

EXCERPT FROM
CERTIFICATE OF NEED (CON) REVIEW STANDARDS
FOR BONE MARROW TRANSPLANTATION (BMT) SERVICES

Section 4. Requirements for approval – acquisition of a BMT service by a cancer hospital

(1) An applicant proposing to acquire an existing BMT service shall demonstrate that it meets all of the requirements of this subsection and shall not be required to be in compliance with section 3(5) and the department inventory.

(a) The total number of BMT services is not increased in the planning area as the result of the acquisition.

(b) As part of the acquisition of the BMT service, the acquisition or replacement of the cancer hospital, or for any other reasons, the location of the BMT service shall be located at its prior location or in space within the licensed cancer hospital site.

(c) The applicant is a cancer hospital as defined by these standards. The applicant shall, to the satisfaction of the Department, provide verification of PPS-exemption at the time of application, or shall demonstrate compliance with the following to the satisfaction of the Department:

(i) The applicant, or an affiliate of the applicant, operates a comprehensive cancer center recognized by the National Cancer Institute in conjunction with a Michigan university that is designated as a comprehensive cancer center, or the applicant is the Michigan university that is designated as a comprehensive cancer center.

(ii) The applicant commits to provide evidence, satisfactory to the Department, of approval as a PPS-exempt hospital within the time limits specified in subsection (g).

(d) The applicant demonstrates that it meets, directly or through arrangements with the hospital from which it acquires the BMT service, the requirements set forth under section 3(3), (6), (7), and (8), as applicable.

(e) The applicant agrees to either have a written consulting agreement as required by Section 3(10) or obtain a determination by the Department that such an agreement is not required because the existing BMT staff, services, and program substantially will continue to be in place after the acquisition.

(f) The applicant agrees and assures to comply, either directly or through arrangements with the hospital from which it acquires the BMT service, with all applicable project delivery requirements.

(g) If the applicant described in this subsection, OR AN APPLICANT PREVIOUSLY APPROVED UNDER THIS SUBSECTION, does not meet the Title XVIII requirements of the Social Security Act for exemption from PPS within 24 months after receiving CON approval under this section OR SUCH LATER DATE AS THE DEPARTMENT MAY HAVE PREVIOUSLY APPROVED, the Department may extend the 24-month deadline to no later than the last session day permitted by the United States Constitution for the 113TH ~~next~~ United States Congress ~~in session after the effective date of these standards~~. Extension of the deadline UNTIL THE END OF THE 113TH CONGRESS shall require THE FILING OF A CON APPLICATION UNDER THIS SECTION THAT PROVIDES demonstration by the applicant, to the satisfaction of the Department, that THE APPLICANT IS CONTINUING TO PURSUE ~~there has been progress toward achieving the changes in federal law and regulations that are required to secure~~ the PPS exemption. If the applicant fails to meet the Title XVIII requirements for PPS exemption within the 24-month period, or its possible extensionS, then the Department may expire the CON granted pursuant to this SUBsection ~~and will not be subject to further applications for acquisition~~. However, prior to the DEPARTMENT ~~final~~ ~~deadline for the expiration of~~ EXPIRING the CON, the ~~prior~~ ORIGINAL holder of the ~~(CON/authorization)~~ to provide the BMT service may apply for acquisition of the service, pursuant to all the provisions of this section, except for subsectionS (c) AND (G).

2. Applicants proposing to acquire an existing BMT service under this section shall not be subject to comparative review.