

# HODGSON RUSS WINS CON APPROVAL FOR MAJOR HEALTH CARE SYSTEM

A Hodgson Russ team led by Jane Bello Burke and Michelle Merola obtained an important victory for a major New York health care system, after the PHHPC (the Public Health and Health Planning Council) proposed to disapprove a CON (certificate of need) to operate an ASC (ambulatory surgery center). A competing health care system vigorously opposed the application, arguing that there was no "public need" for the ASC - one of the statutory prerequisites for the issuance of a CON. Following a six-day hearing, the administrative law judge issued a strongly worded opinion rejecting the competing health care system's opposition, which he concluded was driven by self-interest, was exaggerated, and did not form a sound basis for decision, and recommending approval of the ASC. As a result of the successful challenge, the ambulatory center is up and running, providing needed services to the community.

## **Attorneys**

Jane Bello Burke

Michelle Merola

## **Practices & Industries**

Healthcare

