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Community Service Society of New York ○ Consumers Union ○ Empire Justice Center ○ Hispanic Federation
Make the Road New York ○ Medicare Rights Center ○ Metro New York Health Care for All Campaign
New Yorkers for Accessible Health Coverage ○ New York Immigration Coalition ○ Project CHARGE
Public Policy and Education Fund of New York/Citizen Action of New York
Raising Women's Voices-New York ○ South Asian Council for Social Services
Schuyler Center for Analysis and Advocacy ○ Young Invincibles

Memorandum in Support of S.9035/A.11072 October 2020

An act to amend the public health law in relation to health equity assessments in the establishment or construction of a hospital

Health Care for All New York (HCFANY) is a statewide coalition of 170 consumer-focused organizations dedicated to achieving quality, affordable health coverage for all New Yorkers, and ensuring that the concerns of real New Yorkers are heard and reflected in policy conversations. **We strongly support S.9035/A.11072 which would require hospitals to include a health equity assessment with all certificate of need proposals.**

Hospitals seeking to construct new facilities, merge with or acquire other hospitals, or substantially reduce services currently provided must apply for state approval through the certificate of need process. The current application process has remarkably little public input and has come under scrutiny for failing to meaningfully integrate community need.¹ Moreover, it fails to require any assessment of the impact that proposals would have on promoting health equity and ameliorating New York's health disparities—an issue that has been elevated due to the COVID-19 pandemic. Over time, this failure to consider equity implications has led to the removal of hospitals from areas where people of color or people with low- and middle-incomes live. For example, in Queens, there are now less than 2 beds for every 1,000 residents while in Manhattan, there are over 6 hospital beds for every 1,000 residents.² During the COVID-19 pandemic, the areas that experienced the highest rates of infection and death are the same as the areas where hospitals closed.³

The State should take on a more proactive role in planning to ensure that healthcare infrastructure exists in the places it is most needed according to its population, not just in the

¹ Lois Uttley et al., "Empowering New York Consumers in an Era of Hospital Consolidation," May 2018, <https://nyshealthfoundation.org/wp-content/uploads/2018/05/empowering-new-york-consumers-era-of-hospital-consolidation-full-report.pdf>.

² Amanda Dunker and Elisabeth Benjamin, "How Structural Inequities in New York's Health Care System Exacerbate Health Disparities During the COVID-19 Pandemic: A Call for Equitable Reform," June 4, 2020, <https://www.cssny.org/news/entry/structural-inequalities-in-new-yorks-health-care-system>.

³ Lena Afridi and Chris Walters, "Land Use Decisions Have Life and Death Consequences," April 10, 2020, Association for Neighborhood and Housing Development, <https://anhd.org/blog/land-use-decisions-have-life-and-death-consequences>



wealthiest areas. This bill would require hospitals to explain how major service changes and changes in ownership will increase or decrease access to care for underserved populations. This would include civil rights complaints, access by public or private transport, ability to serve patients with limited English-speaking ability, and a review of existing service infrastructure in the area. It would also require hospitals seeking approval for major changes to report on their compliance with New York’s financial assistance law including a description of how the hospital will provide healthcare services to medically indigent New Yorkers and the amount of free or below-cost indigent care expected to be provided.

Explicit consideration of how a proposed hospital project would improve or detract from health equity—as required by this bill—is essential for New York to begin to address the alarming racial and ethnic health disparities exposed by COVID 19. This Health Equity Assessment requirement would help ensure that New York makes important decisions about healthcare resources based on population need, not just the competitive positioning and economic priorities of the healthcare entities seeking project approval. HCFANY therefore strongly approves this bill.