

NEW YORK DOH ISSUES POLICY ON SUBMISSION OF FALSE INFORMATION IN LICENSE APPLICATIONS

On June 11, 2021, the New York Department of Health (DOH) posted a “[Dear Applicant Letter](#)” informing applicants for certificates of need (CON), licensure for adult care facilities (ACF) or licensed home care services agencies (LHCSA) or transfer of ownership interest notices of its new policy regarding evaluation of the applicant’s character and competency. A CON is required for establishment of and certain transfers of ownership of several types of facilities, including, without limitation, hospitals, ambulatory surgery centers, and diagnostic and treatment facilities. Going forward, DOH will maintain a database of any such application or notice undergoing a character and competency review and will consider applications/notices that contain false or inaccurate information or that have omitted material information at any point in the process as a factor in its approval recommendation both in the current application and in subsequent reviews.

Character and competency information will be maintained in the database and available for DOH’s review for the following time periods:

- Seven years for Article 36 home care agencies; and
- Ten years for all other applicants.

DOH will notify applicants of any discrepancies that it identifies in a submission and afford the applicant an opportunity to provide a written explanation or supplemental information to account for the discrepancy. Such information must be submitted within seven calendar days from the date of the DOH notification. If DOH finds that the explanatory information is false or fails to explain the identified discrepancy, it may automatically recommend disapproval of the applicant's character and competency for a period of three years and will consider such information for as long as it is maintained in the database.

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Should you have any questions regarding the above, please contact the [Garfunkel Wild attorney](#) with whom you regularly work, or contact us at info@garfunkelwild.com.

Contact Information:

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