



New York State Archives

**Public Health and Health Planning Council (N.Y.) Meeting and
Administrative Files 10740**

New York State Archives
222 Madison Avenue
Albany, NY 12230
archref@nysed.gov
URL: <http://www.archives.nysed.gov/>

Table of Contents

Overview of the Records	3
Arrangement	3
Scope and Contents	3
Other Finding Aids	6
Use of Records	6
Access Terms	6

Overview of the Records

Repository:	New York State Archives
Summary:	This series consists of agendas, transcripts, minutes, and agenda books derived from meetings of the Public Health Council and its successor, the Public Health and Health Planning Council.
Creator:	Public Health and Health Planning Council (N.Y.)
Title:	Public Health and Health Planning Council meeting and administrative files
Quantity:	282.3 cubic feet
Quantity:	1 videotape
Inclusive Date:	1913-2016
Series:	10740

[^ Return to Table of Contents](#)

Arrangement

Chronological by meeting date or date of hearing except as indicated.

10740-92C, 10740-94, 10740-95, 10740-02, 10740-08, 10740-19: Numerical by application number or alphabetical by corporate name of applicant.

10740-00, 10740-11: Numerical by application number or alphabetical by corporate name of applicant, or meeting date.

10740-23: Numerical by project number.

[^ Return to Table of Contents](#)

Scope and Content Note

10740-92A: This accretion consists of agendas, transcripts, minutes, and agenda books of Public Health Council meetings held during 1987, a time during which the council was concerned with smoking as a public health issue. The records also include correspondence

and clipping files on hearings held in several cities during 1986-1987 regarding state regulations on smoking in public places, as well as summaries of meetings of the council's codes committee dealing with questions of jurisdictional rights in promulgating smoking regulations and suggested language changes to the regulations. There is also one videotape of arguments before the Court of Appeals regarding the legality of the regulations, and copies of several pamphlets published by the Department of Health on the state smoking policy and its application in hospitals, food service establishments, and workplaces.

On the basis of studies showing that breathing second-hand smoke is a significant health hazard for children, seniors, and persons with cardiovascular or respiratory impairments, the council adopted regulations in 1987 "to preserve and improve the public health by limiting the exposure of the public to tobacco smoke." The regulations were declared invalid and unenforceable by a trial court; the decision was upheld by the Appellate Division and the New York State Court of Appeals, and new regulations were subsequently adopted.

10740-92C: This accretion consists of files for various types of applications submitted to the Public Health Council (PHC) for approval as required under state public health or corporation law. They include applications for the establishment of health related facilities; for certificates of incorporation and amendments to certificates for corporations licensed to perform health care services or to provide home health care; and for authority to operate a hospital. Such approvals are granted at meetings of the PHC along with certification of the action(s) taken.

The majority of the records relate to applications for establishment. These applications are researched, reviewed, and approved by the council pursuant to section 2801-a of the Public Health Law. If such approval is not in accordance with the recommendation of the State Hospital Review and Planning Council (SHRPC), the SHRPC may request a public hearing in the matter before PHC approval can be made effective. The files deal with cases for which the PHC specified conditions or contingencies that had to be satisfactorily fulfilled before approval was granted.

The establishment records include: copies of resolutions of the PHC approving applications with contingencies; transmittal letters certifying approval; document summaries, and correspondence regarding the applications, deficiencies, and contingencies imposed by the PHC; interoffice memoranda regarding satisfaction of imposed contingencies; and comments of local agencies and project review committees.

Also present is PHC meeting agenda material on the applications for establishment. These typically include: staff reports and reviews of the Bureau of Facility and Service Review (on evidence for need for the project, brief project description, population profile, areawide service and utilization profile, and facility profile); character and competence reports from the Division of Health Care Standards and Surveillance; and surveys of physical facilities by the Bureau of Architectural and Engineering Review.

Applications for certificates of incorporation and for authority are typically made pursuant to section 402 of the Business Corporation Law or section 1304 of the Not For Profit Corporation Law. Files may reflect corporate name changes or mergers, and some proposed certificates, after investigation or review, are determined not to require the formal approval of the PHC. Files in these groups may include: letters granting approval or explaining why approval is not

necessary (often citing provisions of the Public Health Law); copies of certificates, restated certificates, or amendments to certificates of incorporation; and interoffice memoranda (usually from the Office of Counsel) on determination of approvals/disapprovals.

10740-94A: This accretion includes two distinct types of records. Files for certificates of incorporation and certificates of amendment for health care providers pertain to entities licensed to perform health care services or to provide home health care. Applications are researched, reviewed, and approved by the council according to the Public Health Law, and approvals for such certificates are granted at meetings of the council along with certification of the action(s) taken. Information in the files dates from 1984 to 1991.

Also included in this accretion are monthly meeting materials of the council. These include agendas, transcripts, minutes, and agenda books for 1989. The council enacts the provisions of the State Sanitary Code and considers matters that relate broadly to the preservation and improvement of public health. Minutes typically reflect work of the Committee on Establishment of Health Facilities; the Committee on Codes and Legislation; the Committee on Health Manpower and Interprofessional Relations; and reports on the department activities.

10740-95: This accretion contains certificates of need, certificates of incorporation, and a very few revocations of establishment approval. The bulk of the files are dated 1989.

10740-96A: This accretion consists entirely of logbooks that document the approvals by the Council of the various proposals submitted to it.

10740-97: This accretion consists of three distinct types of records: Council agenda materials/transcripts (arranged chronologically by meeting date); certificates of incorporation/amendment (arranged alphabetically by corporate name); and certificates of need (arranged numerically by application number). Most files are dated 1990.

10740-00: This accretion consists of five distinct types of records: certificates of need (arranged numerically by application number); certificates of incorporation/amendment (arranged alphabetically by corporate name); licensure materials (arranged numerically by license number); council meeting agenda materials and transcripts (arranged chronologically by meeting date [1991-1995]); and ad hoc committee files (arranged alphabetically by subject [1991-1992]). A detailed finding aid is available for use with this accretion.

10740-02: This accretion consists of applications and certifications for the years 1994-1998.

10740-04: This accretion consists primarily of certificates of closed facilities and also includes meeting minutes transcripts for 1996-1997. Also included are records of the Council's Medical Records Confidentiality Workgroup (1996-1997).

10740-11: This accretion consists primarily of the Public Health Council's Establishment Committee meeting agendas and transcripts of minutes for 2000-2005. Also included are certificates of need (arranged numerically by application number) dating from 2002-2005.

10740-19: This accretion consists of meeting minutes of the Public Health Council and its successor, the Public Health and Health Planning Council, from 1999-2012.

10740-23: This accretion consists of applications for the construction of nursing homes and care centers; certificates of incorporation; memorandums and related correspondence; staff reviews; and requests for public hearings.

[^ Return to Table of Contents](#)

Other Finding Aids

Available at Repository

10740-95, 10740-97, 10740-02, 10740-04, 10740-08, 10740-11, 10740-14, 10740-19A:
Folder list is available at the repository.

10740-00, 10740-07: Container list is available at the repository.

[^ Return to Table of Contents](#)

Use of Records

Access Restrictions

Restricted: Documents pertaining to administrative complaints regarding improper practices in hospital staff appointments and extension of professional privileges, received by the Public Health Council or the Public Health and Health Planning Council, are declared to be confidential by Public Health Law section 2801-b.

Alternate Formats Available

Items Online

"Oral Argument Before the New York State Court of Appeals - #275 Boreali, et al. v. Axelrod, 1987" has been digitized and is available in State Archives Digital Collections.

[Meeting and administrative files, 1913-2012](#)

Access Terms

- Smoking--Law and legislation--New York (State)

- Certificates of incorporation
- Videotapes
- Certificates
- Public health administration
- Regulating health facilities
- Transcripts
- Resolutions (administrative records)
- New York (State)
- Minutes (administrative records)
- Agendas (Administrative records)
- Memorandums
- Public health--New York (State)
- Protecting public health
- New York State Hospital Review and Planning Council
- New York (State). Department of Health
- Public Health Council (N.Y.)