

1 **2022 NYSAC Fall Seminar**
2 **Standing Committee on Public Health/Mental Health**
3 **Resolution #2**

4 **Resolution in Support of Enactment of Legislation to Amend the Public**
5 **Health Law in Relation to Municipal Limited Health Care Service Facilities**

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7 **WHEREAS**, under current law, the 58 local health departments (LHDs) in New York
8 State that provide any direct health care services in clinic settings are regulated under
9 Article 28 of the Public Health Law as diagnostic and treatment centers; and

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11 **WHEREAS**, most LHDs provide only a limited set of direct care services necessary to
12 support their mandated, core public health activities, as defined under Article 6 of the
13 Public Health Law; and

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15 **WHEREAS**, the existing Article 28 statute and regulations are intended, and were
16 originally written, to govern hospitals and other “full-service” diagnostic and treatment
17 centers; and

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19 **WHEREAS**, at an earlier point in the state’s history, many LHDs served as safety net
20 providers of direct primary care, but, today, very few LHDs continue to provide a level of
21 direct primary care services similar to those provided in the traditional Article 28
22 regulated facilities; and

23
24 **WHEREAS**, in most communities, this need is now met by other safety net providers,
25 such as federally qualified health care centers and expanded hospital-based clinics; and

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27 **WHEREAS**, despite this change in service provision, LHD Article 28 facilities are still
28 required to comply with all current regulations, regardless of the applicability to the
29 more limited public health services they provide, such as vaccinations; and

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31 **WHEREAS**, meeting these stringent — and often onerous and expensive — regulatory
32 mandates impose significant administrative costs on municipalities, and thus, on local
33 property taxpayers; and

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35 **WHEREAS**, counties believe that the update to the Public Health Law proposed in
36 A.5177 (Paulin) will enable the State Commissioner of Health to revise the regulations
37 that are now unnecessarily complex for most LHDs, ensuring that the requirements
38 reflect the level of services that they provide.

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40 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
41 Counties (NYSAC) calls on the Governor and State Legislature to revise the current
42 Article 28 regulatory framework for municipal limited health care service facilities; and

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44 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
45 of New York encouraging member counties to enact similar resolutions; and

1 **BE IT FURTHER RESOLVED** that NYSAC shall forward copies of this resolution to
2 the Governor of the State of New York, the New York State Legislature, NYSDOH
3 Commissioner Mary Bassett, and all others deemed necessary and proper.