

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

Thursday, December 8, 2022

In-Person Meeting

**APPROVED MINUTES**

**I. Call to Order and Introductions**

Chairperson McKenzie called the meeting to order at 9:30 a.m.

A. Members present:

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

B. Members present and participating remotely:

None.

C. Members Absent:

Justin B. Dimick, MD  
Ashok Kondur, MD

D. Department of Attorney General Staff:

Brien Heckman

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

Tulika Bhattacharya  
Kenny Wirth  
Beth Nagel  
Kate Tosto  
Marcus Connolly

## **II. Review of Agenda**

Motion by Vice-Chairperson Falahee, seconded by Commissioner MacAllister to approve the agenda as presented. Motion carried.

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

None.

## **IV. Review of Minutes of September 15, 2022**

Motion by Vice-Chairperson Falahee, seconded by Commissioner Haney to approve the minutes as presented. Motion carried.

## **V. Psychiatric Beds and Services – Public Hearing Summary**

Wirth provided a summary on the Psychiatric Beds and Services Public Hearing.

### **A. Public Comment**

1. Scott Miles, UHS
2. Melissa Reitz, McCall Hamilton
3. Sean Gehle, Trinity Health Michigan

### **B. Commission Discussion**

Discussion followed.

### **C. Commission Final Action**

Motion to approve final action and send language to the JLC and Governor for 45-day review made by Falahee, seconded by Engelhardt-Kalbfleisch.

Motion carried.

## **VI. Psychiatric Beds and Services, Medical Psychiatric Unit Definition – Public Hearing Summary**

Wirth provided a summary on the Psychiatric Beds and Services, Medical Psychiatric Unit Definition Public Hearing.

### **A. Public Comment**

1. Subodh Jain, Corewell Health

2. Sean Gehle, Trinity Health Michigan

B. Commission Discussion

Discussion followed.

C. Commission Final Action

Motion to bifurcate the definition for “Medical Psychiatric Unit” and charge the Department with developing language regarding “Acute Care” settings with external stakeholders for review at the January commission meeting and to send the language regarding “Freestanding” settings to a workgroup and to delegate to the chairperson to draft the charge and appoint a chairperson for the workgroup made by Falahee, seconded by MacAllister.

Motion carried.

**VII. Positron Emission Tomography (PET) – Public Hearing Summary**

Wirth provided a summary on the Positron Emission Tomography (PET) 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 Falahee, seconded by MacAllister.

Motion carried.

**VIII. Neonatal Intensive Care Services/Beds (NICU) – Public Hearing Summary**

Tosto provided a summary on the Neonatal Intensive Care Services/Beds (NICU) 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 Falahee, seconded by Turner-Bailey.

Motion carried.

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

Wirth provided a summary on the MRI Services Public Hearing.

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

Ferguson moved to approve the final report and transmit to the JLC before January 1<sup>st</sup>, Engelhardt-Kalbfleisch seconded. Motion carried.

**X. Legislative Update**

Tosto provided an update.

**XI. Administrative Update**

A. Commissions & Special Projects Section Update provided by Wirth.

B. CON Evaluation Section Update provided by Bhattacharya.

**XII. Legal Activity Report**

Legal Activity Report provided by Dept Attorney General Brian Heckman.

**XIII. Public Comment**

1. Dave Walker, Corewell Health

**XIV. 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 Falahee, seconded by Ferguson to accept the Work Plan as presented with updates from today's meeting.

Motion carried.

**XV. Future Meeting Dates:** January 26, 2022, and March 16, 2023, June 15, 2023, September 14, 2023, & December 7, 2023

Motion to approve dates made by Engelhardt-Kalbfleisch, seconded by Lalonde. Motion carried.

**XVI. Election of Officers**

Chairperson McKenzie provided an overview.

Motion by Guido-Allen, seconded by Engelhardt-Kalbfleisch, to nominate and elect Falahee as the Chairperson and McKenzie as Vice-Chairperson of the Commission. Motion carried.

**XVII. Adjournment**

Motion by Falahee, seconded by Guido-Allen to adjourn the meeting at 10:43 a.m. All in favor. Motion carried.