

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

Thursday, September 15, 2022

In-Person and Zoom Meeting

APPROVED 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
James Falahee, Jr., JD, Vice-Chairperson
Ashok Kondur, MD
Donald Haney
Amy Engelhardt-Kalbfleisch, DO
Debra Guido-Allen, RN
Lorissa MacAllister, PhD
Eric Ferguson, MD
Renee Turner-Bailey

B. Members present and participating remotely:

None.

C. Members Absent:

Justin B. Dimick, MD
Melanie Lalonde

D. Department of Attorney General Staff:

Brien Heckman

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

Tulika Bhattacharya (remote)
Kenny Wirth
Beth Nagel
Kate Tosto
Brad Barron

II. Review of Agenda

Motion to amend agenda to allow for partial Public Comment period moved up in agenda and approval of agenda by Commissioner Ferguson, seconded by Commissioner Haney to approve the agenda as presented.

A roll call vote followed.

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Englehardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Present
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

III. Declaration of Conflicts of Interests

None.

Special Public Comment Period

1. Jack Curtis – Township Supervisor, Oxford Township
2. Sheriff Michael Bouchard – Oakland County
3. Chief Peter Scholz – Oxford Fire Department
4. Chris Barnet – Supervisor, Orion Township

IV. Review of Minutes of June 16, 2022

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

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Englehardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

V. Psychiatric Beds and Services Informal Workgroup – Final Report & Draft Language

Psychiatric Beds and Services Informal Workgroup Chairperson Dr. Subodh Jain, MD, provided a written report and presentation.

Questions and answers to Psychiatric Beds and Services Informal Workgroup Chairperson Jain followed.

A. Public Comment

1. Scott Miles, Universal Health Services
2. Rob Casalou, Trinity
3. Bob Nykamp, Pine Rest
4. Kathy Dollard, MyMichigan Health
5. Stacy Leick, Economic Alliance of Michigan (written comment)
6. Dave Walker, Spectrum
7. Melissa Reitz, McCall-Hamilton
8. Tom Stankewicz, Trinity Health

B. Commission Discussion

Discussion followed.

C. Commission Proposed Action

Motion by Commissioner Falahee to send two drafts of Psychiatric Beds & Services standards for public comment. 1 – Draft as presented to Commission. 2 – Draft with Department language to address Med-Psych beds issue. Seconded by Commissioner MacAllister.

A roll call vote followed.

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Engelhardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

VI. Positron Emission Tomography (PET) Standard Advisory Committee (SAC) – Final Report & Draft Language

PET SAC Chairperson Dr. Daniel T. Myers, MD, provided a written report and presentation.

Questions and answers to PET SAC Chairperson Myers followed.

A. Public Comment

None

B. Commission Discussion

None

C. Commission Proposed Action

Motion to submit draft language to public comment and the JLC made by Commissioner Falahee, seconded by Ferguson.

A roll call vote followed.

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Engelhardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

VII. Neonatal Intensive Care Services/Beds (NICU) – Draft Language

Tosto presented draft language.

A. Public Comment

None

B. Commission Discussion

None

C. Commission Proposed Action

Motion to submit draft language to public comment and the JLC made by Commissioner Falahee, seconded by Commissioner Engelhardt-Kalbfleisch.

A roll call vote followed.

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Engelhardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

VIII. CON Commission Bylaws Update (Article VII)

Dept. Attorney General Brien Heckman presented update to CON Commission Bylaws Article VII.

A. Commission Discussion

B. Commission Final Action

Commissioner Falahee motioned to approve all changes as presented, Ferguson seconded.

A roll call vote followed.

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Engelhardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

IX. Magnetic Resonance Imaging (MRI) Services – Public Hearing Summary

Wirth provided a summary on the MRI Services Public Hearing.

A. Public Comment

None

B. Commission Discussion

None

C. Commission Final Action

Motion to approve final action and send language to the JLC and Governor for 45 day review made by Commissioner Ferguson, seconded by Kondur.

A roll call vote followed:

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Engelhardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

X. Megavoltage Radiation Therapy (MRT) Services/Units – Public Hearing Summary

Tosto provided a summary on the MRT Services/Units Public Hearing.

A. Public Comment

None

B. Commission Discussion

None

C. Commission Final Action

Motion to approve final action and send language to the JLC and Governor for 45 day review made by Commissioner Ferguson, seconded by Commissioner Haney.

A roll call vote followed:

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Engelhardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

XI. Review of Draft of CON Commission Biennial Report to Joint Legislative Committee (JLC)

Chairperson Amy McKenzie presented the CON Commission Biennial Report to the JLC.

Commissioner Haney moved to approve the draft for the report, Kondur seconded.

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Engelhardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

XII. Legislative Update

Tosto provided an update.

XIII. Administrative Update

A. Commissions & Special Projects Section Update provided by Wirth, including update on Rural Emergency Hospital legislation.

B. CON Evaluation Section Update provided by Bhattacharya including a Compliance Report and Quarterly Performance Measures.

XIV. Legal Activity Report

Legal Activity Report provided by Dept Attorney General Brian Heckman.

XV. Public Comment

1. Senator Rosemary Bayer
2. Emily Busch, Oxford
3. Philip Levy, Wayne State University and Wayne Health
4. Tom Hartle, Mobile Insite, Inc.

Discussion followed.

XI. Review of Commission Work Plan

Wirth provided an overview of the changes to the Work Plan including actions taken at today's meeting to be added.

A. Commission Discussion

None

B. Commission Action

Motion by Commissioner Falahee, seconded by Commissioner Kondur to accept the Work Plan as presented with updates from today's meeting.

A roll call vote followed:

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Engelhardt-Kalbfleisch - Yes

Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

XII. Future Meeting Dates: December 8, 2022, January 26, 2022, and March 16, 2023, July 15, 2023, & September 14, 2023.

Discussion to change to in-person meetings with testimony in-person to minimize feedback and technology issues.

Motion to change to in-person only meetings made by Commissioner Haney, seconded by Commissioner Kondur. Amended with contingent of a better hybrid room being found.

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Englehardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Abstain
Turner-Bailey - Yes

Motion carries.

Amend dates to reflect July 15 should read as on June 15, 2023.

Motion to approve dates made by Commissioner Turner-Bailey, seconded by Commissioner Haney.

A roll call vote followed:

McKenzie - Yes
Falahee - Yes
Kondur - Yes
Haney - Yes
Engelhardt-Kalbfleisch - Yes
Guido-Allen - Yes
MacAllister - Yes
Ferguson - Yes
Turner-Bailey - Yes

Motion carried.

XIII. Adjournment

Motion by Commissioner Haney, seconded by Commissioner Falahee to adjourn the meeting at 12:57 p.m. All in favor. Motion carried.