

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

Thursday, January 23, 2025

In-Person Meeting

**APPROVED MINUTES**

**I. Call to Order and Introductions**

Chairperson James Falahee called the meeting to order at 10:12 a.m.

A. Members present:

James Falahee, Chairperson  
Amy Milewski, MD, Vice-Chairperson  
Debra Guido-Allen, RN  
Eric Ferguson, MD (*Arrived 10:12 AM*)  
Renee Turner -Bailey (*Arrived 10:40 AM*)  
Archie Drake  
Greg Salwin  
Mark DeLano, MD

B. Members present and participating remotely:

None

C. Members Absent:

Amy Engelhardt-Kalbfleisch, DO  
Daniel Velez

D. Department of Attorney General Staff:

None

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

Beth Nagel  
Ninah Sasy  
Marcus Connolly  
Tiffani Stanton  
Justin Easter  
Katherine Tucker

## **II. Review of Agenda**

Motion by Commissioner Guido-Allen, seconded by Commissioner Dr. Milewski, to approve the agenda with amendments to remove the legal activity report. All in favor.

Motion carried.

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

None.

## **IV. Review of Minutes of September 19, 2024**

Motion by Commissioner Drake, seconded by Commissioner Dr. Milewski to approve the minutes as presented. All in favor.

Motion carried.

## **V. Acute Care Hospital Bed Need Update**

Paul Delamater, from the Department, gave a presentation about the Acute Care Bed Need methodology

A. Public Comment

None

B. Commission Discussion

Discussion Followed

Motion by Guido-Allen to accept the Acute Care Hospital Bed Need report and with the numbers effective March 1st, 2025, seconded by Commissioner Salwin. All in favor.

Motion carried.

## **VI. Hospital Groups Update**

Paul Delamater, from the Department, gave a presentation about the Hospital Groups

Public Comment

None.

A. Commission Discussion

Discussion followed.

Commissioner Milewski made a motion that the Commission set a Hospital Group update to have a new effective date of April 1st, 2027, to allow for any data to be captured, seconded by Commissioner Drake. All in favor

Motion carried.

**VII. Neonatal Intensive Care Unit (NICU) and Special Newborn Nursing Services Bed Need Update**

Paul Delamater, from the Department, gave a presentation about the NICU Bed Need

A. Public Comment

None.

B. Commission Discussion

Discussion followed.

The Department set the effective date as March 1, 2025

**VIII. Nursing Home and Hospital Long-Term-Care Unit Bed Need Update**

Paul Delamater, From the Department, gave a presentation about the Nursing Home and Hospital Long-Term Care Unit Bed Need.

A. Public Comment

Rich Farran – Health Care Association of Michigan  
Melissa Reitz – McCall Hamilton

B. Commission Discussion

Discussion Followed.

Commissioner Milewski made a motion to set the Nursing Home effective bed dates as March 1st, 2025. Seconded by Commissioner Salwin. All in favor

Motion Carried.

#### **IX. Psychiatric Bed Need Update**

Paul Delamater, from the Department, gave a presentation about the Psychiatric Bed Need.

##### A. Public Comment

None

##### B. Commission Discussion

Discussion Followed

Commissioner Drake made a motion to accept the Psych Bed Needs report, that we set a March 1st of 2025 effective date. Seconded by Commissioner Salwin. All in favor

Motion Carried

#### **X. Legal Activity Report (Written Report)**

None

#### **XI. Urinary Extracorporeal Shock Wave Lithotripsy (UESWL) Services – October 4 – 18, 2024 Public Comment Period Summary & Report**

Katherine, from the Department, shared that the Department received public comment from 4 organizations and that all testimony was in support of continued regulation of Litho services. The Department supports continued regulation of Litho and is recommending that the commission charge the Department with drafting language to provide at a future Commission Meeting. The request is to make technical revisions including adding 30- day notice language being added to all standards and adding language for renewal of the lease in Section 4, consistent with the definition within that section similar to the language added in CT and MRI standards.

Motion by Commissioner Milewski made a motion to continue the regulation of the Urinary Extracorporeal Shock Wave Lithotripsy Services and refer technical edits to the Department to come back to the Commission for approval, seconded by Commissioner Turner- Bailey All in Favor

Motion Carried

**XII. Neonatal Intensive Care Unit (NICU) Services/Beds and Special Newborn Nursing Services – October 4 – 18, 2024 Public Comment Period Summary & Report**

Justin, from the Department, shared that the Department received public comment from 4 organizations and that all testimony was in support of continued regulation of NICU services. The Department supports continued regulation of NICU services and recommending that an Informal Workgroup be formed to review some of the items brought forth: these items include: Review the requirements related to the outreach program in Section 12(2)(c), and if updates are needed, make recommendations for changes; align NICU review standards with the Joint Commission Maternal Levels of Care Verification program and make sure it aligns with the state of Michigan guidelines, review the methodology for consistency from the live births data in the Vital Records Department. the Department is also requesting to make technical revisions including adding 30-day notice language being added to all standards.

Commissioner Milewski made a motion to continue the regulation of NICU services and Beds and to establish an informal workgroup and refer the selection of the chair and vice chair of the workgroup to the chair of the Commission and vice chair of the Commission, as well as drafting the charges to the chair and vice chair of the Commission, and also allow technical updates by the department. Seconded by Commissioner Drake. All in favor

Motion Carried.

**XIII. Nursing Home and Hospital Long-Term-Care Unit (NH-HLTCU) Beds – October 4 – 18, 2024 Public Comment Period Summary & Report**

Tiffani, from the Department, shared that the Department received public comment from 4 organizations and that all testimony was in support of continued regulation of Nursing Home services. The Department supports continued regulation of Nursing Home services and is recommending an Informal Workgroup be formed to review the charges.

These include reviewing the process of temporary closure to replace aging structures and considering adding language; expanding the provision to all sections of the CON standards where the QAAP payments are referenced; review section 6 about the quality in nursing home care and if necessary, recommending changes.

A. Public Comment

Melissa Reitz, McCall-Hamilton  
Rich Farran, Health Care Association of Michigan

Motion by Commissioner Milewski to continue to regulate Nursing Home and Long-Term-Care Unit beds and that an Informal Workgroup be formed and instruct the chairperson of the Commission to select a chair and a vice-chair to chair that workgroup, and also draft language consistent with what is in front of us today as to the charges for the workgroup and any technical edits we will refer to the department. Seconded by Commissioner Drake. Ferguson Abstained

Motion Carried.

**XIV. Computed Tomography (CT) Scanner Services – October 4 – 18, 2024  
Public Comment Period Summary & Report**

Tiffani, from the Department, shared that the Department received public comment from over 10 organizations, not all of the testimony received was in support of continued regulation for CT. The Department does support continued regulation for CT Services and are recommending a Standard Advisory Committee be seated to review some of the items that were brought forward, These items included: review section 2(k) definition of “CT Scanner” and if necessary, modify to include the exemption for chiropractic utilization similar to dentistry; review section 14(2)(e) and if necessary, recommend changes to align with the American College of Radiology guidelines, the department is requesting to review section 14 (2)(e) to clarify “immediately available” and the department is also requesting to draft language for 14(2)(l) and requirements for applicants offering scanner services to patients.

Motion by Commissioner Milewski to continue to regulate CT Scanner Services as well as to seat a Standard Advisory Committee and direct the chair of the Commission to draft the charges consistent with what we have before us today, as well as to select a chair and vice chair to lead the Standard Advisory Committee and also select members of the Standard Advisory Committee. Seconded by Commissioner Delano. All in favor.

Motion Carries.

## **XV. Legislative Update**

Justin, from the Department, gave an update about the bills that pertained to CON that were not made law last session, will need to be reintroduced if the Legislators so choose.

## **XVI. Administrative Update**

### **A. Commissions and Special Projects Section Update**

Marcus, from the Department. Gave an update on the HLL SAC and stated that one organization can represent consumers, purchasers, and payers, thus allowing the HLL SAC to be seated. Marcus also stated that the biannual report was submitted before the January 1, 2025, deadline as required by legislation.

### **A. CON Evaluation Section Update**

The program activity and the compliance reports were provided in the Commissioner's electronic binder.

## **XVII. Public Comment**

None

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

### **A. Discussion Followed**

The Department recommends starting the CT SAC in June, HLL will have a final report at the June Commission meeting. Hospital Bes is up for public comment this October. MRI will have their report and present the draft language in October, MRT is also up for public comment in October/ NICU, tentatively starting that workgroup in April. Nursing Home, Tentatively starting that workgroup in July. Open Heart is open for public comment this October, PET is also open for public comment in October, Psych Beds is ongoing until March and will have that presented in June, Surgical Services is open for public comment in October, and for Litho the Department will present its language at the March Meeting. County Designations is through April and Cardiac Cath is also up for public comment in October.

### **B. Commission Action**

Motion by Commissioner Guido-Allen to approve the workplan as presented, Commissioner Turner-Bailey second.

Motion Carried.

**XIX. Future Meeting Dates**

March 13, 2025; June 12, 2025; September 18, 2025; and December 4, 2025.

**XX. Adjournment**

Motion by Commissioner Falahee to adjourn. Seconded by Commissioner Drake. All in favor.

Meeting Adjourned at 11:29 a.m.