

**MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (MDHHS)  
CERTIFICATE OF NEED (CON) COMMISSION MEETING**

Thursday, January 27, 2022

In-Person and Zoom Meeting

**DRAFT MINUTES**

**I. Call to Order and Introductions**

Chairperson McKenzie called the meeting to order at 9:34 a.m.

A. Members present:

Amy L. McKenzie, MD, Chairperson  
Amy Engelhardt-Kalbfleisch, DO  
Eric Ferguson, MD  
Debra Guido-Allen, RN  
Ashok Kondur, MD  
Melanie K. Lalonde  
Lorissa MacAllister  
Renee Turner-Bailey  
Donald Haney

B. Members present and participating remotely:

None.

C. Members Absent:

James Falahee, Jr., JD, Vice-Chairperson  
Justin B. Dimick, MD

D. Department of Attorney General Staff:

Brien Heckman

E. Michigan Department of Health and Human Services Staff Present:

Tulika Bhattacharya  
Kenneth Wirth  
TJ Youngquist

## **II. Review of Agenda**

Motion by Commissioner Ferguson, seconded by Commissioner Lalonde to approve the agenda as presented. Motion carried.

## **III. Declaration of Conflicts of Interests**

None.

## **IV. Review of Minutes of December 9, 2021**

Motion by Commissioner Ferguson, seconded by Commissioner Turner-Bailey to approve the minutes as presented. Motion carried.

## **V. Megavoltage Radiation Therapy (MRT) Services/Units – Action on Amendment to MRT Review Standards Section 4, including seating a SAC or workgroup, charging the Department with drafting language for review at next Commission meeting, scheduling a public hearing on proposed language without a SAC or workgroup, or approval of language to the extent possible**

Mr. Wirth gave an overview of the identified issue and the Department's recommendations.

### **A. Public Comment**

1. A. Stolaruk – ProMedica

### **B. Commission Discussion**

Discussion followed.

### **C. Commission Action**

Motion by Commissioner Ferguson, seconded by Commissioner Haney to create an informal workgroup to review the issues identified by the Department; delegate to the chairperson to draft the charge and appoint a chairperson.

A roll call vote followed:

McKenzie – yes  
Engelhardt-Kalbfleisch – yes  
Ferguson – yes  
Guido-Allen – yes

Kondur – yes  
Lalonde – yes  
MacAllister – yes  
Turner-Bailey – yes  
Donald Haney – yes

Motion carried.

## **VI. Air Ambulance Services – October 8 – 22, 2021 Public Comment Period Summary & Report**

Mr. Wirth gave an overview of the public comment period summary and the Department's recommendations (Attachment B).

### A. Public Comment

None.

### B. Commission Discussion

Discussion followed.

### C. Commission Action

Motion by Commissioner Haney, seconded by Commissioner Kondur to accept the Departments recommendation as presented to continue regulation until the Department's Emergency Medical Services (EMS) Licensing can update its rules to include Air Ambulance specific requirements.

Discussion on motion followed.

A roll call vote followed:

McKenzie – yes  
Engelhardt-Kalbfleisch – yes  
Guido-Allen – yes  
Kondur – yes  
Lalonde – yes  
MacAllister – yes  
Turner-Bailey – yes  
Haney – yes

Motion carried.

**VII. Computed Tomography (CT) Scanner Services – October 8 – 22, 2021  
Public Comment Period Summary & Report**

Mr. Wirth gave an overview of the public comment period summary and the Department's recommendations (Attachment C).

A. Public Comment

None.

B. Commission Discussion

None.

C. Commission Action

Motion by Commissioner Haney, seconded by Commissioner Kondur to accept the Department's recommendation (Attachment C) as presented to continue regulation and to form a workgroup to make recommendations for the issues identified; delegate to the chairperson to draft the charge and appoint a chairperson for the workgroup.

A roll call vote followed:

McKenzie – yes  
Engelhardt-Kalbfleisch – yes  
Ferguson – yes  
Guido-Allen – yes  
Kondur – yes  
Lalonde – yes  
MacAllister – yes  
Turner-Bailey – yes  
Haney – yes

Motion carried.

Recessed at 10:36 a.m. and reconvened at 10:59 a.m.

**VIII. Neonatal Intensive Care Services/Beds (NICU) – October 8 – 22, 2021  
Public Comment Period Summary & Report**

Mr. Wirth gave an overview of the public comment period summary and the Department's recommendations (Attachment D).

A. Public Comment

None.

B. Commission Discussion

None.

C. Commission Action

Motion by Commissioner Guido-Allen, seconded by Commissioner Haney to accept the Department's recommendation (Attachment D) as presented to continue regulation and to charge the Department with drafting language to review at a future meeting for the issues identified.

McKenzie – yes  
Engelhardt-Kalbfleisch – yes  
Ferguson – yes  
Guido-Allen – yes  
Kondur – yes  
Lalonde – yes  
MacAllister – yes  
Turner-Bailey – yes  
Haney – yes

Motion carried.

**IX. Nursing Home and Hospital Long-Term Care Unit Beds and Addendum for Special Population Groups (NH-HLCTU) – October 8 – 22, 2021 Public Comment Period Summary & Report**

Mr. Wirth gave an overview of the public comment period summary and the Department's recommendations (Attachment E).

A. Public Comment

1. M. Reitz – RWC Advocacy & Ciena Healthcare
2. P. Anderson – Health Care Association of Michigan

B. Commission Discussion

Discussion followed.

C. Commission Action

Motion by Commissioner Haney, seconded by Commissioner MacAllister to accept the Department's recommendation (Attachment E) as presented to continue regulation and to form a workgroup to

make recommendations for the issues identified by the Department, for public health epidemic language, and for the process of closing homes in order to rebuild (building program agreements); delegate to the chairperson to draft the charge and appoint a chairperson for the workgroup.

A roll call vote followed:

McKenzie – yes  
Engelhardt-Kalbfleisch – yes  
Ferguson – yes  
Guido-Allen – yes  
Kondur – yes  
Lalonde – yes  
MacAllister – yes  
Turner-Bailey – yes  
Haney – yes

Motion carried.

**X. Urinary Extracorporeal Shock Wave Lithotripsy (UESWL)  
Service/Units – October 8 – 22, 2021 Public Comment Period  
Summary & Report**

Mr. Wirth gave an overview of the public comment period summary and the Department's recommendations (Attachment F).

A. Public Comment

None.

B. Commission Discussion

Discussion followed.

C. Commission Action

Motion by Commissioner Guido-Allen, seconded by Commissioner Englehart to accept the Department's recommendation (Attachment F) for no changes at this time. The next scheduled review will be in 2025.

A roll call vote followed:

McKenzie – yes  
Engelhardt-Kalbfleisch – yes  
Ferguson – yes

Guido-Allen – yes  
Kondur – yes  
Lalonde – yes  
MacAllister – yes  
Turner-Bailey – yes  
Haney – yes

Motion carried.

## **XI. Public Comment**

1. M. Biersack – Mercy Health St. Mary's
2. D. Walker – Spectrum Health
3. T. Dietz – Henry Ford Health System

Motion by Commissioner Ferguson, seconded by Commissioner MacAllister to seat a Heart/Lung and Liver (HLL) Transplantation Services SAC to make recommendations for the issues identified; delegate to the chairperson to draft the charge and seat the SAC.

Discussion followed.

Commissioner Ferguson withdrew motion to seat a SAC to make recommendations for the issues identified.

Motion by Commissioner Ferguson, seconded by Commissioner Kondur to add the following item to the CON Commission meeting agenda for March 17, 2022: Heart/Lung and Liver (HLL) Transplantation Services.

A roll call vote followed:

McKenzie – yes  
Engelhardt-Kalbfleisch – yes  
Ferguson – yes  
Guido-Allen – yes  
Kondur – yes  
Lalonde – yes  
MacAllister – yes  
Turner-Bailey – yes  
Haney – yes

Motion carried.

## **XII. Review of Commission Work Plan**

Mr. Wirth provided an overview of the changes to the Work Plan including actions taken at today's meeting (Attachment G).

A. Commission Discussion

None.

B. Commission Action

None.

**XIII. Future Meeting Dates:** March 17, 2022, June 16, 2022, September 15, 2022, and December 8, 2022

**XIV. Adjournment**

Motion by Commissioner Turner-Bailey, seconded by Commissioner Lalonde to adjourn the meeting at 12:08 p.m. Motion Carried.