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

Thursday, December 07, 2023

In-Person Meeting

APPROVED MINUTES

I. Call to Order and Introductions

Chairperson Falahee called the meeting to order at 9:31 a.m.

A. Members present:

James Falahee, Jr., JD, Chairperson
Amy McKenzie, MD, Vice-Chairperson
Amy Engelhardt-Kalbfleisch, DO
Debra Guido-Allen, RN *(Arrived 9:56 am)*
Archie Drake
Donald Haney
Eric Ferguson, MD
Renee Turner-Bailey *(Arrived 9:32 am)*
Ashok Kondur, MD

B. Members present and participating remotely:

None

C. Members Absent:

Greg Salwin

D. Department of Attorney General Staff:

Brien Heckman

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

Tulika Bhattacharya
Beth Nagel
Kenny Wirth
Marcus Connolly
Tiffani Stanton

II. Review of Agenda

Motion by Commissioner A. McKenzie, seconded by A. Kondur to approve the agenda. All in favor.

Motion carried.

III. Declaration of Conflicts of Interests

None.

IV. Review of Minutes of June 15, 2023

Motion by A. McKenzie, seconded by Commissioner E. Ferguson to approve the minutes as presented. All in favor.

Motion carried.

V. Open Heart Surgery (OHS) Informal Workgroup – Final Report & Draft Language

T. Stanton gave an overview on behalf of the Department of the OHS final report and proposed draft language.

Dr. Andrew Pruitt was attending via Zoom and provided a summary of the final report of the OHS Informal Workgroup and proposed draft language.

A. Public Comment

None

B. Commission Discussion

Discussion followed.

C. Commission Proposed Action

Motion by Commissioner A. McKenzie, seconded by Commissioner E. Ferguson to submit draft language to public comment and the JLC after the legislature reconvenes January 10, 2024. All in favor.

Motion carried.

VI. Megavoltage Radiation Therapy (MRT) Services/Units Informal Workgroup – Final Report & Draft Language

K. Wirth gave an overview on behalf of the Department of the MRT final report and proposed draft language.

Dr. M. Salim Siddiqui attended via Zoom and provided a summary of the final report of the MRT work group and proposed draft language.

A. Public Comment

None

B. Commission Discussion

Discussion followed.

C. Commission Action

Motion by Commissioner A. Engelhardt-Kalbfleisch, seconded by Commissioner A. Drake to submit draft language to public comment and the JLC after the legislature reconvenes January 10, 2024. E. Ferguson abstained from voting.

Motion carried.

VII. Hospital Beds Standard Advisory Committee – Final Report & Draft Language

M. Connolly gave an overview on behalf of the Department of the Hospital Beds final report and proposed draft language, including the Department's proposed Rural Emergency Hospital (REH) addendum.

Jennifer Groseclose provided a summary and final report of the Hospital Beds work group and proposed draft language. J. Groseclose asked Carrie Linderoth, with Kelly Cawthorne, to provide additional comments.

A. Public Comment

1. Amy Barkholz, MHA
2. Tim Johnson, Eaton Rapids Medical Center
3. Melissa Reitz, McCall Hamilton
4. Carrie Linderoth, Kelly Cawthorne and Amy Barkholz, MHA

B. Commission Discussion

Discussion followed.

C. Commission Action

Motion by Commissioner A. McKenzie, seconded by Commissioner R. Turner-Bailey to submit HB SAC draft language presented by the HB SAC with Department Addendum bifurcated as well as to establish a deadline for Public Comment determined by the Department and the Chair and to form a workgroup to respond to the language. including the Department Addendum to Public Comment and the JLC. All in favor.

Motion carried.

The Commission took a 10-minute break at 11:41 A.M.

VIII. Computed Tomography (CT) Scanner Services – Public Hearing Summary

T. Stanton provided a summary of the CT Scanner Services Public Hearing.

A. Public Comment

None.

B. Commission Discussion

Discussion followed.

C. Commission Action

Motion by Commissioner A. McKenzie, seconded by Commissioner A. Engelhardt-Kalbfleisch to submit final action on the draft language to legislature to start the 45-day review period after the legislature reconvenes January 10, 2024. All in favor.

Motion carried.

IX. Nursing Home and Long-Term-Care Unit (NH-HLTCU) Beds/Services – Public Hearing Summary

K. Wirth provided a summary of the NH-HLTCU Beds/Services Public Hearing.

A. Public Comment

None.

B. Commission Discussion

Discussion followed.

C. Commission Action

Motion by Commissioner A. Engelhardt-Kalbfleisch, seconded by Commissioner A. McKenzie to submit final action on the draft language to the legislature to start the 45-day review period after the legislature reconvenes January 10, 2024. All in favor.

Motion carried.

X. Psychiatric Beds and Services – Public Hearing Summary

K. Wirth gave an overview of the public comment period summary and the Department's recommendations.

A. Public Comment

None.

B. Commission Discussion

Discussion followed.

C. Commission Action

Motion by Commissioner A. McKenzie, seconded by Commissioner A. Kondur to submit final action on the draft language to the legislature to start the 45-day review period after the legislature reconvenes January 10, 2024. All in favor.

Motion carried.

XI. Air Ambulance Services – Public Hearing Summary

T. Stanton provided a summary of the public hearing.

A. Public Comment

None.

B. Commission Discussion

Discussion followed.

C. Commission Action

Motion by Commissioner A. McKenzie, seconded by Commissioner A. Drake to submit final action on the draft language to legislature to start the 45-day review period after the legislature reconvenes January 10, 2024. All in favor. Motion carried.

XII. Psychiatric Beds – Re-calculation of Bed Need Numbers – Setting the Effective Date (Written Report from Paul Delamater, et al.)

K. Wirth provided an update on the re-calculation of Psychiatric Beds, bed need numbers.

Motion by Commissioner A. McKenzie, seconded by Commissioner Engelhardt-Kalbfleisch to push an effective date to June 1, 2024, to allow time for MDIB to update to year 2022.

Commissioner J. Falahee submitted a friendly amendment to move the effective date to July 1, 2024.

Commissioner A. McKenzie and Commissioner Engelhardt-Kalbfleisch agreed to the friendly amendment to move effective the date to July 1, 2024.

All in favor.

Motion carried.

XIII. Legislative Update

K. Wirth provided a legislative update.

XIV. Administrative Update

A. Commissions and Special Projects Section Update provided by M. Connolly.

B. CON Evaluation Section Update provided by T. Bhattacharya.

1. Compliance Report
2. Quarterly Performance Measures

XV. Legal Activity Report (Written Report)

Brien Heckman, Department Assistant Attorney General (AAG), provided a written report update. Suggested having a commissioner move a motion to allow the AAG office to draft proposed modifications to the bylaws, specifically regarding the Open Meetings Act requirements in addition to modifying conflicts of interest provisions tied to SAC participation.

Motion by Commissioner D. Guido-Allen, seconded by Commissioner A. McKenzie, proposed to allow the AG office to draft an amendment to the bylaws reviewing and making changes to the Open Meetings Act and conflicts of interest relating to SACs. All in favor.

Motion carried.

XVI. Public Comment

None

XVII. Review of Commission Work Plan

A. Commission Discussion

Discussion Followed.

B. Commission Action

Motion by Commissioner A. Engelhardt-Kalbfleisch seconded by Commissioner D. Guido-Allen to accept the Work Plan with revisions add public hearing for final action items and Hospital Bed workgroup. All in favor.

Motion carried.

XVIII. Future Meeting Dates – January 25, 2024, March 14, 2024, June 13, 2024, September 19, 2024, & December 5, 2024

Motion by Commissioner A. Drake, seconded by Commissioner D. Guido-Allen, to accept the future meeting dates for 2024. All in favor.

Motion carried.

XIX. Adjournment

Motion by Commissioner D. Guido-Allen, seconded by Commissioner R. Turner-Bailey to adjourn the meeting at 12:26 PM. All in favor.

Motion carried.