



**KATHY HOCHUL**  
Governor

## Department of Health

**MARY T. BASSETT, M.D., M.P.H.**  
Commissioner

**KRISTIN M. PROUD**  
Acting Executive Deputy Commissioner

July 14, 2022

Ms. Patricia Smyth  
Cicero Consulting Associates  
925 Westchester Avenue, Suite 201  
White Plains, New York 10604

Re: 211094 C  
New York-Presbyterian Hospital - New York  
Weill Cornell Center  
(New York County)  
Certify Adult Heart Transplant Services and  
acquire requisite equipment  
\$8,352,970

Dear Ms. Smyth:

The Department of Health proposes to approve the above application in accordance with the full review provisions set forth in 10 NYCRR section 710.1(c)(2). Approval of this application is subject to the enclosed contingencies first being satisfied. Also enclosed are confirmations of the approved capacity and a list of proposed services, if appropriate.

A certified check in the amount of \$45,679 must be sent within sixty (60) days of receipt of this letter to:

Barbara DelCogliano, Deputy Director  
Division of Planning & Licensure  
Center for Health Care Facility Planning, Licensure, and Finance  
NYS Department of Health  
Corning Tower, Room 1842  
Empire State Plaza  
Albany, New York 12237

In addition to contingencies, the Department proposes to approve this application with the enclosed conditions. You are expected to comply with these conditions throughout the operation of this project, including any and all conditions pertaining to specified timeframes.

Pursuant to the provisions of 10 NYCRR Parts 86 and 710, you may not begin the construction or operation of any aspect of this project, or receive reimbursement for any associated costs, unless all required written approvals are obtained. Before beginning any aspect of this project, you must complete the following steps:

- Enter a **complete** response to each **individual** contingency via the New York State Electronic Certificate of Need (NYSE-CON) system by the due date(s) reflected in the Contingencies Tab in NYSE-CON.
- Failure to meet the due date(s) could result in the project being abandoned as set forth in 10 NYCRR Section 710.10 (c) (1)
- Receive written approval from the Center for Health Care Facility Planning, Licensure and Finance indicating satisfaction of the contingencies.
- If the subject facility is currently in operation, you must develop a plan to ensure the health and safety of all patients and staff during construction. This plan must comply with all applicable sections of the National Fire Prevention Association (NFPA) 101 Life Safety Code (2000 Edition) and all applicable sections of the State Hospital Code during construction. The plan may require you to separate residents, patients, staff and essential support services from the construction site and/or provide them with an alternative means of egress. Please have the plan available to regional office staff at the time of their on-site visit.

You are responsible for ensuring that this project complies with all applicable statutes, codes, rules and regulations. Should violations be found when reviewing documents, or at the time of on-site inspections or surveys, you will be required to correct them. Additional costs incurred to address any violations will not be eligible for reimbursement without prior approval by the Department. Also, in accordance with 10 NYCRR section 710.5, any change in the scope of this project must receive prior approval from the Department and may require a new or amended application.

If you have any questions concerning this letter, please contact the Bureau of Project Management at (518) 402-0911.

Sincerely,



Shelly Glock  
Deputy Director  
Center for Health Care Facility Planning,  
Licensure and Finance

Enclosures

## **211094 C New York Presbyterian Hospital-New York Weill Cornell Center**

### 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]

### 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]
2. 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]
3. Submit evidence of active membership in the NY Cardiothoracic Consortium (NYCTC) to the Department within 3 months of notification of project approval. [HSP]
4. Annually review, and update as needed, policies, procedures, and protocols related to donor management, organ acceptance practices, and other relevant care-related issues to ensure they are consistent with current evidence and best practices in the field. [HSP]
5. Work with NYCTC, LiveOnNY, other regional OPOs, and others to identify opportunities for improvement and implement strategies resulting in increased donation and transplant rates while maintaining quality of care. [HSP]
6. Provide education and opportunities for staff, patients, and members of the community to enroll in the NYS Donate Life Registry including consideration of integrating opportunities for Registry enrollment in NYPH public-facing electronic transactions and educational sites. [HSP]
7. Report to the Department annually on actions and outcomes of actions taken to meet Conditions five and six. [HSP]
8. The applicant shall submit annual reports to the Department demonstrating its commitment to health equity in the boroughs of Brooklyn and Queens. The reports must be submitted within three months following the completion of the first, second, and third full years of operation of the heart transplant program. The reports shall include documentation of the following, separately for Brooklyn and Queens:
  - Efforts to partner with Community Based Provider, inclusive of One Brooklyn Health, to expand access to primary care and cardiology specialty care
  - Development of novel care models to expand access to heart failure care (i.e. centralized remote patient monitoring)
  - Utilization statistics for heart failure clinician education program
  - Utilization statistics for heart transplant program by race/ethnicity

- Demonstration of \$50 million investment within the next 5 years in primary care physician and advanced practice provider recruitment, program development and network expansion [HSP]