

# OPPOSITION

## Memorandum

Date: May 11, 2021

To: Members, Long Island Delegation of the New York State Assembly  
Members, Hudson Valley Delegation of the New York State Assembly

From: Wendy Darwell, President and CEO

Re: A.191A (Gottfried) – on floor calendar  
S.1451A (Rivera) – passed the Senate

**The Suburban Hospital Alliance of New York State, representing hospitals and health systems on Long Island and in the Hudson Valley, opposes A.191A/S.1451A, legislation that would amend the Public Health Law to require a hospital filing an application for a proposed project through the state's Certificate of Need (CON) process to also submit a health equity impact assessment (HEIA) of the project. While SHANYS supports the goal of improving health equity, the HEIA requirements proposed by this bill are largely duplicative of existing CON application requirements. The Suburban Hospital Alliance of New York State (HANYS) strongly opposes this legislation and urges that it be rejected.**

The state's CON process provides a mechanism for reviewing proposals seeking to establish or expand healthcare facilities and services in a given area. This bill would add an additional layer to the CON process by requiring applicants to submit an independently prepared HEIA of the project. Among many other factors, the HEIA is required to consider the project's impact on improving access for medically underserved groups in the applicant's service area and the applicant's compliance with federal requirements to provide uncompensated care.

The requirements of the HEIA outlined in this bill are largely duplicative of existing CON application requirements for hospitals. For example, hospitals are currently required to submit extensive information detailing the populations to be served by a proposed project, how the project responds to and reflects the needs of the residents in the community, and how the project would address specific health needs of the community. Hospitals are also currently required to describe how a proposed project advances local Prevention Agenda priorities that have been identified by the community as part of the county's Community Health Improvement Plan and the hospital's corresponding Community Service Plan. These identified priorities serve as the blueprint for hospitals to address specific health inequities in the communities they serve.

In addition to many of the HEIA requirements being duplicative of existing CON requirements, this bill would also add yet another costly and time-consuming requirement for CON applicants by mandating hospitals bear the cost of employing an independent entity to prepare an HEIA. Hospitals already engage in a lengthy and costly CON process to ensure proposed projects meet the objectives of the CON process, which includes ensuring the project is aligned with community need.

SHANYS continues to support proposals aimed at streamlining the cumbersome CON process. CON processing delays result in increased construction costs and delayed patient access to modern treatment modalities and facilities. This bill would duplicate current CON requirements and as a result, has the potential to create additional inefficiencies in the system, suppress access and delay providers from moving quickly to adapt to new and ever-changing health care delivery models.

**As a result, SHANYS strongly opposes this bill and urges the Legislature to reject it.**