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STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
CERTIFICATE OF NEED

PUBLIC HEARING  
REVIEW STANDARDS FOR HB, MRT SERVICES/UNITS, PET SCANNER  
SERVICES, SS, CC SERVICES AND OHS SERVICES

BEFORE ANDREA MOORE, DEPARTMENT TECHNICIAN TO CON COMMISSION  
201 Townsend Street, Lansing, Michigan  
Wednesday, October 31, 2007, 10:30 a.m.

RECORDED BY: Rebecca A. Alexander, CER 4233  
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1                   Lansing, Michigan

2                   Wednesday, October 31, 2007 - 10:31 a.m.

3                   MS. MOORE: Good morning. I am Andrea Moore,  
4 Department Technician to the Certificate of Need Commission  
5 from the Certificate of Need Policy Section of the  
6 Department of Community Health. Chairperson Norma Hagenow  
7 has directed the Department to conduct today's hearing.  
8 Comment cards can be found on the table, and I would ask  
9 that you sign in on the sign-in log again.

10                   This is the annual public hearing to determine if  
11 any changes need to be made to the Standards scheduled for  
12 review in 2008. The Standards are -- Hospital Beds,  
13 Megavoltage Radiation Therapy Services or Units, PET Scanner  
14 Services, Surgical Services, Cardiac Catheterization  
15 Services and Open Heart Surgery Services are all scheduled  
16 for Commission review in 2008. The 3-year review schedule  
17 for all standards is listed on the second page of the  
18 Commission Work Plan located at [www.michigan.gov/con](http://www.michigan.gov/con).

19                   If you wish to speak on any of the scheduled  
20 standards, please turn in your comment card to me.  
21 Additionally, if you have written testimony, provide a copy  
22 as well. Just as a reminder, all cellular phones and pagers  
23 need to be set to vibrate or turned off during the hearing.

24                   As indicated on the Notice of Public Hearing,  
25 written testimony may be provided to the Department via our

1 electronic link at [www.michigan.gov/con](http://www.michigan.gov/con) through Wednesday,  
2 November 7th, 2007 at 5:00 p.m.

3 Today is Wednesday, October 31st, 2007 and we will  
4 begin taking testimony on the Standards, and the hearing  
5 will continue until all testimony has been received. Do I  
6 have any other additional comment cards? Thank you. Dennis  
7 McCafferty from Economic Alliance?

8 MR. McCAFFERTY: Good morning again. Dennis  
9 McCafferty, Economic Alliance for Michigan. Just last  
10 Friday we met with our health staff group -- this is the  
11 health policy people from our members -- to review both this  
12 and our testimony for the prior session, and this reflects  
13 the collective thinking of our membership, both labor and  
14 business.

15 Regarding the CON Standards scheduled for review  
16 for 2008, the Standards are scheduled to be reviewed every  
17 three years. We believe that this means that they are not  
18 scheduled for review until three years after the last time  
19 they were reviewed. Several of the Standards scheduled for  
20 review in 2008 have undergone review in 2006, Hospital Beds,  
21 and in 2007, Cardiac Cath and Open Heart Surgery. To  
22 undertake another review so soon after the last review and,  
23 in two cases, prior to the effective date of the  
24 implementation of the prior review, would seem to be an  
25 inappropriate use of both the Michigan Department of

1 Community Health's staff resources, the time and energy of  
2 the SAC participants and the Commission itself. We would  
3 recommend that the next review of the Standard be (sic)  
4 reviewed in 2006 be rescheduled until 2009 and the next  
5 review of these two Standards just reviewed in 2007 be  
6 rescheduled until 2010.

7 Second area of comments, we recommend that all CON  
8 Standards that rely upon data should be able to  
9 automatically use the most currently available data from  
10 either the Michigan Department -- Michigan -- MIDB or the  
11 CON's annual survey. This updated data should not require a  
12 request of the Commission or approval of a SAC; that  
13 annually this data is updated by the Department and within  
14 60 to 90 days following receipt, the impact of the updated  
15 data is reported by the Department to the Commission.

16 We are recommending that there be a provision in  
17 every CON Standard that requires a projection of minimum  
18 volumes to justify new programs is not based upon  
19 unverifiable projections of future referrals but rather  
20 based upon actual, historical referral data. We are also  
21 recommending that any data that would result in a current  
22 CON approved program following below a CON minimum cannot be  
23 used to project the need for a new program.

24 The above proposed changes in Standards regarding  
25 use of the most current available data; basing projections

1 on need for new programs upon actual historical data and not  
2 allowing data to be committed to a new program if doing so  
3 will result in pulling an existing program below the CON  
4 minimum; that these could be accomplished in a single,  
5 across-the-board administrative change approved by the  
6 Commission. SAC review of individual CON Standards to  
7 implement these changes should not be required.

8 Finally, we are recommending that the need for  
9 review of the Certificate of Need Standards should be based  
10 upon a need to do so. While the CON Standards may be  
11 scheduled to be reviewed every three years, if no evidence  
12 of a need or reason to review and update the Standards has  
13 been presented, then the Standard need not be reviewed.

14 If you'll allow me an opportunity to turn a  
15 phrase, the Certificate of Need needs a reason to be  
16 updated, and unless there's a need presented, it need not be  
17 done. Now, there's a lot of "needs" in there, but basically  
18 that's the concept.

19 MS. MOORE: Thank you, Dennis. Do I have anybody  
20 else that's interested in giving public testimony this  
21 morning? Seeing none, we will conclude the hearing. Thank  
22 you, everybody, for your time today and have a happy  
23 Halloween.

24 (Proceedings concluded at 10:38 a.m.)

25 -0-0-0-