist/Psychiatrist	3.00	6.00	9.50
Nurse Practitioner	1.00	2.50	4.50
Social Workers & Psychologist	0.00	1.25	3.00
Clerical & Administrative	12.00	22.00	23.00
Maintenance Workers & Others	1.00	3.00	3.00
Dentist, Dental Assistant, Dental Hygienist	0.00	1.25	3.13
Totals	28.00	64.60	76.73

Hillside Polymedic Diagnostic and Treatment Center submitted commitment letters for eight physicians committed to performing surgical procedures at the FASC. The eight surgeons are: Chudi Chime, MD (Obstetrician-Gynecologist), George F. Baah, DPM (Doctor of Podiatric Medicine), Steve Ideyi, MD (Radiologists), William Onyebeke, MD (Obstetrician-Gynecologist), Felix Oviasu, MD (Cardiologist), Syed Rizvi, DO (Vascular), Ali Safavi, MD (Cardiothoracic) and Andrew Smith, MD (General Surgeon).

Hillside has a Transfer and Affiliation Agreement with Long Island Jewish Medical Center (LIJ) at 270-5 76th Avenue, New Hyde Park, New York 11040, approximately 5.5 miles away/17 minutes away.

Chudi Chime, M.D. is the Medical Director.

Integration with Community Resources

Hillside has in place a formal outreach program directed to members of local community, including local physicians and will expand upon that program to include FASC services.

Hillside Polymedic Diagnostic and Treatment Center will benefit community residents by expanding the services it currently provides in Queens County. Most patients expected at the clinic are either currently being treated by the participating surgeons in their private, office-based practices, or are underserved members of the community who need surgical care and who will be referred to Hillside by community-based providers. This project is specifically intended to address a longstanding gap in access in this underserved area of Queens County.

Staff from the Division of Certification & Surveillance reviewed the disclosure information submitted regarding licenses held, formal education, training in pertinent health and/or related areas, employment history, a record of legal actions, and a disclosure of the applicant's ownership interest in other health care facilities. Licensed individuals were checked against the Office of Medicaid Management, the Office of Professional Medical Conduct, and the Education Department databases as well as the US Department of Health and Human Services Office of the Inspector General Medicare exclusion database.

The staff from the Division of Certification & Surveillance reviewed the ten-year surveillance history of all associated facilities. Sources of information included the files, records, and reports found in the Department of Health. Included in the review were the results of any incident and/or complaint investigations, independent professional reviews, and/or comprehensive/focused inspections. The review found that any citations were properly corrected with appropriate remedial action.

Conclusion

Based on the results of this review, a favorable recommendation can be made regarding the facility's current compliance pursuant to 2802-(3)(e) of the New York State Public Health Law.

Financial Analysis

Total Project Cost and Financing

Total project cost, which is for land acquisition, new construction and the acquisition of movable equipment, is estimated at \$92,224,979, further broken down as follows:

	<u>Article 28</u>	<u>Article 28 Shell</u>	<u>Total</u>
Land Acquisition	\$2,823,155	\$726,364	\$3,549,519
New Construction	\$42,217,357	\$10,862,017	\$53,079,374
Renovation and Demolition	\$435,461	\$112,039	\$547,500
Site Development	\$870,922	\$224,078	\$1,095,000
Temporary Utilities	\$174,185	\$44,815	\$219,000
Design Contingency	\$4,221,735	\$1,086,202	\$5,307,937
Construction Contingency	\$2,110,868	\$543,101	\$2,653,969
Architect/Engineering Fees	\$5,066,083	\$1,303,442	\$6,369,525
Construction Manager Fees	\$1,266,521	\$325,860	\$1,592,381
Other Fees	\$422,174	\$108,620	\$530,794
Movable Equipment	\$4,939,165	\$0	\$4,939,165
Financing Costs	\$1,650,427	\$424,635	\$2,075,062
Interim Interest Expense	\$7,839,530	\$2,017,016	\$9,856,546
CON Fee	\$2,000	\$0	\$2,000
Additional Processing Fee	<u>\$407,207</u>	<u>\$0</u>	<u>\$407,207</u>
Total Project Cost	\$74,446,790	\$17,778,189	\$92,224,979

Article 28 reimbursable project costs are \$74,446,790. The applicant has provided documentation for an MAI appraisal in support of land acquisition. The applicant could not provide land acquisition agreements for the six pieces of property because some pieces of property were bought years ago, and they don't have the purchase agreements.

The applicants financing plan appears as follows:

Commercial Loan through Brookshire LLC (5.70% interest rate for a 35-year term)	\$83,002,481
Land Equity	\$3,549,519
Personal Loan (12% interest rate for 30 years).	<u>\$5,354,111</u>
Total	\$92,224,979

Operating Budget

The applicant has submitted an operating budget, in 2026 dollars, for the current year, year one after project completion and year three after project completion, summarized below:

	<u>Current (2024)</u>		<u>Year One</u>		<u>Year Three</u>	
	<u>Per Visit</u>	<u>Total</u>	<u>Per Visit</u>	<u>Total</u>	<u>Per Visit</u>	<u>Total</u>
<u>Revenues</u>						
Commercial FFS	\$145.41	\$296,190	\$499.79	\$2,980,234	\$368.36	\$3,730,717
Medicare MC	\$115.25	\$33,537	\$282.35	\$227,577	\$229.16	\$320,592
Medicare FFS	\$142.48	\$278,118	\$273.48	\$1,478,695	\$236.95	\$2,222,837
Medicaid MC	\$127.57	\$33,167	\$252.23	\$182,107	\$216.88	\$270,882
Medicaid FFS	\$216.93	\$2,064,297	\$309.51	\$8,061,169	\$295.23	\$13,400,292
Private Pay	\$104.96	\$10,496	\$130.55	\$35,901	\$130.63	\$62,835
Charity Care		\$0		\$0		\$0
Non-Operating Rev		<u>\$44,787</u>		<u>\$44,787</u>		<u>\$44,787</u>
Total Revenues		\$2,760,592		\$13,010,470		\$20,052,942
<u>Expenses:</u>						
Operating	\$161.89	\$2,325,267	\$212.98	\$8,427,098	\$162.14	\$11,191,202
Capital	<u>\$34.92</u>	<u>\$501,555</u>	<u>\$169.11</u>	<u>\$6,691,394</u>	<u>\$95.23</u>	<u>\$6,574,251</u>
Total Expenses	\$196.81	\$2,826,822	\$382.09	\$15,118,492	\$257.37	\$17,765,453
Net Income (Loss)		(\$66,230)		(\$2,108,022)		\$2,287,489
Visits		14,363		39,568		68,785

The following is noted with respect to the operating budget:

- Expenses, utilization and revenues for the non-ASC component of this project were based on the experience of Hillside in providing the same or similar services at its main D&TC site.
- The applicant provided physician referral letters in support of their FASC utilization projections.
- The projected operating expenses related to the ASC component are based on the experience of the participating providers and the experience of other FASCs in New York State.
- Revenues and utilization for the ASC services are based on the experience of the participating providers and the experience of ASCs in New York State.

Utilization broken down by payor source for the Current Year (2024), Year One and Year Three are as follows:

	<u>Current Year</u>	<u>Year One</u>	<u>Year Three</u>
Commercial FFS	14.18%	14.92%	14.63%
Medicare FFS	2.03%	2.03%	2.03%
Medicare MC	13.59%	13.59%	13.59%
Medicaid FFS	1.81%	1.81%	1.81%
Medicaid MC	66.25%	65.52%	65.81%
Private Pay	0.70%	0.69%	0.70%
Charity Care	<u>1.44%</u>	<u>1.44%</u>	<u>1.44%</u>
Total	100.00%	100.00%	100.00%

Lease Rental Agreement

The applicant has submitted a draft lease rental agreement for the site they will occupy, which is summarized below:

Premises	100,208 sq.ft. located at 18730 Hillside Avenue, Jamaica, New York
Lessor	Chime Family Holdings, L.P.
Lessee	Hillside Polymedic Diagnostic and Treatment Center
Term	35 years
Rental	\$5,518,650 annually (55.07 per sq.ft.)
Provisions	The lessee shall be responsible for utilities, maintenance and real estate taxes.

The applicant has indicated the lease arrangement will be a non-arm's length lease. The applicant submitted two letters from real estate brokers attesting to the reasonableness of the per square foot rental.

Land Purchase Agreements

The new building will be located on six parcels of land that the applicant currently owns. The applicant only has purchase agreements for three of the parcels. They did not provide the land purchase agreements for the other three because the transactions took place years ago and the legal counsel that they used for the transactions has retired and documentation is not accessible.

Capability and Feasibility

The total project cost of \$92,224,979, will be financed with a personal loan of \$5,354,111, with Bridgett Chime as the borrower, at an interest rate of 5.75% for a 30-year term, \$3,549,519 in land equity, and a Commercial Loan of \$83,002,481 at an interest rate of 5.70% for a 35-year term. There will be no debt service payments for the first two years of the personal loan. The debt service payments starting in the third year will be paid from facility operations.

The working capital requirements for this application are estimated at \$2,960,702, which is equivalent to two months of third year expenses. Bridget Chime will personally borrow \$1,480,351 at an interest rate of 12% for a five-year term. The applicant has provided letters of interest. Per the letter of interest, there will be a two-year deferral of debt service payments, so payments will begin in Year Three when the facility is profitable. The real estate, owned by Bridget Chime, will be used as collateral. BFA Attachment A, Net Worth Statement of Sole Shareholder of Hillside Polymedic Diagnostic and Treatment Center, shows the availability of real estate to be used as collateral. Also, the applicant will finance \$1,480,351 at an interest rate of 5.7% for a two-year term with a loan from Brookshire CRE, a commercial real estate brokerage company.

The submitted budget projects a net loss of (\$2,108,022) in Year One and a net income of \$2,287,489 during Year Three. Year One losses will be offset by working capital funds. Revenues are based on current reimbursement methodologies for Hillside. The submitted budget appears reasonable.

BFA Attachment B, 2023 -2024 Certified Financial Statements of Hillside Polymedic Diagnostic and Treatment Center, shows Hillside maintained average positive working capital positions, average negative net asset positions, and a net loss of (\$385,345) in 2023 and (\$66,230) in 2024. These losses stem primarily from the lasting financial impact of the COVID-19 pandemic, which caused a significant decline in patient utilization and revenues. Hillside faced elevated costs during this period due to a heavy reliance on expensive contract labor. Despite these challenges, they have made meaningful progress in rebuilding their patient volume.

BFA Attachment C, 2025 Internal Financial Statements of Hillside Polymedic Diagnostic and Treatment Center, show the entity had a negative working capital position, negative net asset position, and a net loss of (\$464,391) through December 31, 2025.

Conclusion

The applicant has demonstrated the capability to proceed in a financially feasible manner.

Attachments

BHFP Attachment	Map
BFA Attachment A	Net Worth Statement of Sole Shareholder of Hillside Polymedic Diagnostic and Treatment Center
BFA Attachment B	2023 -2024 Certified Financial Statements of Hillside Polymedic Diagnostic and Treatment Center
BFA Attachment C	2025 Internal Financial Statements of Hillside Polymedic Diagnostic and Treatment Center.



MEMORANDUM

To: Colleen Leonard, Executive Secretary
Public Health and Health Planning Council

From: Sarah Gold, Senior Attorney
Bureau of Program Counsel

Date: June 3, 2026

Subject: Approval of the Certificate of Assumed Name of Cayuga Ridge, LLC

This is to request that the above matter be included on the agendas for the next Establishment and Project Review Committee and Public Health and Health Planning Council (PHHPC) meetings.

The attachments relating to this matter include the following:

- 1) Memorandum to the Public Health and Health Planning Council from Darren Cohen, Deputy Commissioner General Counsel;
- 2) A Written Consent of the Members and Manager of Cayuga Ridge, LLC authorizing the submission of the Certificate of Assumed Name dated November 21, 2024.
- 3) A letter from counsel to Cayuga Ridge seeking approval of the proposed Certificate of Assumed Name dated September 19, 2024.
- 4) A photocopy of the proposed Certificate of Assumed Name.
- 5) A certified copy of the Articles of Organization.
- 6) A photocopy of the letter from the Department of Health consenting to the modification of their application to change the applicant's name from LNH, LLC to Cayuga Ridge, LLC dated October 28, 2009.
- 7) A photocopy of the Certificate of Amendment of Certificate of Assumed Name changing the entity's assumed name from "Cayuga Ridge Extended Care" to "Cayuga Nursing and Rehabilitation Center" which was approved by the Public Health and Health Planning Council in connection with their re-establishment application in 2016.
- 8) A photocopy of the Operating Certificate for Cayuga Ridge, LLC.



MEMORANDUM

To: Public Health and Health Planning Council

From: Darren Cohen *DC*
Deputy Commissioner & General Counsel
Division of Legal Affairs

Date: June 3, 2026

Subject: Approval of the Certificate of Assumed Name of Cayuga Ridge, LLC

Cayuga Ridge, LLC requests Public Health and Health Planning Council ("PHHPC") approval of its Certificate of Assumed Name in order to use the name "Ithaca Nursing and Rehabilitation" for its residential health care facility.

Cayuga Ridge, LLC was formed as limited liability company on October 25, 2009 to provide skilled nursing services in Tompkins County. It is licensed to operate a residential health care facility at 1229 Trumansburg Road, Ithaca. The applicant's original name was LNH, LLC and their establishment application was modified, pursuant to 10 NYCRR 600.3(b), to change the applicant's name to Cayuga Ridge, LLC. In 2016, the applicant included a Certificate of Amendment of Certificate of Assumed Name in their application for re-establishment which changed their assumed name from Cayuga Ridge Extended Care to Cayuga Nursing and Rehabilitation Center.

Cayuga Ridge, LLC now seeks PHHPC approval pursuant to 10 NYCRR 600.11(a) (4) to file a Certificate of Assumed Name to use the name "Ithaca Nursing and Rehabilitation." The applicant indicated that it is seeking to use this name to reflect their services and location more directly. The proposed Certificate of Assumed Name was authorized by Written Consent of the Members and Manager of Cayuga Ridge, LLC dated November 21, 2024.

There is no legal objection to the proposed Certificate of Assumed Name, and it is in legally acceptable form.

Attachments.

**WRITTEN CONSENT OF THE MEMBERS AND MANAGER
OF CAYUGA RIDGE, LLC
DATED AS OF NOVEMBER 21, 2024**

The undersigned, being all of the members (the “*Members*”) and the duly appointed manager (the “*Manager*”) of CAYUGA RIDGE, LLC, a New York limited liability company (the “*Company*”), acting by written consent in lieu of a meeting, do hereby approve and adopt the following resolutions:

WHEREAS, the Company currently operates a skilled nursing facility located in Tompkins County, New York as Cayuga Nursing and Rehabilitation Center on land located at 1229 Trumansburg Road, Ithaca, New York 14850 (the “*Facility*”);

WHEREAS, the Members and Manager desire that the Company operate the Facility as “Ithaca Nursing & Rehabilitation”.

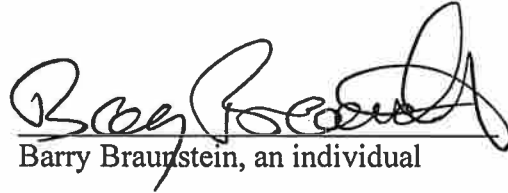
NOW, THEREFORE BE IT RESOLVED by the Manager and the Members of the Company, acting on behalf of the Company that:

1. Subject to the approval of the New York State Department of Health, the proposed Certificate of Assumed Name is hereby adopted and the Company is hereby authorized and directed to operate the Facility as “Ithaca Nursing & Rehabilitation”.
2. Shalom Braunstein (a/k/a Shully Braunstein) (the “*Authorized Signatory*”) acting individually, is hereby authorized to do such acts and to execute and deliver any and all agreements, documents, instruments, undertakings and certificates, on behalf of the Company as may be useful or appropriate to carry out the intent and purpose of these resolutions.
3. This written consent, may be (a) executed in one or more counterparts, each of which shall be deemed to be an original, and all of which, when taken together, shall be deemed to constitute one and the same document and (b) executed and delivered by facsimile (or other electronic means) and upon such delivery the facsimile (or other electronic means) signature will be deemed to have the same effect as if the original signature had been delivered.
4. These resolutions shall take effect immediately.

{NO FURTHER TEXT ON THIS PAGE}

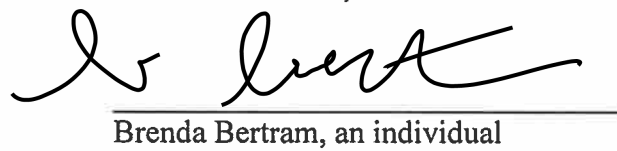
IN WITNESS WHEREOF, this Written Consent of the Members and Manager of the Company has been executed as of the date first written above.

MEMBERS:

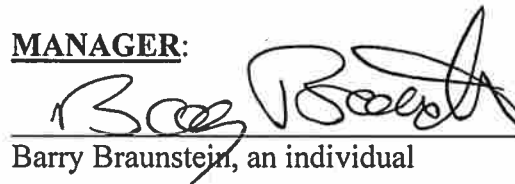

Barry Braunstein, an individual

Shalom Braunstein
Shalom Braunstein, an individual


Esther M. Manela, an individual


Brenda Bertram, an individual

MANAGER:


Barry Braunstein, an individual

GARFUNKEL WILD, P.C.

ATTORNEYS AT LAW

111 GREAT NECK ROAD • GREAT NECK, NEW YORK 11021

TEL (516) 393-2200 • FAX (516) 466-5964

www.garfunkelwild.com

FILE NO.: 90641.1002

September 19, 2024

By FedEx & EMAIL

Vincent DiCocco, Senior Attorney
Bureau of Program Counsel
New York State Department of Health - Division of Legal Affairs
Room 2480, Corning Tower
Empire State Plaza
Albany, NY 12237
Vincent.DiCocco@health.ny.gov

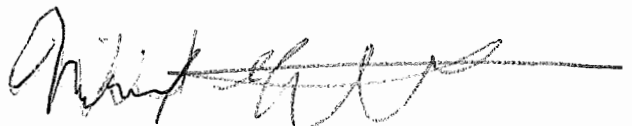
Re: Proposed Assumed Name for Cayuga Ridge, LLC (dba Ithaca Nursing and Rehabilitation (the "Cayuga"))

Dear Mr. DiCocco:

I enclose a copy of the proposed Certificate of Assumed name for the Cayuga to operate as Ithaca Nursing & Rehabilitation. Cayuga currently holds an operating certificate in the name referenced above and wishes to use the dba. For your reference, attached are the current copies of the charter documents and a copy of the current operating certificate. We request your approval to proceed with this assumed name. Also enclosed is a self-addressed stamped envelope. Please stamp a copy of the letter received (or just sign it) and return in the envelope. An additional envelope is provide for the consent transmittal, if approved.

Please contact me at (516) 393-2578 or via e-mail at mstringfellow@garfunkelwild.com, if there is any additional information that you require, or if you have any further questions.

Regards,



Michael Stringfellow
Paralegal

Enclosure

cc: Andrew Schulson, Esq.
Michelle G. Scanlon, Esq.

NEW YORK

NEW JERSEY

CONNECTICUT



Division of Corporations, State Records and Uniform Commercial Code

New York State Department of State Division of Corporations, State Records and Uniform Commercial Code One Commerce Plaza 99 Washington Avenue Albany, NY 12231 www.dos.ny.gov

Certificate of Assumed Name

(Pursuant to General Business Law §130)

1. REAL NAME OF ENTITY:

Caygua Ridge, LLC

1a. FICTITIOUS NAME, IF ANY, OF FOREIGN ENTITY (Not Assumed Name):

2. THE ENTITY WAS FORMED OR AUTHORIZED UNDER THE FOLLOWING NEW YORK LAW (Check one):

- Business Corporation Law, Limited Liability Company Law, Religious Corporations Law, Education Law, Not-for-Profit Corporation Law, Revised Limited Partnership Act, Other (specify law):

3. ASSUMED NAME OF ENTITY:

Ithaca Nursing and Rehabilitation

4. PRINCIPAL PLACE OF BUSINESS IN NEW YORK STATE (MUST INCLUDE NUMBER AND STREET). IF NONE, CHECK THIS BOX AND PROVIDE OUT-OF- STATE ADDRESS:

1229 Trumansburg Road, Ithaca, New York 14850

5. COUNTY(IES) IN WHICH ENTITY DOES OR INTENDS TO DO BUSINESS:

ALL COUNTIES (or check applicable county(ies) below)

- Grid of New York counties with checkboxes: Albany, Cayuga, Chenango, Delaware, Franklin, Hamilton, Lewis, Montgomery, Allegany, Cayuga, Clinton, Dutchess, Fulton, Herkimer, Livingston, Nassau, Bronx, Chautauqua, Columbia, Erie, Genesee, Jefferson, Madison, New York, Broome, Chemung, Cortland, Essex, Greene, Kings, Monroe, Niagara, Oneida, Orleans, Queens, St. Lawrence, Schuyler, Sullivan, Warren, Wyoming, Onondaga, Oswego, Rensselaer, Saratoga, Seneca, Tioga, Washington, Yates, Ontario, Otsego, Richmond, Schenectady, Steuben, Tompkins, Wayne, Orange, Putnam, Rockland, Schoharie, Suffolk, Ulster, Westchester

6. ADDRESS OF EACH LOCATION, INCLUDING NUMBER AND STREET, IF ANY, OF EACH PLACE WHERE THE ENTITY CARRIES ON, CONDUCTS OR TRANSACTS BUSINESS IN NEW YORK STATE. (Use page 2 if needed. The address(es) must be a number and street, city, state and zip code. The address(es) must be within the county(ies) indicated in paragraph 5.) If none, check this box: No New York State Business Location.

1229 Trumansburg Road, Ithaca, New York 14850

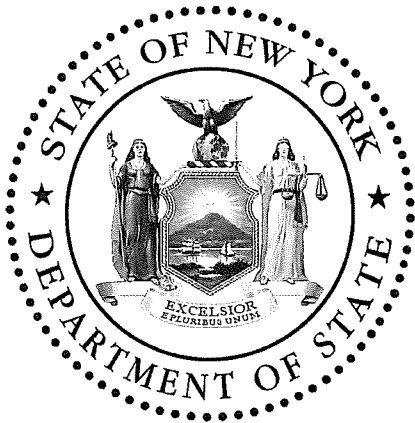
Print or Type Name of Signer: Shalom Braunstein

Signature: Shalom Braunstein

Capacity of Signer (Check one): Authorized Person, Officer of the Corporation, General Partner of the Limited Partnership, Member of the Limited Liability Company, Manager of the Limited Liability Company

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy for CAYUGA RIDGE, LLC, File Number 091029000684 has been compared with the original document in the custody of the Secretary of State and that the same is true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on October 21, 2020.

Brendan C. Hughes

Brendan C. Hughes
Executive Deputy Secretary of State

Rev. 10/2020

Authentication Number: 2010211076 To verify the authenticity of this document you may access the Division of Corporation's Document Authentication Website at <http://ecorp.dos.ny.gov>

ARTICLES OF ORGANIZATION
OF
CAYUGA RIDGE, LLC

Under Section 203 of the Limited Liability Company Law of the State of New York:

THE UNDERSIGNED, being a natural person of at least eighteen (18) years of age and acting as the organizer of the limited liability company (the "Company") hereby being formed under Section 203 of the Limited Liability Company Law of the State of New York (the "LLCL"), certifies that:

FIRST: The name of the Company is:
CAYUGA RIDGE, LLC

SECOND: The county within the State of New York in which the principal office of the Company is to be located is 1229 Trumansburg Road, Ithaca, NY in Tompkins County.

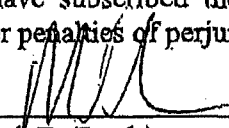
THIRD: The Secretary of State is designated as the agent of the Company upon whom process against the Company may be served. The post office address within or without the State of New York to which the Secretary of State shall mail a copy of any process against the Company served upon such Secretary of State is **C/O MARK D. FARCHIONE, 120 WALTON STREET, SUITE 500, SYRACUSE, NY 13202.**

FOURTH: The Company shall be member-managed according to the provisions set forth in the Operating Agreement and such management structure shall not be deleted, modified or amended without the prior approval of the New York State Department of Health.

FIFTH: The purpose for which the Company is formed is limited to the establishment, maintenance, and operation of a skilled nursing facility known as Cayuga Ridge Extended Care at 1229 Trumansburg Road, Ithaca, NY, in Tompkins County.

SIXTH: No person may own any membership interest or voting rights in the Company without the prior written approval of the New York State Department of Health. All transfers, assignments or other dispositions of membership interest or voting rights in the Company must be approved by the New York State Department of Health. Notwithstanding anything to the contrary in this document or the Operating Agreement, transfers, assignments or other dispositions of membership interests or voting rights must be effectuated in accordance with section 2801-a(4)(b) of the Public Health Law.

IN WITNESS WHEREOF, I have subscribed these Articles of Organization and do hereby affirm the foregoing as true under penalties of perjury, this 17 day of *September* 2009.



Mark D. Farchione

Member

120 Walton Street, Suite 500
Syracuse, NY 13202

CERTIFICATE OF RESERVATION

=====

ENTITY NAME: CAYUGA RIDGE LLC

DOCUMENT TYPE: RESERVATION (DOM LLC)

=====

FILED:10/15/2009 DURATION:12/15/2009 CASH#:091015000709 FILM #:091015000653

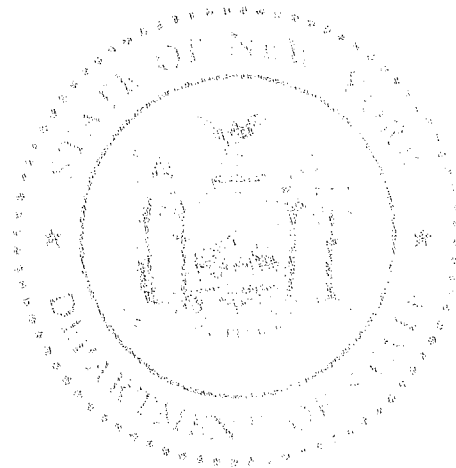
FILER:

STEVEN BOWMAN
120 WALTON ST., STE. 500

SYRACUSE, NY 13202

ADDRESS FOR PROCESS:

REGISTERED AGENT:



** SUBMIT RECEIPT WHEN FILING CERTIFICATE **
APPLICANT NAME : STEVEN BOWMAN

=====

SERVICE COMPANY: BLUMBERG/EXCELSIOR CORPORATE SERVICES SERVICE CODE: 39

FEES	45.00	PAYMENTS	45.00
-----	-----	-----	-----
FILING	20.00	CASH	0.00
TAX	0.00	CHECK	0.00
CERT	0.00	CHARGE	0.00
COPIES	0.00	DRAWDOWN	45.00
HANDLING	25.00	OPAL	0.00
		REFUND	0.00

=====

DOS-1025 (04/2007)



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

October 28, 2009

Mr. Mark Farchione
Vice President
Peregrine Companies
120 Walton Street, Suite 500
Syracuse, New York 13202

Re: 002445 - B
Cayuga Ridge, LLC d/b/a Cayuga Ridge
Extended Care
(Tompkins County)

Dear Mr. Farchione:

The Department has received the modification to CON # 002445 that was submitted on October 20, 2009 pursuant to 10 NYCRR § 600.3 (b). The modification, which merely changes the name of the applicant from "LNH, LLC" to "Cayuga Ridge, LLC," is hereby approved.

The letter dated October 13, 2009 to you from Colleen Frost, Executive Secretary of the Public Health Council, that states the Council's consent to the filing of the Articles of Organization of LNH, LLC, should be construed as the Council's consent to the filing of the Articles of Organization of Cayuga Ridge, LLC, dated September 17, 2009.

Sincerely,

Richard M. Cook
Deputy Commissioner
Office of Health Systems Management



STATE OF NEW YORK
DEPARTMENT OF HEALTH
CORNING TOWER BUILDING
ALBANY, N.Y. 12237

PUBLIC HEALTH COUNCIL

October 13, 2009

Mr. Mark Farchione
Vice President
Peregrine Companies
120 Walton Street, Suite 500
Syracuse, New York 13202

Re: Articles of Organization of LNH, LLC

Dear Mr. Farchione:

AFTER INQUIRY and INVESTIGATION and in accordance with action taken at a meeting of the Public Health Council held on the 2nd day of May, 2008, I hereby certify that the Public Health Council consents to the filing of the Articles of Organization of LNH, LLC, dated October 5, 2009.

Sincerely,

Colleen M. Frost
Executive Secretary

/cf

091029000 684

ARTICLES OF ORGANIZATION
OF

CAYUGA RIDGE, LLC

Under Section 203 of the Limited Liability Company Law of the State of New York

BLU-39
DRAWDOWN

FILED BY:

BLUMBERGEXCELSIOR CORPORATE SERVICES INC.
52 SOUTH PEARL STREET, 2ND FLR
ALBANY, NY 12207

NOX

FILED

2009 OCT 29 PM 2:30

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED OCT 29 2009
TAX \$ _____
BY: MBR

RECEIVED
2009 OCT 29 PM 12:05

5

232



Division of Corporations,
State Records and
Uniform Commercial Code

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
www.dos.ny.gov

CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF ASSUMED NAME
OF
CAYUGA RIDGE, LLC

(Insert Real Name of Entity)

Under Section 130 of the General Business Law

FIRST: The real name of the entity is: **CAYUGA RIDGE, LLC**

SECOND: *Foreign entities only.* If applicable, the fictitious name the entity agreed to use in New York State is: _____

THIRD: If the real name of the entity is different on the last Certificate of Assumed Name or Certificate of Amendment of Certificate of Assumed Name, the previous name of the entity is: _____

FOURTH: The entity was formed or authorized under (indicate law):

- Business Corporation Law
- Education Law
- Insurance Law
- Limited Liability Company Law
- Not-for-Profit Corporation Law
- Revised Limited Partnership Act
- Other (specify law): _____

FIFTH: The present assumed name is **Cayuga Ridge Extended Care**

SIXTH: The date the original Certificate of Assumed Name was filed is: **02/13/2014**

SEVENTH: The date, if applicable, the last Certificate of Amendment of Certificate of Assumed Name was filed is: _____

EIGHTH: The following change(s) are being made (check the appropriate change(s)):

Entity Name:
The new name of the entity is: _____

Assumed Name:
The new assumed name is: **Cayuga Nursing and Rehabilitation Center**

Principal Place of Business:
The principal place of business is changed to *(include the number and street, city, state and zip code)* : _____

County(ies), Added or Deleted, in Which Business Will be Conducted Under the Assumed Name:

County(ies) Added:

County(ies) Deleted:

Address(es) of Specific Business Location(s), Added or Deleted:

Business Location(s) Added *(include the number and street, city, state and zip code):*

Business Location(s) Deleted *(include the number and street, city, state and zip code):*

INSTRUCTIONS FOR SIGNING:

1. If a corporation, by an officer; if a limited partnership, by a general partner; if a limited liability company, by a member or manager; or by an authorized person or attorney-in-fact for such corporation, limited partnership or limited liability company.
2. If the certificate is signed by an attorney-in-fact, include the name and title of the person for whom the attorney-in-fact is acting. (Example, John Smith, attorney-in-fact for Robert Johnson, president.)

Diana Johnson

(Name of Signer)

X

/s/ Diana Johnson

(Signature)

Authorized Person

(Title of Signer)

CERTIFICATE OF AMENDMENT
OF CERTIFICATE OF ASSUMED NAME
OF

CAYUGA RIDGE, LLC

(Insert Real Name of Entity)

Under Section 130 of the General Business Law

Filer's Name: Novack Burnbaum Crystal LLP

Address: 675 Third Avenue, Fl 8

City, State and Zip Code: New York, NY 10017

NOTES:

1. This form was prepared by the New York State Department of State. You are not required to use this form. You may draft your own form or use forms available at legal stationery stores.
2. The Department of State recommends that all documents be prepared under the guidance of an attorney.
3. **Filing Fee:**
 - a. Limited Liability Companies \$25.
 - b. Limited Partnerships - \$25.
 - c. Corporations - \$25 plus the additional fee for each county affected by the amendment. The additional fee for each county within New York City (Bronx, Kings, New York, Queens and Richmond) is \$100. The additional fee for each county outside New York City is \$25.
4. Checks are payable to the Department of State.
5. All checks over \$500 must be certified.

For Office Use Only

NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Ave,
Albany, NY 12231-0001
www.dos.ny.gov

Certificate of Assumed Name
Pursuant to General Business Law §130

1. REAL NAME OF ENTITY: **CAYUGA RIDGE, LLC**

1a. FICTITIOUS NAME, IF ANY, OF FOREIGN ENTITY (Not Assumed Name):

2. FORMED OR AUTHORIZED UNDER THE FOLLOWING NEW YORK LAW (Check one):

- Business Corporation Law
- Limited Liability Company Law
- Religious Corporations Law
- Education Law
- Not-for-Profit Corporation Law
- Revised Limited Partnership Act
- Other (specify law):

3. ASSUMED NAME: **Cayuga Ridge Extended Care**

4. PRINCIPAL PLACE OF BUSINESS IN NEW YORK STATE (MUST INCLUDE NUMBER AND STREET), IF NONE, CHECK THIS BOX AND PROVIDE OUT-OF-STATE ADDRESS:

1229 Trumansburg Road, Ithaca, New York 14850

5. COUNTY(IES) IN WHICH ENTITY DOES OR INTENDS TO DO BUSINESS: ALL COUNTIES (or check applicable county(ies) below)

- | | | | | | | | |
|-----------------------------------|-------------------------------------------------|-------------------------------------|---------------------------------------|----------------------------------------------|------------------------------------|--------------------------------------|-------------------------------------|
| <input type="checkbox"/> Albany | <input checked="" type="checkbox"/> Cattaraugus | <input type="checkbox"/> Chenango | <input type="checkbox"/> Delaware | <input type="checkbox"/> Franklin | <input type="checkbox"/> Hamilton | <input type="checkbox"/> Lewis | <input type="checkbox"/> Montgomery |
| <input type="checkbox"/> Allegany | <input type="checkbox"/> Cayuga | <input type="checkbox"/> Clinton | <input type="checkbox"/> Dutchess | <input type="checkbox"/> Fulton | <input type="checkbox"/> Herkimer | <input type="checkbox"/> Livingston | <input type="checkbox"/> Nassau |
| <input type="checkbox"/> Broome | <input checked="" type="checkbox"/> Chautauque | <input type="checkbox"/> Columbia | <input type="checkbox"/> Erie | <input type="checkbox"/> Greene | <input type="checkbox"/> Jefferson | <input type="checkbox"/> Madison | <input type="checkbox"/> New York |
| <input type="checkbox"/> Broome | <input type="checkbox"/> Chemung | <input type="checkbox"/> Cortland | <input type="checkbox"/> Essex | <input type="checkbox"/> Genesee | <input type="checkbox"/> Kings | <input type="checkbox"/> Monroe | <input type="checkbox"/> Niagara |
| <input type="checkbox"/> Cayuga | <input type="checkbox"/> Orleans | <input type="checkbox"/> Queens | <input type="checkbox"/> St. Lawrence | <input type="checkbox"/> Schuyler | <input type="checkbox"/> Steuben | <input type="checkbox"/> Warren | <input type="checkbox"/> Wyoming |
| <input type="checkbox"/> Onondaga | <input type="checkbox"/> Oswego | <input type="checkbox"/> Rensselaer | <input type="checkbox"/> Seneca | <input type="checkbox"/> Seneca | <input type="checkbox"/> Suffolk | <input type="checkbox"/> Washington | <input type="checkbox"/> Yates |
| <input type="checkbox"/> Ontario | <input type="checkbox"/> Otsego | <input type="checkbox"/> Richmond | <input type="checkbox"/> Schoharie | <input checked="" type="checkbox"/> Tompkins | <input type="checkbox"/> Sullivan | <input type="checkbox"/> Wayne | |
| <input type="checkbox"/> Orange | <input type="checkbox"/> Putnam | <input type="checkbox"/> Rockland | <input type="checkbox"/> Schoharie | <input type="checkbox"/> Ulster | <input type="checkbox"/> Tioga | <input type="checkbox"/> Westchester | |

6. ADDRESS OF EACH LOCATION, INCLUDING NUMBER AND STREET, IF ANY, OF EACH PLACE WHERE THE ENTITY CARRIES ON, CONDUCTS OR TRANSACTS BUSINESS IN NEW YORK STATE. Use page 2 if needed. The address(es) must be a number and street, city state and zip code. If the address(es) is/are not within the county(ies) indicated in paragraph 5, if none, check the box: No New York State Business Location

1229 Trumansburg Road, Ithaca, New York 14850

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED FEB 13 2014

Name of Signer: **Diana Johnson**

Signature: /s/ Diana Johnson

Capacity of Signer (Check one):

- Officer of the Corporation
- General Partner of the Limited Partnership
- Member of the Limited Liability Company
- Manager of the Limited Liability Company
- Authorized Person

For: Name: **Novack Burnbaum Crystal LLP**

Mailing Address: **675 Third Avenue, 8th Floor**

City, State and Zip Code: **New York, NY 10017**

NOTE: This form was prepared by the New York State Department of State. You are not required to use this form. All documents should be prepared under the guidance of an attorney. The certificate must be submitted with a \$25 fee. For corporations, the Department of State also collects the following additional county clerk fees for each county in which a corporation does or intends to do business as indicated in paragraph 5: \$100 for each county within New York City (Bronx, Kings, New York, Queens and Richmond) and \$25 for each county outside New York City. All checks over \$500 must be certified.

691029000684
mj

Facility Id. 984
Certificate No. 5401311N

Certified Beds - Total 144
RHCF 144

State of New York
Department of Health
Office of Primary Care and Health Systems Management

OPERATING CERTIFICATE

Residential Health Care Facility - SNF

Cayuga Nursing and Rehabilitation Center

1229 Trumansburg Road

Ithaca, New York 14850

Operator: Cayuga Ridge, LLC

Operator Class: Proprietary LLC

Effective Date: 03/06/2020

Expiration Date: NONE

Has been granted this Operating Certificate pursuant to Article 28 of the Public Health Law for the service(s) specified.

Baseline

Respite 2

20200608

Deputy Commissioner, Office of Primary
Care and Health Systems Management

This certificate must be conspicuously displayed on the premises.

Commissioner