

1 STATE OF MICHIGAN  
2 MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES  
3 CERTIFICATE OF NEED COMMISSION  
4

5 COMMISSION MEETING

6 BEFORE JAMES FALAHEE, CHAIRPERSON

7 333 South Grand Avenue, Lansing, Michigan

8 Thursday, September 20, 2018, 9:30 a.m.

9 COMMITTEE MEMBERS: THOMAS MITTELBRUN, VICE CHAIRPERSON  
10 DENISE BROOKS-WILLIAMS  
11 J. LINDSEY DOOD  
12 TRESSA GARDNER, D.O.  
13 DEBRA GUIDO-ALLEN, R.N.  
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1                   Lansing, Michigan

2                   Thursday, September 20, 2018 - 9:35 a.m.

3                   MR. FALAHEE: Let's go ahead and call the  
4                   Certificate of Need Commission meeting together. I want to  
5                   first thank those that struggled through some heavy, heavy  
6                   rains to get here, so. I'll remind everyone, make sure you  
7                   say who you are when you talk. This is Mr. Falahee. So  
8                   welcome everyone to our meeting.

9                   I want to make some initial announcements. We  
10                  have two former commissioners that are now former  
11                  commissioners. Commissioners Tomatis and Clarkson are no  
12                  longer on the Commission. Those of you who've been in this  
13                  room many, many times know that they served for many, many  
14                  years and I want to acknowledge both of them for their  
15                  service to the Commission over the years and thank them for  
16                  that service.

17                 As we have two individuals that are former  
18                 commissioners, we now have two new commissioners. One of  
19                 whom is here today. I'll get to him in a moment. But the  
20                 other commissioner that can't be here is Dr. Melisa Oka from  
21                 St. Joe's in Ypsilanti. I had orientation with her and  
22                 Commissioner Dood last week. She had a longstanding  
23                 conflict and I said that's perfectly understandable so she  
24                 will not be here for this meeting and we'll introduce her to  
25                 everyone when she does get here.

1                   And then I would like John Lindsey Dood to  
2                   introduce himself to all of us and then perhaps we can go  
3                   around the table and tell Commissioner Dood what we do when  
4                   we're not at the CON Commission. Okay? So, Commissioner  
5                   Dood, welcome.

6                   MR. DOOD: Thank you. My name is Lindsey Dood.  
7                   Lindsey is my middle name and it's my preferred name. I  
8                   have a father John and a son John, so you can call me John.  
9                   I'll probably respond to that. Thank you for the warm  
10                  welcome and the great orientation last week. Really  
11                  appreciate the chance to go through the materials and it's  
12                  an honor to be appointed and looking forward to serving. I  
13                  work for Metron Integrated Health Systems which is a skilled  
14                  nursing facility chain based in Grand Rapids, Michigan, and  
15                  we have seven skilled nursing facilities almost all in West  
16                  Michigan from Big Rapids, Greenville, Belding, and Wyoming,  
17                  and one in Grand Rapids and Cedar Springs and Lamont.  
18                  Thanks.

19                  MR. FALAHEE: You're welcome. Deb, maybe you  
20                  could tell Lindsey what you do and we'll just go around the  
21                  table so he's got a sense of who we are sitting around the  
22                  table here?

23                  MS. GUIDO-ALLEN: I'm Debbie Guido-Allen. I  
24                  represent nursing on the Certificate of Need Commission and  
25                  I'm the chief nursing officer at Beaumont Hospital in Troy.

1 MS. BROOKS-WILLIAMS: Good morning. I'm Denise  
2 Brooks-Williams. I work with Henry Ford Health System. I'm  
3 the CEO of our Wyandotte Hospital. Welcome.

4 DR. GARDNER: I'm Tressa Gardner; Dr. Tressa  
5 Gardner. I'm a emergency physician at (inaudible), State of  
6 Michigan.

7 MS. LALONDE: I'm Melanie LaLonde. I work at  
8 General Motors and I am on the Global Benefits Healthcare  
9 Team, and I represent self-insureds.

10 MR. HUGHES: I'm Robert Hughes, president of  
11 Advantage Benefits Group, one of the employee benefits firm  
12 that has the privilege of working for some of Michigan's  
13 finest employers. I also work for Mr. Falahee here and  
14 everybody else on the Commission. How's that?

15 MR. MITTELBRUN: Tom Mittelbrun. I work for the  
16 National Electrical Contractors Association, so I'm here  
17 representing those like associations, but also the various  
18 building trades, cross-sectioning.

19 MR. FALAHEE: We met through orientation, so I'll  
20 pass the --

21 MR. HAMMAKER: My name is Carl Hammaker. I work  
22 for the Attorney General and I represent the CON Commission.

23 MS. NAGEL: Good morning. I'm Beth Nagel. We met  
24 during orientation on the phone. I am the division director  
25 for the Planning Division within the Department.

1 MS. BHATTACHARYA: Good morning. I am Tulika --  
2 good morning. This is Tulika Bhattacharya. I manage the  
3 CON evaluation section. My team reviews all of the CON  
4 applications and makes the determination of approval or  
5 denial and we send those to the Department director for  
6 final approval. We also do follow-up and monitoring all of  
7 the approved CONs and we do compliance monitoring for all of  
8 the approved facilities in Michigan. Thank you.

9 MS. MYERS: Amber Myers, Michigan Department of  
10 Health and Human Services. I manage the workforce access  
11 and grants management section.

12 MR. FALAHEE: Thank you, everyone. And one more  
13 introduction is the gentleman to my right. Mr. Potchen at  
14 the end of the last meeting he said, "Well, Chip, now that  
15 you're the chairman, I'm leaving." So thank you for that  
16 vote of confidence, Mr. Potchen. But, no, this has been in  
17 the works for quite a while where I knew that Mr. Potchen  
18 was going to be transitioning to other duties within the  
19 Department. The gentleman to my right, Carl Hammaker, has  
20 been attending many of these meetings in the last several  
21 months and so he is going to replace Joe at the table. But  
22 I will tell you to be very watchful and attentive because he  
23 actually has the Robert's Rules of Order with him. All  
24 right? And tabbed. So, everyone, beware. We all have to  
25 be on our toes now. So seriously, Carl, welcome aboard.

1 Glad you're here.

2 MR. HAMMAKER: Thank you, Chip.

3 MR. FALAHEE: Carl is both a J.D. and an M.D.

4 Anything else you'd like to say?

5 MR. HAMMAKER: I think that's plenty.

6 MR. FALAHEE: All right. So let's proceed. We've  
7 moved to the second item on our agenda which is the review  
8 of the agenda. The revised agenda was sent out to us last  
9 night and Tania passed it out at our tables this morning.  
10 Any changes or comments to that agenda? If not, I would  
11 entertain a motion to accept that as the final agenda for  
12 this morning's meeting.

13 MR. HUGHES: So moved.

14 MR. MITTELBRUN: Second, Mittelbrun.

15 MR. FALAHEE: All in favor?

16 ALL: Aye.

17 MR. FALAHEE: Opposed? Okay. That agenda is  
18 approved.

19 (Whereupon motion passed at 9:42 a.m.)

20 MR. FALAHEE: And just as a reminder, make sure we  
21 say our name when we're talking. Next, declaration of  
22 conflicts of interest. Do any of the commissioners looking  
23 at the agenda that we have in front of us have any conflicts  
24 of interest they wish to declare? Hearing none, we'll  
25 proceed. Next item, review of the minutes of our meeting

1 back in June. The minutes were passed out in our agendas.  
2 I would entertain a motion to accept those minutes as  
3 presented, please.

4 DR. GARDNER: Motion to accept, Gardner.

5 MS. LALONDE: Lalonde, second.

6 MR. FALAHEE: Thank you. Motion made and  
7 seconded. All in favor say "aye."

8 ALL: Aye.

9 MR. FALAHEE: Opposed? All right. We move  
10 forward.

11 (Whereupon motion passed at 9:42 a.m.)

12 MR. FALAHEE: Onto the substantive part of the  
13 agenda. We have first on the agenda Open Heart Surgery  
14 Services, the public hearing summary. We'll get into public  
15 comment, Commission discussion, and then Commission final  
16 action. And I at this point don't have any cards for that  
17 topic or the next topic. I have one card in support. But,  
18 so if you have any cards to submit, please do so at the time  
19 while I turn to Beth for the summary.

20 MS. NAGEL: Good morning. This is Beth. The  
21 Commission took proposed action on the draft language at the  
22 June 14th, 2018 meeting. A public hearing was held on July  
23 19th, 2018. Written testimony was received from one  
24 organization. The testimony is in your meeting packet along  
25 with an overview of that testimony.

1           The Department supports the proposed language as  
2           presented at the June 14th CON Commission meeting. If the  
3           Commission chooses to take final action on the language for  
4           the standard presented, which is Open Heart Surgery, the  
5           draft would then move to the JLC and the Governor for the  
6           45-day review period. Please note that this language is  
7           connected with Cardiac Catheterization draft language,  
8           specifically Section 5(3) of those standards and so they  
9           need to be linked together.

10           MR. FALAHEE: Any commissioner questions of Beth  
11           with that summary or the process? Great. I don't have any  
12           cards for public testimony. Is anyone interested in  
13           testimony on this issue? Okay. Seeing none, move to  
14           Commission discussion. Any comments, questions, concerns  
15           from the Commission members? Seeing none, I'll entertain a  
16           motion for final action. And I'll just add that, as Beth  
17           said, this and the next agenda item, Cardiac Cath, are  
18           tie-barred together because of the language in each. It  
19           doesn't mean we have to approve both now. We'll do it one  
20           by one. So the first, I'd entertain a motion on the Open  
21           Heart Surgery Services language.

22           MS. BROOKS-WILLIAMS: Okay. Commissioner  
23           Brooks-Williams. I have not done this before; right? Ha  
24           ha. But I move that we move the Open Heart Surgery  
25           recommendations forward --

1 MS. NAGEL: 45-day review period.

2 MS. BROOKS-WILLIAMS: -- for the 45-day review  
3 period --

4 MS. NAGEL: And sent to the JLC and the Governor.

5 MS. BROOKS-WILLIAMS: -- and sent to the JLC and  
6 the Governor. That's my motion.

7 MR. MITTELBRUN: Mittelbrun, second.

8 MR. FALAHEE: Okay. We have a motion and a  
9 second. Any questions from the commissioners? Any  
10 discussion? Seeing none, hearing none, all in favor of the  
11 motion say aye.

12 ALL: Aye.

13 MR. FALAHEE: Opposed? That motion carries.

14 (Whereupon motion passed at 9:45 a.m.)

15 MR. FALAHEE: We next move into the Cardiac  
16 Catheterization item and, again, I don't have any cards to  
17 talk. I have one card in support, but I'll turn to Beth  
18 again for the summary, please.

19 MS. NAGEL: Okay. The summary is very similar to  
20 Open Heart Surgery. The Commission took proposed action on  
21 the draft language at the June 2018 meeting. A public  
22 hearing was held on July 19th of 2018. Written testimony  
23 was received from four organizations and two individuals.  
24 The testimony can be found in your meeting packet along with  
25 a memo providing an overview of that testimony.

1           The Department supports the language as presented  
2           at the June 2018 CON Commission meeting. If the Commission  
3           chooses to take final action on the language for the  
4           standard as presented today, the draft would then move to  
5           the JLC and Governor for the 45-day review period.

6           MR. FALAHEE: Thank you, Beth. Any questions of  
7           Beth from the commissioners? Okay. Last call for anyone  
8           that chooses to make any public comment. All right. Good.  
9           Commission discussion? Seeing none, hearing none, I'll  
10          entertain a motion.

11          MS. BROOKS-WILLIAMS: Commissioner  
12          Brooks-Williams. I move that we move the Cardiac  
13          Catheterization language forward for the 45-day review  
14          period to the JLC and then to the Governor.

15          MR. MITTELBRUN: Mittelbrun, second.

16          MR. FALAHEE: Motion on the floor. Any  
17          discussion? All those in favor of the motion say "aye."

18          ALL: Aye.

19          MR. FALAHEE: Opposed? That motion carries.

20          (Whereupon motion passed at 9:47 a.m.)

21          MR. FALAHEE: For Commissioner Dood, just so you  
22          know, there are certain requirements that at least the  
23          chairman forgets about 45-day review and going to the Joint  
24          Legislative Committee, that's the JLC, and then the  
25          Governor. That's why if we forget, the people to my right

1 make sure I don't forget. That's what's going on. Okay.  
2 Thank you for that. Moving on to the next agenda item, it's  
3 the Hospital Beds Recalculation of Bed Need Numbers. The  
4 written report is in our packet and you can see that report  
5 that's page 74, beginning on page 74 of our packet. I don't  
6 know, Beth, did you want to summarize anything or give a  
7 status report or do you want to do --

8 MS. NAGEL: Sure. Within the Hospital Bed  
9 standards, specifically Section 5(2), the Department has to  
10 recalculate the hospital bed need numbers. Accordingly, the  
11 Commission needs to set the effective date of the bed need  
12 numbers pursuant to Section 5(3) of the Hospital Bed  
13 standards. Those numbers have been run and, as your  
14 chairman said, they are in the packet. The Department does  
15 have a recommendation of the effective date of October 1.

16 MR. FALAHEE: October 1 -- Falahee -- would  
17 obviously match the start of the State's fiscal year.

18 MS. NAGEL: (Nodding head in affirmative)

19 MR. FALAHEE: So it's up to us as the  
20 commissioners to, number one, if we have any questions about  
21 this, to raise them and then if we don't have any questions,  
22 then to set the effective date. I, for one, am totally  
23 comfortable with the October 1 date. Let's start with does  
24 anyone have any questions about the report we have in front  
25 of us? Okay. Seeing none, I think the next item of

1 business then would be to set the effective date. So I  
2 would entertain a motion as to that.

3 MR. MITTELBRUN: Mittelbrun. Motion to accept the  
4 Department's recommendation of October 1st, 2018, for the  
5 recalculation of the bed need numbers.

6 MR. FALAHEE: Is there a second for that?

7 MR. HUGHES: Hughes. Second.

8 MR. FALAHEE: Thank you. Any questions? Any  
9 discussion? We have a motion on the floor. All those in  
10 favor of the motion say "aye."

11 ALL: Aye.

12 MR. FALAHEE: Opposed? Okay. That motion  
13 carries.

14 (Whereupon motion passed at 9:50 a.m.)

15 MR. FALAHEE: I will also add to Commissioner  
16 Dood, don't assume that every meeting goes this fast. We  
17 have been here before until 1:30, so don't think this is  
18 typical. It's not the chairman.

19 Next item, the review draft of the CON Commission  
20 biennial report. Again, that is -- this is a working draft.  
21 It begins on page 80 of our agenda. And I will tell you  
22 that though the commissioners, the chairman and the vice  
23 chairman's names sign this, let's just say the work isn't  
24 done by the chairman and the vice chairman. The work is  
25 done by the people to my right. But, Beth, if you want to

1 comment about it or Tulika or whomever?

2 MS. NAGEL: Absolutely. In the statute that  
3 created the Certificate of Need Commission, one of the  
4 requirements is that every two years on a biennial basis  
5 that the Commission reports to the Joint Legislative  
6 Committee on some specific parts of the program and one of  
7 those is to make a comment about the general effectiveness  
8 and efficacy of the program, and the second is to make any  
9 recommendations to the legislature about the Certificate of  
10 Need program. And so you'll see -- Tania, if you go down a  
11 little bit? Most of what's written in the report is based  
12 on reports that we've provided to you throughout the last  
13 two years. But a little further down to the highlighted  
14 section? A little bit -- yeah, kind of I think down here  
15 (indicating). This is where the Commission can either make  
16 a recommendation to the legislature or make no  
17 recommendations to the legislature. But either way this  
18 part of the report needs to be addressed. And there are  
19 other areas of the report that are highlighted or in red  
20 text that were dependent upon the action that you took today  
21 and so those will be updated accordingly as well.

22 MR. FALAHEE: Any questions of Beth about the  
23 report? What happens internally is that we work with Beth  
24 and Brenda and others to put this together, then it comes  
25 back to Tom and I as the vice chair and the chair to review

1 and edit as we see fit, and then it's finalized and then  
2 it's sent off. So any questions at all? Do we need to  
3 approve that?

4 MS. NAGEL: You don't need to approve it. Just  
5 any comments or edits.

6 MR. FALAHEE: Okay. I'm fine with it as is.  
7 Moving on then to our next agenda item, Megavoltage  
8 Radiation Therapy Services Standard Advisory Committee.  
9 Again, that is in our packet beginning on page 92. It's a  
10 written report. oh, but Dr. Kastner is not here, who was not  
11 expected to be here, who was not required to be here. He  
12 didn't shirk his responsibilities. But he gave us a  
13 one-page report. Does anyone have any questions or comments  
14 that we can relay through the Department to that SAC? Any  
15 comments or questions?

16 I have one. So I'm going to refer you to the  
17 second to the last paragraph where, "The SAC began to review  
18 current volume requirements." And you'll see the last  
19 sentence of that paragraph says -- and thank you, Tania, for  
20 putting that up there.

21 "After thorough discussion of cost, quality, and  
22 access, we agreed that any unit delivering at least  
23 4000 ETV per year should not be subject to regulatory  
24 sanction."

25 The current threshold is 8,000. The SAC, at least

1 at this point, is recommending we take it down to 4,-. They  
2 say "based on thorough discussion of cost, quality, and  
3 access." Well, I would like to know more about that  
4 discussion. Okay? Because from a cost perspective, one  
5 would argue that the more there are, the cost is spread over  
6 a wider base than the fewer. You could argue many different  
7 ways on that. As to quality, some would say that the more  
8 you do of anything the better you are at it. So what do we  
9 do about quality? What happens if we do reduce it from  
10 8,000 to 4,000, 6,000 whatever, what happens to quality in  
11 that regard?

12 And last is access and the question I've got there  
13 is, as far as I know, the Department has never taken away in  
14 this case in MRT if they drop below the volume, especially  
15 in areas where there might be -- that might be the only MRT  
16 within 30 or 45 minutes. All right? So I have questions  
17 for the SAC. I'm not being critical of the SAC. I just  
18 have questions to say what drove the discussion and the  
19 decision or the initial conclusion to drop it from 8,000 to  
20 4,000? And I welcome the opportunity to hear from Dr.  
21 Kastner when he reports back in person what led to that,  
22 what was the discussion, because at least this commissioner  
23 has some questions. So if I can ask the Department somehow  
24 to get that to him and the SAC, that'd be great. Any other  
25 comments or questions?

1 MS. GUIDO-ALLEN: Agree. Debbie Guido-Allen.

2 Agree with your concerns.

3 MR. FALAHEE: Thank you. Anybody else? As those  
4 of you who have been on the Commission for awhile know it's  
5 quite often for a SAC to report back on an interim basis in  
6 writing, not in person. When the SAC is finished meeting  
7 and has its final report, that's when the chairman and  
8 sometimes the vice chairman will appear in front of us, not  
9 subject to the three-minute rule, but give us a full  
10 run-down of the SAC report where we can ask them question  
11 after question after question so we get an idea of what's  
12 going on and why the recommendation is there.

13 MR. MITTELBRUN: I have one. Mittelbrun. I'm  
14 just trying to recirculate my memory. It seems to me there  
15 was a comment. The reason they were considering this is  
16 because there were so few meeting the minimum requirements  
17 and what were the ramifications of not meeting the minimum  
18 requirements?

19 MS. NAGEL: That's a good question. Thirty  
20 percent of the MRT services were not meeting the volume  
21 requirement. The Department did take compliance action with  
22 each of those facilities. We certainly -- in the statute  
23 that governs Certificate of Need compliance, the Department  
24 has broad discretion and we certainly took into account  
25 issues like access and quality and other mitigating factors

1           that might go into not meeting their volume and we were able  
2           to enter into settlement agreements with each of those  
3           facilities.

4                       MR. MITTELBRUN: Thank you.

5                       MR. FALAHEE: Other questions? Okay. So thank  
6           you for that. Next is another written report. This is on  
7           Psychiatric Beds and Services work group, and you see the  
8           report beginning on page 95. And, Beth, you want to  
9           summarize that at all or --

10                      MS. NAGEL: No.

11                      MR. FALAHEE: It is what it is?

12                      MS. NAGEL: It is the -- yup, the written report.  
13           Well, I guess now that you've given it to me, I might --  
14           they have met just one time. The next time that they meet  
15           will be later in October. So this is just the summary of  
16           their first meeting.

17                      MR. FALAHEE: And, again, this work group is led  
18           by Dr. Hirshbein and I talked to her as we got started on  
19           this. Much like Dr. Kastner on the earlier one, both very  
20           qualified, very interested in helping out on the SAC and the  
21           work groups. I look forward to the final conclusion on  
22           these. Any questions from the commissioners about this  
23           report so far? Okay. We'll accept that as it is. Move on  
24           to the next agenda item. Legislative report. I've got a  
25           little bit wearing my other hats, but welcome the

1 Department's comments.

2 MS. NAGEL: Sure. Matt Lori could not be here  
3 today, but did ask me to send his regards and his apologies  
4 for not being able to attend. He does not have a  
5 legislative update at this time.

6 MR. FALAHEE: And those commissioners know that I  
7 interact with legislators quite a bit and one member of the  
8 legislature said to me earlier this summer that if that  
9 member of the legislature was the Governor, he would say to  
10 the chairman of the Commission and the fellow commissioners,  
11 "What can you do to put yourself out of business in three  
12 years?" That's nothing new for us. We always know that the  
13 legislators, as they should, are looking at what we do and  
14 how we do it and what we provide. So just to -- it's a  
15 continuation that they're not being critical of the program,  
16 they're just questioning it as is their prerogative and we  
17 continue to meet with them as needed. Obviously we'll have  
18 a change of administration here coming up and we'll see what  
19 that does and we'll continue to advocate for the CON program  
20 because I don't think any of us would sit here if we didn't  
21 believe the program itself. So I'll keep you posted with  
22 what I find out at outings and golf courses and wherever  
23 else we might pick this up. Okay. Let's --

24 MR. DOOD: Yeah. Lindsey Dood, Commissioner Dood.  
25 I wondered a little bit about the report for the Psychiatric

1           Beds aside from that legislative action that they're  
2           recommending to conform the definition of and of the  
3           legislative report. Is there something being done with that  
4           or is that on our shoulders to move that somewhere?

5                   MR. FALAHEE: I'll answer and then I'll turn it to  
6           my friends to the right. That is more -- that's a much  
7           broader scope than the CON Commission, so that's not on our  
8           shoulders to use your words, Commissioner Dood. This is  
9           Falahee. It's something that I think is a wise issue to  
10          tackle, to look at. The entire scope of license practicing  
11          at the top of your license has been an issue in the state  
12          regardless of what profession you have for quite awhile. So  
13          I know it's being discussed. I was on a panel appointed by  
14          the Governor to look at changes in the Public Health Code.  
15          This is one of the things we talked about in that panel, the  
16          top of license kinds of issues. So it's not within the CON  
17          Commission purview, but I'm not surprised that they  
18          identified it as something to look at. I'll turn to anyone  
19          at my right if they want to say anything more?

20                   MS. NAGEL: That was a excellent summary and I  
21          would only add that the Department is taking this  
22          recommendation very seriously and we are looking at it, at  
23          our level.

24                   MR. FALAHEE: Anything else on that? Thank you.  
25          Okay. Let's move on, administrative update.

1 MS. NAGEL: This is Beth. And as you know, we are  
2 currently in the middle of the Megavoltage Radiation Therapy  
3 Standard Advisory Committee. We're also proceeding forward  
4 with the Psychiatric Beds and Services work group. In  
5 addition to that, we plan to start the nomination process  
6 for the Bone Marrow Transplant Standard Advisory Committee  
7 later in October with meeting dates projected to start in  
8 early 2019. Also later in October we will hold our annual  
9 public comment period for the standards that are up for  
10 review in 2019. You will certainly hear more about that as  
11 we set those dates and make those announcements. But just  
12 to wet your whistle, the 2019 standards for review are air  
13 ambulance, NICU, nursing homes, lithotripsy, and CT  
14 machines.

15 MR. FALAHEE: Thank you. And Commissioner Dood,  
16 just so you know, we talked a little bit on orientation,  
17 there's a cycle, like a three-year cycle as things get  
18 reviewed on a three-year cycle. That's why, as Beth just  
19 said, here's what's coming up, sneak preview of 2019.

20 Next is CON evaluation section update.

21 MS. BHATTACHARYA: Good morning. This is Tulika.  
22 So in your packet there are two reports. One is a summary  
23 of all of the activities in terms of application review,  
24 decisions issued, and the timeliness of those, and the  
25 second one is the compliance activity report. If you have

1 any questions, I'll be happy to answer.

2 Just in summary, we are in the middle of doing or  
3 completing the statewide compliance reviews for NICU beds,  
4 Special Care Nursery Services, and Lithotripsy Services  
5 statewide. We were hoping to do Computer Tomography as  
6 well, but just time -- ran out of time for lack of other  
7 words. We are also doing the follow-up statewide compliance  
8 review for Open Heart Surgery Services.

9 MR. FALAHEE: Tulika, is that the end? Do you  
10 want to do quarterly performance measures at all or --

11 MS. BHATTACHARYA: No. If you have any questions,  
12 otherwise those are just the statistics.

13 MR. FALAHEE: So for Commission Dood's benefit,  
14 every time we get together we have these reports and most of  
15 them, 99 percent is in there (indicating) so if you have any  
16 questions or we have any questions we can ask Tulika, Beth.  
17 There's another person that's not here today, something to  
18 do with a family wedding, and that would be Brenda Rogers.  
19 So Brenda is another person that we rely on to help us do  
20 our job as well. Okay. Legal activity report?

21 MR. HAMMAKER: Thank you. Yes, Carl Hammaker.  
22 There is currently one pending case in the Administrative  
23 Hearing System regarding the expiration of a CON. I've  
24 included the report in your packet. I'd be happy to answer  
25 any questions. It's still at the very beginning stages and

1 set for a status conference on October 18th. Otherwise, the  
2 Department of Attorney General remains here to help with the  
3 development of standards and offer legal advice to the  
4 Department.

5 MR. FALAHEE: Any questions? I'll add that, as  
6 chairman and vice chairman, I quite often interact with the  
7 Attorney General's office with questions that I've got or  
8 questions that I get from people calling in to say, "Hey,  
9 what about this?" And I've quite often referred those to  
10 Mr. Potchen and now Mr. Hammaker. Always very prompt,  
11 always very helpful, and I think we're lucky to have them  
12 helping us and the Department as we move forward. So that's  
13 the legal activity report.

14 We've got public comment coming up in a couple  
15 sessions in case anybody has that. But future meeting  
16 dates, for those in the audience, just so you've got them on  
17 your calendars, our next meeting is December 6. That will  
18 be our last meeting of this calendar year. Then in '19 the  
19 meetings are: January 31 and that's the special Commission  
20 meeting where we sort of plot the course for the next year,  
21 so that's January 31; and then March 21, June 13, September  
22 19, and December 5 of next year. So put those on your  
23 calendar.

24 That moves us to public comment. Anyone out there  
25 want to make any public comment? Yes, ma'am, if you would



1 and you might be able to get two more words into that,  
2 but --

3 MS. CAROLINE FULLER: Okay.

4 MR. FALAHEE: Three minutes. Go ahead and tell us  
5 what you'd like to tell us and then if we have questions,  
6 you can go ahead and ask your questions at that point,  
7 please.

8 MS. CAROLINE FULLER: Basically, defibrillators  
9 and pacemakers will be -- being performed in an outpatient  
10 setting outside of Michigan and we're being told we need a  
11 separate CON to perform them in an ambulatory surgery  
12 center. And we think we have the ideal place to do that, so  
13 we submitted letters. And we're here today because we were  
14 told to attend, but we've submitted information already so I  
15 don't know if I'm in the right area.

16 MR. FALAHEE: Okay.

17 MS. CAROLINE FULLER: I'm thinking you're the  
18 person I need to speak to, but --

19 MR. FALAHEE: Well, we'll leave that open for  
20 debate.

21 MS. CAROLINE FULLER: Okay.

22 MR. FALAHEE: But let me -- this is Falahee. Mr.  
23 Hammaker pointed out that there is a letter. I'm sorry. I  
24 missed it when I went through it.

25 MS. CAROLINE FULLER: That's okay.

1 MR. FALAHEE: It's on page 64 of our packets.

2 MS. CAROLINE FULLER: I'd like to see it more.

3 MR. FALAHEE: Yeah. Well, I don't know if you  
4 sent it in. But the request is to review the capability of  
5 ASCs to perform procedures in a safe manner. I, number one,  
6 thank you. Thank you for being here and thank you for  
7 submitting your letter. As you heard, we have a regular  
8 cycle of how our standards are reviewed, analyzed, amended.  
9 And to the extent that you or anyone else would like to see  
10 changes in that, get involved in that process. For example,  
11 you just heard what's coming up in 2019, and that's how to  
12 get involved on the ground floor, whether we set up a  
13 Standards Advisory Committee or a work group. If you or  
14 anybody else want to see changes or recommend changes,  
15 that's when to do it.

16 MS. CAROLINE FULLER: Would love to be involved in  
17 that.

18 MR. FALAHEE: Okay. Well, I'm sure the Department  
19 will take notice. I also notice that in here you offer a  
20 pilot project. It's exceedingly rare for the Commission to  
21 do pilot projects. But, again, I would encourage you to get  
22 involved in the process as part of the normal cycle of  
23 standards.

24 MS. CAROLINE FULLER: Okay. Thank you.

25 MR. FALAHEE: Thank you. Appreciate it. Other

1 public comment? All right. Then we will turn to Commission  
2 work plan and any changes that we made to that today. Beth?

3 MS. NAGEL: Based on your action today there are  
4 no changes to the work plan as presented in your packet.

5 MR. FALAHEE: Any questions of Beth? Does the  
6 October 1 date have to be reflected because that's not in  
7 the work plan itself, is it?

8 MS. NAGEL: It is under October. It says public  
9 comment period -- oh, I'm sorry, for Hospital Beds? No,  
10 that doesn't need to be more.

11 MR. FALAHEE: Okay. All right. Thank you. Any  
12 questions of Beth? We are then -- oh, we have to accept  
13 that.

14 MS. NAGEL: Yes.

15 MR. FALAHEE: Yes. So I'd entertain a motion to  
16 accept the Commission work plan as presented.

17 MS. GUIDO-ALLEN: Guido-Allen. Motion to accept  
18 the work plan as presented.

19 MR. FALAHEE: Second?

20 MR. MITTELBRUN: Mittelbrun. Second.

21 MR. FALAHEE: Motion on the floor. All those  
22 in -- any discussion? All those in favor say "aye."

23 ALL: Aye.

24 MR. FALAHEE: Opposed?

25 (Whereupon motion passed at 10:11 a.m.)

1                   MR. FALAHEE: Good. We are now at adjournment.  
2                   Please remember this folks. This doesn't happen very often.  
3                   I'd entertain a motion for adjournment.

4                   MS. GUIDO-ALLEN: Guido-Allen. Motion to adjourn.

5                   MR. FALAHEE: Second?

6                   MS. LALONDE: Lalonde. Second.

7                   MR. FALAHEE: All in favor say "aye."

8                   ALL: Aye.

9                   MR. FALAHEE: Thank you, everyone. We are  
10                  adjourned. Safe travels through the rain on the way back.

11                  (Proceedings concluded at 10:12 a.m.)

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