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November 2, 2026

Honorable Pamela A. Helming
New York State Senate, 54th District
Legislative Office Building, Room 711B
Albany, NY 12247

Dear Senator Helming:

Thank you for your September 21, 2026 letter requesting that we conduct an audit to determine whether the New York State Department of Health (DOH) has a comprehensive statewide plan to ensure communities have access to critical hospital services within a reasonable distance. Comptroller DiNapoli has asked me to respond.

We share your concern about access to health care, and in particular within rural communities. To shed light on this issue, the Comptroller's Office of Budget and Policy Analysis released a report on Shortages of Health Professionals in Rural Areas in August 2025 which found alarming shortfalls in primary care, pediatric, obstetrician and gynecologists, doctors, dentists, and mental health practitioners.

Based on your request, we reviewed Public Health Law §2800, which assigns DOH "the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospitals and related services." This broad regulatory authority establishes DOH's central responsibility to oversee hospital operations and strategic planning across the state. However, this statute neither explicitly mandates DOH to develop or maintain a comprehensive statewide plan for geographic access, nor does it establish specific, measurable criteria or standards to assess access to hospital services, such as maximum travel distances or travel times.

We also reviewed the remainder of Article 28 of the Public Health Law to evaluate the specific mandates dictating how DOH actually oversees hospital operations. This chapter outlines DOH's authority over critical changes to hospital services, including approval of facility closure plans, changes in beds and services, community forums, and Certificate of Need (CON) reviews.

Your specific areas of inquiry touch upon core elements of DOH's institutional responsibilities—such as its administration of hospital closures, regional impacts, and enforcement of CON requirements. I have shared your letter with the manager responsible for planning audits of DOH for review and consideration in our upcoming audit planning process. Our Office will evaluate both statutory frameworks and internal DOH operational policies to determine how best to structure an objective performance review that addresses the concerns raised in your request.

Thank you again for bringing this vital matter to our attention and sharing your concerns. If you have any questions, please contact me at tkim@osc.ny.gov.

Sincerely yours,



Tina Kim
Deputy Comptroller for State Government Accountability