

1 MICHIGAN DEPARTMENT OF COMMUNITY HEALTH  
2  
3 **CERTIFICATE OF NEED (CON) REVIEW STANDARDS**  
4 **FOR MAGNETIC RESONANCE IMAGING (MRI) SERVICES**  
5

6 (By authority conferred on the CON Commission by Section 22215 of Act No. 368 of the Public Acts of  
7 1978, as amended, and sections 7 and 8 of Act No. 306 of the Public Acts of 1969, as amended, being  
8 sections 333.22215, 24.207, and 24.208 of the Michigan Compiled Laws.)  
9

10 **Section 1. Applicability**  
11

12 Sec. 1. These standards are requirements for the approval of the initiation, expansion, replacement,  
13 relocation, or acquisition of MRI services and the delivery of services under Part 222 of the Code.  
14 Pursuant to Part 222 of the Code, MRI is a covered clinical service. The Department shall use these  
15 standards in applying Section 22225(1) of the Code, being Section 333.22225(1) of the Michigan  
16 Compiled Laws and Section 22225(2)(c) of the Code, being Section 333.22225(2)(c) of the Michigan  
17 Compiled Laws.  
18

19 **Section 2. Definitions**  
20

21 Sec. 2. (1) For purposes of these standards:

22 (a) "Acquisition of an existing MRI service or existing MRI unit(s)" means obtaining control or  
23 possession of an existing fixed or mobile MRI service or existing MRI unit(s) by contract, ownership,  
24 lease, or other comparable arrangement.

25 (b) "Actual MRI adjusted procedures" or "MRI adjusted procedures," means the number of MRI  
26 procedures, adjusted in accordance with the applicable provisions of Section 13, performed on an  
27 existing MRI unit, or if an MRI service has two or more MRI units at the same site, the average number of  
28 MRI adjusted procedures performed on each unit, for the 12-month period reported on the most recently  
29 published "MRI Service Utilization List," as of the date an application is deemed ~~complete~~ SUBMITTED  
30 by the Department.

31 (c) "Available MRI adjusted procedures" means the number of MRI adjusted procedures  
32 performed by an existing MRI service in excess of 8,000 per fixed MRI unit and 7,000 per mobile MRI  
33 unit. For either a fixed or mobile MRI service, the number of MRI units used to compute available MRI  
34 adjusted procedures shall include both existing and approved but not yet operational MRI units. In  
35 determining the number of available MRI adjusted procedures, the Department shall use data for the 12-  
36 month period reported on the most recently published list of available MRI adjusted procedures as of the  
37 date an application is deemed ~~complete~~ SUBMITTED by the Department.

38 In the case of an MRI service that operates, or has a valid CON to operate, more than one fixed MRI  
39 unit at the same site, the term means the number of MRI adjusted procedures in excess of 8,000  
40 multiplied by the number of fixed MRI units at the same site. For example, if an MRI service operates, or  
41 has a valid CON to operate, two fixed MRI units at the same site, the available number of MRI adjusted  
42 procedures is the number that is in excess of 16,000 (8,000 x 2) MRI adjusted procedures.

43 In the case of a mobile MRI unit, the term means the sum of all MRI adjusted procedures performed  
44 by the same mobile MRI unit at all of the host sites combined that is in excess of 7,000. For example, if a  
45 mobile MRI unit serves five host sites, the term means the sum of MRI adjusted procedures for all five  
46 host sites combined that is in excess of 7,000 MRI adjusted procedures.

47 (d) "Central service coordinator" means the organizational unit that has operational responsibility  
48 for a mobile MRI unit(s).

49 (e) "Certificate of Need Commission" or "CON Commission" means the Commission created  
50 pursuant to Section 22211 of the Code, being Section 333.22211 of the Michigan Compiled Laws.

51 (f) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being Section 333.1101 et  
52 seq. of the Michigan Compiled Laws.

- 53 (g) "Contrast MRI procedure" means an MRI procedure involving either of the following: (i) a  
54 procedure following use of a contrast agent or (ii) procedures performed both before and after the use of  
55 a contrast agent.
- 56 (h) "Dedicated pediatric MRI" means an MRI unit on which at least 80% of the MRI procedures are  
57 performed on patients under 18 years of age
- 58 (i) "Department" means the Michigan Department of Community Health (MDCH).
- 59 (j) "Doctor" means an individual licensed under Article 15 of the Code to engage in the practice of  
60 medicine, osteopathic medicine and surgery, chiropractic, dentistry, or podiatry.
- 61 (k) "Existing MRI service" means either the utilization of a CON-approved and operational MRI  
62 unit(s) at one site in the case of a fixed MRI service, and in the case of a mobile MRI service, the  
63 utilization of a CON-approved and operational mobile MRI unit(s) at each host site, on the date an  
64 application is submitted to the Department.
- 65 (l) "Existing MRI unit" means a CON-approved and operational MRI unit used to provide MRI  
66 services.
- 67 (m) "Expand an existing fixed MRI service" means an increase in the number of fixed MRI units to  
68 be operated by the applicant.
- 69 (n) "Expand an existing mobile MRI service" means the addition of a mobile MRI unit that will be  
70 operated by a central service coordinator that is approved to operate one or more mobile MRI units as of  
71 the date an application is submitted to the Department.
- 72 (o) "Group practice" means a group practice as defined pursuant to the provisions of 42 U.S.C.  
73 1395nn (h)(4), commonly known as Stark II, and the Code of Federal Regulations, 42 CFR, Part 411,  
74 published in the Federal Register on August 14, 1995, or its replacement.
- 75 (p) "Health service area" or "HSA" means the geographic areas set forth in Section 19.
- 76 (q) "Host site" means the site at which a mobile MRI unit is authorized by CON to provide MRI  
77 services.
- 78 (r) "Initiate a fixed MRI service" means begin operation of a fixed MRI service at a site that does  
79 not provide or is not CON approved to provide fixed MRI services as of the date an application is  
80 submitted to the Department. The term does not include the acquisition or relocation of an existing fixed  
81 MRI service or the renewal of a lease.
- 82 (s) "Initiate a mobile MRI host site" means the provision of MRI services at a host site that has not  
83 received any MRI services within 12 months from the date an application is submitted to the Department.  
84 The term does not include the renewal of a lease.
- 85 (t) "Initiate a mobile MRI service" means begin operation of a mobile MRI unit that serves two or  
86 more host sites.  
87 The term does not include the acquisition of an existing mobile MRI service or the renewal of a  
88 lease.
- 89 (u) "Inpatient" means an MRI visit involving an individual who has been admitted to the licensed  
90 hospital at the site of the MRI service/unit or in the case of an MRI unit that is not located at that licensed  
91 hospital site, an admitted patient transported from a licensed hospital site by ambulance to the MRI  
92 service.
- 93 (v) "Institutional review board" or "IRB" means an institutional review board as defined by Public  
94 Law 93-348 that is regulated by Title 45 CFR 46.
- 95 (w) "Intra-operative magnetic resonance imaging" or "IMRI" means the integrated use of MRI  
96 technology during surgical and interventional procedures within a licensed operative environment.
- 97 (x) "Licensed hospital site" means the location of the hospital authorized by license and listed on  
98 that licensee's certificate of licensure.
- 99 (y) "Magnetic resonance imaging" or "MRI" means the analysis of the interaction that occurs  
100 between radio frequency energy, atomic nuclei, and strong magnetic fields to produce cross sectional  
101 images similar to those displayed by computed tomography (CT) but without the use of ionizing radiation.
- 102 (z) "MRI adjusted procedure" means an MRI visit, at an existing MRI service, that has been  
103 adjusted in accordance with the applicable provisions of Section 13.
- 104 (aa) "MRI database" means the database, maintained by the Department pursuant to Section 12 of  
105 these standards, that collects information about each MRI visit at MRI services located in Michigan.

106 (bb) "MRI procedure" means a procedure conducted by an MRI unit approved pursuant to sections  
107 3, 4, 5, 6, 7, or 9 of these standards which is either a single, billable diagnostic magnetic resonance  
108 procedure or a procedure conducted by an MRI unit at a site participating with an approved diagnostic  
109 radiology residency program, under a research protocol approved by an IRB. The capital and operating  
110 costs related to the research use are charged to a specific research account and not charged to or  
111 collected from third-party payors or patients. The term does not include a procedure conducted by an  
112 MRI unit approved pursuant to Section 8(1).

113 (cc) "MRI services" means either the utilization of an authorized MRI unit(s) at one site in the case  
114 of a fixed MRI service or in the case of a mobile MRI service, the utilization of an authorized mobile MRI  
115 unit at each host site.

116 (dd) "MRI unit" means the magnetic resonance system consisting of an integrated set of machines  
117 and related equipment necessary to produce the images and/or spectroscopic quantitative data from  
118 scans. The term does not include MRI simulators used solely for treatment planning purposes in  
119 conjunction with an MRT unit.

120 (ee) "MRI visit" means a single patient visit to an MRI service/unit that may involve one or more MRI  
121 procedures.

122 (ff) "Medicaid" means title XIX of the social security act, chapter 531, 49 Stat. 620, 1396r-6  
123 and 1396r-8 to 1396v.

124 (gg) "Metropolitan statistical area county" means a county located in a metropolitan statistical area  
125 as that term is defined under the "standards for defining metropolitan and micropolitan statistical areas"  
126 by the statistical policy office of the office of information and regulatory affairs of the United States office  
127 of management and budget, 65 F.R. p. 82238 (December 27, 2000) and as shown in Appendix A.

128 (hh) "Micropolitan statistical area county" means a county located in a micropolitan statistical area  
129 as that term is defined under the "standards for defining metropolitan and micropolitan statistical areas"  
130 by the statistical policy office of the office of information and regulatory affairs of the United States office  
131 of management and budget, 65 F.R. p. 82238 (December 27, 2000) and as shown in Appendix A.

132 (ii) "Mobile MRI unit" means an MRI unit operating at two or more host sites and that has a central  
133 service coordinator. The mobile MRI unit shall operate under a contractual agreement for the provision of  
134 MRI services at each host site on a regularly scheduled basis.

135 (JJ) "NO CHARGE" MEANS AN MRI VISIT WHERE THE PATIENT IS NOT CHARGED A FEE  
136 FOR THE VISIT BY THE MRI SERVICE. THIS DOES NOT INCLUDE INPATIENT OR OTHER VISITS  
137 WHERE THE MRI VISIT IS INCLUDED IN A LARGER FEE BEING PAID BY A THIRD PARTY PAYER  
138 SUCH AS A DIAGNOSIS-RELATED GROUP (DRG) PAYMENT.

139 (~~jj~~KK) "Ownership interest, direct or indirect" means a direct ownership relationship between a doctor  
140 and an applicant entity or an ownership relationship between a doctor and an entity that has an  
141 ownership relationship with an applicant entity.

142 (~~kk~~LL) "Pediatric patient" means a patient who is 12 years of age or less, except for Section 9.

143 (~~mm~~MM) "Planning area" means

144 (i) in the case of a proposed fixed MRI service or unit, the geographic area within a 20-mile radius  
145 from the proposed site if the proposed site is not in a rural or micropolitan statistical area county and a  
146 75-mile radius from the proposed site if the proposed site is in a rural or micropolitan statistical area  
147 county.

148 (ii) in the case of a proposed mobile MRI service or unit, except as provided in subsection (iii), the  
149 geographic area within a 20-mile radius from each proposed host site if the proposed site is not in a rural  
150 or micropolitan statistical area county and within a 75-mile radius from each proposed host site if the  
151 proposed site is in a rural or micropolitan statistical area county.

152 (iii) in the case of a proposed mobile MRI service or unit meeting the requirement of Section  
153 13(2)(d), the health service area in which all the proposed mobile host sites will be located.

154 (~~nn~~NN) "Referring doctor" means the doctor of record who ordered the MRI procedure(s) and either to  
155 whom the primary report of the results of an MRI procedure(s) is sent or in the case of a teaching facility,  
156 the attending doctor who is responsible for the house officer or resident that requested the MRI  
157 procedure.

158 (~~oo~~OO) "Relocate an existing MRI service and/or MRI unit(s)" means a change in the location of an  
159 existing MRI service and/or MRI unit(s) from the existing site to a different site within the relocation zone.

160 | (~~ee~~PP) "Relocation zone" means the geographic area that is within a 10-mile radius of the existing site  
161 | of the MRI service or unit to be relocated.

162 | (~~pp~~QQ) "Renewal of a lease" means extending the effective period of a lease for an existing MRI unit  
163 | that does not involve either replacement of the MRI unit, as defined in Section 2(1)(pp)(i), or (ii) a change  
164 | in the parties to the lease.

165 | (~~qq~~RR) "Replace an existing MRI unit" means (i) any equipment change involving a change in, or  
166 | replacement of, the magnet resulting in an applicant operating the same number and type (fixed or  
167 | mobile) of MRI units before and after project completion or (ii) an equipment change other than a change  
168 | in the magnet that involves a capital expenditure of \$750,000 or more in any consecutive 24-month  
169 | period or (iii) the renewal of a lease. The term does not include an upgrade of an existing MRI service or  
170 | unit, and it does not include a host site that proposes to receive mobile MRI services from a different  
171 | central service coordinator if the requirements of Section 3(5) have been met.

172 | (~~rr~~SS) "Research scan" means an MRI scan administered under a research protocol approved by the  
173 | applicant's IRB.

174 | (~~ss~~TT) "Re-sedated patient" means a patient, either pediatric or adult, who fails the initial sedation  
175 | during the scan time and must be extracted from the unit to rescue the patient with additional sedation.

176 | (~~tt~~UU) "Rural county" means a county not located in a metropolitan statistical area or micropolitan  
177 | statistical areas as those terms are defined under the "standards for defining metropolitan and  
178 | micropolitan statistical areas" by the statistical policy office of the office of information regulatory affairs of  
179 | the United States office of management and budget, 65 F.R. p. 82238 (December 27, 2000) and as  
180 | shown in Appendix A.

181 | (~~uu~~VV) "Sedated patient" means a patient that meets all of the following:

182 | (i) whose level of consciousness is either conscious-sedation or a higher level of sedation, as  
183 | defined by the American Association of Anesthesiologists, the American Academy of Pediatrics, the Joint  
184 | Commission on the Accreditation of Health Care Organizations, or an equivalent definition.

185 | (ii) who is monitored by mechanical devices while in the magnet.

186 | (iii) who requires observation while in the magnet by personnel, other than employees routinely  
187 | assigned to the MRI unit, who are trained in cardiopulmonary resuscitation (CPR).

188 | (~~vv~~WW) "Site" means

189 | (i) in the case of a licensed hospital site, a location that is part of the licensed hospital site or a  
190 | location that is contiguous to the licensed hospital site or

191 | (ii) in the case of a location that is not a licensed hospital site, a location at the same address or a  
192 | location that is contiguous to that address.

193 | (~~ww~~XX) "Special needs patient" means a non-sedated patient, either pediatric or adult, with any of the  
194 | following conditions: down syndrome, autism, attention deficit hyperactivity disorder (ADHD),  
195 | developmental delay, malformation syndromes, hunter's syndrome, multi-system disorders, psychiatric  
196 | disorders, and other conditions that make the patient unable to comply with the positional requirements of  
197 | the exam.

198 | (~~xx~~YY) "Teaching facility" means a licensed hospital site, or other location, that provides either fixed or  
199 | mobile MRI services and at which residents or fellows of a training program in diagnostic radiology, that is  
200 | approved by the Accreditation Council on Graduate Medical Education or American Osteopathic  
201 | Association, are assigned.

202 | (~~yy~~ZZ) "Unadjusted MRI scan" means an MRI procedure performed on a single anatomical site as  
203 | defined by the MRI database and that is not adjusted pursuant to the applicable provisions of Section 13.

204 | (~~zz~~AAA) "Upgrade an existing MRI unit" means any equipment change that

205 | (i) does not involve a change in, or replacement of, the magnet; does not result in an increase in  
206 | the number of MRI units; or does not result in a change in the type of MRI unit (e.g., changing a mobile  
207 | MRI unit to a fixed MRI unit); and

208 | (ii) involves a capital expenditure RELATED TO THE MRI EQUIPMENT of less than \$750,000 in  
209 | any consecutive 24-month period.

210

211 | (2) Terms defined in the Code have the same meanings when used in these standards.

212

### 213 | **Section 3. Requirements to initiate an MRI service**

214  
215 Sec. 3. An applicant proposing to initiate an MRI service or a host site shall demonstrate the  
216 following requirements, as applicable:  
217

218 (1) An applicant proposing to initiate a fixed MRI service shall demonstrate 6,000 available MRI  
219 adjusted procedures per proposed fixed MRI unit from within the same planning area as the proposed  
220 service/unit.  
221

222 (2) An applicant proposing to initiate a fixed MRI service that meets the following requirements  
223 shall not be required to be in compliance with subsection (1):

224 (a) The applicant is currently an existing host site.

225 (b) The applicant has received in aggregate, one of the following:

226 (i) At least 6,000 MRI adjusted procedures.

227 (ii) At least 4,000 MRI adjusted procedures and the applicant meets all of the following:

228 (A) Is located in a county that has no fixed MRI machines that are pending, approved by the  
229 Department, or operational at the time the application is deemed submitted.

230 (B) The nearest fixed MRI machine is located more than 15 radius miles from the application site.

231 (iii) At least 3,000 MRI adjusted procedures and the applicant meets all of the following:

232 (A) The proposed site is a hospital licensed under Part 215 of the Code.

233 (B) The applicant hospital operates an emergency room that provides 24-hour emergency care  
234 services and at least 20,000 visits within the most recent 12-month period for which data, verifiable by the  
235 Department, is available.

236 (IV) AT LEAST 2,000 MRI ADJUSTED PROCEDURES AND THE APPLICANT MEETS ALL OF  
237 THE FOLLOWING:

238 (A) AT LEAST 25% OF THE MRI VISITS HAVE A PAYER SOURCE OF MEDICAID AND/OR NO  
239 CHARGE.

240 (B) THE APPLICANT IS A FOR-PROFIT, FREESTANDING FACILITY.

241 (c) All of the MRI adjusted procedures from the mobile MRI service referenced in Section 3(2)(b)  
242 shall be utilized even if the aggregated data exceeds the minimum requirements.

243 (d) The applicant shall install the fixed MRI unit at the same site as the existing host site or within  
244 the relocation zone. If applying pursuant to Section 3(2)(b)(iii), the applicant shall install the fixed MRI  
245 unit at the same site as the existing host site.

246 (e) The applicant shall cease operation as a host site and not become a host site for at least 12  
247 months from the date the fixed service and its unit becomes operational.  
248

249 (3) An applicant proposing to initiate a mobile MRI service shall demonstrate 5,500 available MRI  
250 adjusted procedures from within the same planning area as the proposed service/unit, and the applicant  
251 shall meet the following:

252 (a) Identify the proposed route schedule and procedures for handling emergency situations.

253 (b) Submit copies of all proposed contracts for the proposed host site related to the mobile MRI  
254 service.

255 (c) Identify a minimum of two (2) host sites for the proposed service.  
256

257 (4) An applicant, whether the central service coordinator or the host site, proposing to initiate a  
258 host site on a new or existing mobile MRI service shall demonstrate the following, as applicable:

259 (a) 600 available MRI adjusted procedures, from within the same planning area as the proposed  
260 service/unit, for a proposed host site that is not located in a rural or micropolitan statistical area county, or

261 (b) 400 available MRI adjusted procedures from within the same planning area for a proposed host  
262 site that is located in a rural or micropolitan statistical area county, and

263 (c) The proposed host site has not received any mobile MRI service within the most recent 12-  
264 month period as of the date an application is submitted to the Department.  
265

266 (5) An applicant proposing to add or change service on an existing mobile MRI service that meets  
267 the following requirements shall not be required to be in compliance with subsection (4):

268 (a) The host site has received mobile MRI services from an existing mobile MRI unit within the  
269 most recent 12-month period as of the date an application is submitted to the Department.

270 (b) Submit copies of all proposed contracts for the proposed host site related to the mobile MRI  
271 service.

272  
273 (6) The applicant shall demonstrate that the available MRI adjusted procedures FROM THE  
274 AVAILABLE MRI ADJUSTED PROCEDURES LIST AND THE ADJUSTED PROCEDURES FROM THE  
275 MRI SERVICE UTILIZATION LIST, AS APPLICABLE, are from the most recently published available MRI  
276 adjusted procedures list as of the date an application is deemed submitted by the Department.

#### 277 278 **Section 4. Requirements to replace an existing MRI unit**

279  
280 Sec. 4. An applicant proposing to replace an existing MRI unit shall demonstrate the following  
281 requirements, as applicable:

282  
283 (1) An applicant shall demonstrate that the applicable MRI adjusted procedures are from the most  
284 recently published MRI Service Utilization List as of the date an application is deemed submitted by the  
285 Department:

286 (a) Each existing mobile MRI unit on the network has performed at least an average of 5,500 MRI  
287 adjusted procedures per MRI unit.

288 (b) Each existing fixed MRI unit at the current site has performed at least an average of 6,000 MRI  
289 adjusted procedures per MRI unit.

290 (c) Each existing dedicated pediatric MRI unit at the current site has performed at least an average  
291 of 3,500 MRI adjusted procedures per MRI unit.

292  
293 (2) Equipment that is replaced shall be removed from service and disposed of or rendered  
294 considerably inoperable on or before the date that the replacement equipment becomes operational.

295  
296 (3) The replacement unit shall be located at the same site unless the requirements of the  
297 relocation section have been met.

298  
299 (4) An applicant proposing to replace an existing MRI unit that does not involve a renewal of a  
300 lease shall demonstrate that the MRI unit to be replaced is fully depreciated according to generally  
301 accepted accounting principles; the existing equipment clearly poses a threat to the safety of the public;  
302 or the proposed replacement equipment offers a significant technological improvement which enhances  
303 quality of care, increases efficiency, and reduces operating costs.

#### 304 305 **Section 5. Requirements to expand an existing MRI service**

306  
307 Sec. 5. An applicant proposing to expand an existing MRI service shall demonstrate the following:

308  
309 (1) An applicant shall demonstrate that the applicable MRI adjustable procedures are from the  
310 most recently published MRI Service Utilization List as of the date of an application is deemed submitted  
311 by the Department:

312 (a) Each existing MRI unit on the network has performed at least an average of 9,000 MRI  
313 adjusted procedures per MRI unit.

314 (b) Each existing fixed MRI unit at the current site has performed at least an average of 11,000  
315 MRI adjusted procedures per MRI unit.

316 (c) Each existing dedicated pediatric MRI unit at the current site has performed at least an average  
317 of 3,500 MRI adjusted procedures per MRI unit.

318  
319 (2) The additional fixed unit shall be located at the same site unless the requirements of the  
320 relocation section have been met.

322 **Section 6. Requirements to relocate an existing fixed MRI service and/or MRI unit(s)**  
323

324 Sec. 6. (1) An applicant proposing to relocate an existing fixed MRI service and its unit(s) shall  
325 demonstrate the following:

326 (a) The existing MRI service and its unit(s) to be relocated has been in operation for at least 36  
327 months as of the date an application is submitted to the Department.

328 (b) The proposed new site is in the relocation zone.

329 (c) Each existing MRI unit to be relocated performed at least the applicable minimum number of  
330 MRI adjusted procedures set forth in Section 12 based on the most recently published MRI Service  
331 Utilization List as of the date an application is deemed submitted by the Department.

332 (2) An applicant proposing to relocate a fixed MRI unit of an existing MRI service shall  
333 demonstrate the following:

334 (a) The applicant currently operates the MRI service from which the unit will be relocated.

335 (b) The existing MRI service from which the MRI unit(s) to be relocated has been in operation for  
336 at least 36 months as of the date an application is submitted to the Department.

337 (c) The proposed new site is in the relocation zone.

338 (d) Each existing MRI unit at the service from which a unit is to be relocated performed at least the  
339 applicable minimum number of MRI adjusted procedures set forth in Section 12 based on the most  
340 recently published MRI Service Utilization List as of the date an application is deemed submitted by the  
341 Department.

342 (e) For volume purposes, the new site shall remain associated to the original site for a minimum of  
343 three years.

344  
345 **Section 7. Requirements to acquire an existing MRI service or an existing MRI unit(s)**  
346

347 Sec 7. (1) An applicant proposing to acquire an existing fixed or mobile MRI service and its unit(s)  
348 shall demonstrate the following:

349 (a) For the first application proposing to acquire an existing fixed or mobile MRI service on or after  
350 July 1, 1997, the existing MRI service and its unit(s) to be acquired shall not be required to be in  
351 compliance with the volume requirements applicable to a seller/lessor on the date the acquisition occurs.

352 The MRI service shall be operating at the applicable volume requirements set forth in Section 12 of  
353 these standards in the second 12 months after the effective date of the acquisition, and annually  
354 thereafter.

355 (b) For any application proposing to acquire an existing fixed or mobile MRI service and its unit(s),  
356 except the first application approved pursuant to subsection (a), an applicant shall be required to  
357 document that the MRI service and its unit(s) to be acquired is operating in compliance with the volume  
358 requirements set forth in Section 12 of these standards applicable to an existing MRI service on the date  
359 the application is submitted to the Department.

360 (C) FOR ANY APPLICATION PROPOSING TO ACQUIRE AN EXISTING FIXED MRI SERVICE  
361 AND ITS UNIT(S) THAT WAS INITIATED UNDER SECTION 3(2)(B)(IV) OF THESE STANDARDS, THE  
362 APPLICANT SHALL ALSO MEET THE REQUIREMENTS OF SECTION 3(2)(B)(IV).  
363

364 (2) An applicant proposing to acquire an existing fixed or mobile MRI unit of an existing MRI  
365 service shall demonstrate that the proposed project meets all of the following:

366 (a) The project will not change the number of MRI units at the site of the MRI service being  
367 acquired, subject to the applicable requirements under Section 6(2), unless the applicant demonstrates  
368 that the project is in compliance with the requirements of the initiation or expansion Section, as  
369 applicable.

370 (b) The project will not result in the replacement of an MRI unit at the MRI service to be acquired  
371 unless the applicant demonstrates that the requirements of the replacement section have been met.

372  
373 **Section 8. Requirements to establish a dedicated research MRI unit**  
374

375 Sec. 8. An applicant proposing an MRI unit to be used exclusively for research shall demonstrate the  
376 following:

377 (1) Submit copies of documentation demonstrating that the applicant operates a diagnostic  
378 radiology residency program approved by the Accreditation Council for Graduate Medical Education, the  
379 American Osteopathic Association, or an equivalent organization.

380  
381 (2) Submit copies of documentation demonstrating that the MRI unit shall operate under a protocol  
382 approved by the applicant's IRB.

383  
384 (3) An applicant meeting the requirements of this section shall be exempt from meeting the  
385 requirements of sections to initiate and replace.

386  
387 **Section 9. Requirements to establish a dedicated pediatric MRI unit**

388  
389 Sec. 9. (1) An applicant proposing to establish dedicated pediatric MRI shall demonstrate all of the  
390 following:

391 (a) The applicant shall have experienced at least 7,000 pediatric (< 18 years old) discharges  
392 (excluding normal newborns) in the most recent year of operation.

393 (b) The applicant shall have performed at least 5,000 pediatric (< 18 years old) surgeries in the  
394 most recent year of operation.

395 (c) The applicant shall have an active medical staff that includes, but is not limited to, physicians  
396 who are fellowship-trained in the following pediatric specialties:

397 (i) pediatric radiology (at least two)

398 (ii) pediatric anesthesiology

399 (iii) pediatric cardiology

400 (iv) pediatric critical care

401 (v) pediatric gastroenterology

402 (vi) pediatric hematology/oncology

403 (vii) pediatric neurology

404 (viii) pediatric neurosurgery

405 (ix) pediatric orthopedic surgery

406 (x) pediatric pathology

407 (xi) pediatric pulmonology

408 (xii) pediatric surgery

409 (xiii) neonatology

410 (d) The applicant shall have in operation the following pediatric specialty programs:

411 (i) pediatric bone marrow transplant program

412 (ii) established pediatric sedation program

413 (iii) pediatric open heart program

414  
415 (2) An applicant meeting the requirements of subsection (1) shall be exempt from meeting the  
416 requirements of Section 5 of these standards.

417  
418 **Section 10. Pilot program requirements for approval – applicants proposing to initiate, replace, or**  
419 **acquire a hospital based IMRI**

420  
421 Sec. 10. As a pilot program, an applicant proposing to initiate, replace, or acquire a hospital based IMRI  
422 service shall demonstrate that it meets all of the following:

423  
424 (1) The proposed site is a licensed hospital under Part 215 of the Code.

425  
426 (2) The proposed site has an existing fixed MRI service that has been operational for the previous  
427 36 consecutive months and is meeting its minimum volume requirements.

428



429 (3) The proposed site has an existing and operational surgical service and is meeting its minimum  
430 volume requirements pursuant to the CON Review Standards for Surgical Services.

431

432 (4) The applicant shall have experienced one of the following:

433 (a) at least 1,500 oncology discharges in the most recent year of operation; or

434 (b) at least 1,000 neurological surgeries in the most recent year of operation; or

435 (c) at least 7,000 pediatric (<18 years old) discharges (excluding normal newborns) and at least  
436 5,000 pediatric (<18 years old) surgeries in the most recent year of operation.

437

438 (5) The proposed IMRI unit must be located in an operating room or a room adjoining an operating  
439 room allowing for transfer of the patient between the operating room and this adjoining room.

440

441 (6) Non-surgical diagnostic studies shall not be performed on an IMRI unit approved under this  
442 section unless the patient meets one of the following criteria:

443 (a) the patient has been admitted to an inpatient unit; or

444 (b) the patient is having the study performed on an outpatient basis, but is in need of general  
445 anesthesia or deep sedation as defined by the American Society of Anesthesiologists.

446

447 (7) The approved IMRI unit will not be subject to MRI volume requirements.

448

449 (8) The applicant shall not utilize the procedures performed on the IMRI unit to demonstrate need  
450 or to satisfy MRI CON review standards requirements.

451

452 (9) The provisions of Section 10 are part of a pilot program approved by the CON commission and  
453 shall expire and be of no further force and effect, and shall not be applicable to any application which has  
454 not been submitted by December 31, 2010.

455

#### 456 **Section 11. Requirements for all applicants**

457

458 Sec. 11. An applicant shall provide verification of Medicaid participation. An applicant that is a new  
459 provider not currently enrolled in Medicaid shall certify that proof of Medicaid participation will be provided  
460 to the Department within six (6) months from the offering of services if a CON is approved.

461

#### 462 **Section 12. Project delivery requirements – terms of approval**

463

464 Sec. 12. (1) An applicant shall agree that, if approved, MRI services, whether fixed or mobile, shall  
465 be delivered and maintained in compliance with the following:

466 (a) Compliance with these standards.

467 (b) Compliance with applicable safety and operating standards.

468 (c) Compliance with the following quality assurance standards:

469 (i) An applicant shall develop and maintain policies and procedures that establish protocols for  
470 assuring the effectiveness of operation and the safety of the general public, patients, and staff in the MRI  
471 service.

472 (ii) An applicant shall establish a schedule for preventive maintenance for the MRI unit.

473 (iii) An applicant shall provide documentation identifying the specific individuals that form the MRI  
474 team. At a minimum, the MRI team shall consist of the following professionals:

475 (A) Physicians who shall be responsible for screening of patients to assure appropriate utilization  
476 of the MRI service and taking and interpretation of scans. At least one of these physicians shall be a  
477 board-certified radiologist.

478 (B) An appropriately trained MRI technician who shall be responsible for taking an MRI scan.

479 (C) An MRI physicist/engineer available as a team member on a full-time, part-time, or contractual  
480 basis.

481 (iv) An applicant shall document that the MRI team members have the following qualifications:

482 (A) Each physician credentialed to interpret MRI scans meets the requirements of each of the  
483 following:

484 (1) The physician is licensed to practice medicine in the State of Michigan.

485 (2) The physician has had at least 60 hours of training in MRI physics, MRI safety, and MRI  
486 instrumentation in a program that is part of an imaging program accredited by the Accreditation Council  
487 for Graduate Medical Education or the American Osteopathic Association, and the physician meets the  
488 requirements of subdivision (i), (ii), or (iii):

489 (i) Board certification by the American Board of Radiology, the American Osteopathic Board of  
490 Radiology, or the Royal College of Physicians and Surgeons of Canada. If the diagnostic radiology  
491 program completed by a physician in order to become board certified did not include at least two months  
492 of MRI training, that physician shall document that he or she has had the equivalent of two months of  
493 postgraduate training in clinical MRI imaging at an institution which has a radiology program accredited  
494 by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

495 (ii) Formal training by an imaging program(s), accredited by the Accreditation Council for Graduate  
496 Medical Education or the American Osteopathic Association, that included two years of training in cross-  
497 sectional imaging and six months training in organ-specific imaging areas.

498 (iii) A practice in which at least one-third of total professional time, based on a full-time clinical  
499 practice during the most recent 5-year period, has been the primary interpretation of MR imaging.

500 (3) The physician has completed and will complete a minimum of 40 hours every two years of  
501 Category in Continuing Medical Education credits in topics directly involving MR imaging.

502 (4) The physician interprets, as the primary interpreting physician, at least 250 unadjusted MRI  
503 scans annually.

504 (B) An MRI technologist who is registered by the American Registry of Radiologic Technicians or  
505 by the American Registry of Magnetic Resonance Imaging Technologists (ARMRIT) and has, or will have  
506 within 36 months of the effective date of these standards or the date a technologist is employed by an  
507 MRI service, whichever is later, special certification in MRI. If a technologist does not have special  
508 certification in MRI within either of the 3-year periods of time, all continuing education requirements shall  
509 be in the area of MRI services.

510 (C) An applicant shall document that an MRI physicist/engineer is appropriately qualified. For  
511 purposes of evaluating this subdivision, the Department shall consider it prima facie evidence as to the  
512 qualifications of the physicist/engineer if the physicist/engineer is certified as a medical physicist by the  
513 American Board of Radiology, the American Board of Medical Physics, or the American Board of Science  
514 in Nuclear Medicine. However, the applicant may submit and the Department may accept other evidence  
515 that an MRI physicist/engineer is qualified appropriately.

516 (v) The applicant shall have, within the MRI unit/service, equipment and supplies to handle clinical  
517 emergencies that might occur in the unit. MRI service staff will be trained in CPR and other appropriate  
518 emergency interventions. A physician shall be on-site, in, or immediately available to the MRI unit at all  
519 times when patients are undergoing scans.

520 (vi) An applicant shall participate in Medicaid at least 12 consecutive months within the first two  
521 years of operation and continue to participate annually thereafter.

522 (d) Compliance with the following terms of approval, as applicable:

523 (i) MRI units shall be operating at a minimum average annual level of utilization during the second  
524 12 months of operation, and annually thereafter, of 6,000 actual MRI adjusted procedures per unit for  
525 fixed MRI services, 5,500 actual MRI adjusted procedures per unit for mobile MRI services, and a total of  
526 3,500 MRI adjusted procedures per unit for dedicated pediatric MRI. Each mobile host site in a rural or  
527 micropolitan statistical area county shall have provided at least a total of 400 adjusted procedures during  
528 its second 12 months of operation, and annually thereafter, from all mobile units providing services to the  
529 site. Each mobile host site not in a rural or micropolitan statistical area county shall have provided at  
530 least a total of 600 adjusted procedures during its second 12 months of operation and annually thereafter,  
531 from all mobile units providing services to the site. In meeting these requirements, an applicant shall not  
532 include any MRI adjusted procedures performed on an MRI unit used exclusively for research and  
533 approved pursuant to Section 8(1) or for an IMRI unit approved pursuant to Section 10.

534 (ii) The applicant, to assure that the MRI unit will be utilized by all segments of the Michigan  
535 population, shall  
536 (A) provide MRI services to all individuals based on the clinical indications of need for the service  
537 and not on ability to pay or source of payment.  
538 (B) maintain information by source of payment to indicate the volume of care from each source  
539 provided annually.  
540 (iii) The applicant shall participate in a data collection network established and administered by the  
541 Department or its designee. The data may include, but is not limited to, operating schedules,  
542 demographic and diagnostic information, and the volume of care provided to patients from all payor  
543 sources, as well as other data requested by the Department or its designee and approved by the  
544 Commission. The applicant shall provide the required data in a format established by the Department  
545 and in a mutually agreed upon media no later than 30 days following the last day of the quarter for which  
546 data are being reported to the Department. An applicant shall be considered in violation of this term of  
547 approval if the required data are not submitted to the Department within 30 days following the last day of  
548 the quarter for which data are being reported. The Department may elect to verify the data through  
549 on-site review of appropriate records. Data for an MRI unit approved pursuant to Section 8(1), Section 9,  
550 or Section 10 shall be reported separately.  
551 For purposes of Section 10, the data reported shall include, at a minimum, how often the IMRI unit is  
552 used and for what type of services, i.e., intra-operative or diagnostic.  
553 (iv) The operation of and referral of patients to the MRI unit shall be in conformance with 1978 PA  
554 368, Sec. 16221, as amended by 1986 PA 319; MCL 333.16221; MSA 14.15 (16221).  
555 (e) The applicant shall provide the Department with a notice stating the first date on which the MRI  
556 unit became operational, and such notice shall be submitted to the Department consistent with applicable  
557 statute and promulgated rules.  
558 (f) An applicant who is a central service coordinator shall notify the Department of any additions,  
559 deletions, or changes in the host sites of each approved mobile MRI unit within 10 days after the  
560 change(s) in host sites is made.

561  
562 (2) An applicant for an MRI unit approved under Section 8(1) shall agree that the services provided  
563 by the MRI unit are delivered in compliance with the following terms.

564 (a) The capital and operating costs relating to the research use of the MRI unit shall be charged  
565 only to a specific research account(s) and not to any patient or third-party payor.

566 (b) The MRI unit shall not be used for any purposes other than as approved by the IRB unless the  
567 applicant has obtained CON approval for the MRI unit pursuant to Part 222 and these standards, other  
568 than Section 8.

569  
570 (3) AN APPLICANT FOR AN MRI UNIT APPROVED UNDER SECTION 3(2)(B)(IV) SHALL  
571 AGREE TO CONTINUE TO PROVIDE AT LEAST 25% OF THE MRI VISITS WITH A PAYER SOURCE  
572 OF MEDICAID AND/OR NO CHARGE DURING THE FIRST 12 MONTHS OF OPERATION AND  
573 ANNUALLY THEREAFTER FOR AT LEAST 10 YEARS.

574  
575 (34) The agreements and assurances required by this section shall be in the form of a certification  
576 agreed to by the applicant or its authorized agent.

### 577 **Section 13. MRI procedure adjustments**

578  
579  
580 Sec. 13. (1) The Department shall apply the following formula, as applicable, to determine the  
581 number of MRI adjusted procedures that are performed by an existing MRI service or unit:

582 (a) The base value for each MRI procedure is 1.0.

583 (b) For each MRI visit involving a pediatric patient, 0.25 shall be added to the base value.

584 (c) For each MRI visit involving an inpatient, 0.50 shall be added to the base value.

585 (d) For each MRI procedure performed on a sedated patient, 0.75 shall be added to the base  
586 value.

- 587 (e) For each MRI procedure performed on a re-sedated patient, 0.25 shall be added to the base  
588 value.  
589 (f) For each MRI procedure performed on a special needs patient, 0.25 shall be added to the base  
590 value.  
591 (g) For each MRI visit that involves both a clinical and research scan on a single patient in a single  
592 visit, 0.25 shall be added to the base value.  
593 (h) For each contrast MRI procedure performed after use of a contrast agent, and not involving a  
594 procedure before use of a contrast agent, 0.35 shall be added to the base value.  
595 (i) For each contrast MRI procedure involving a procedure before and after use of a contrast  
596 agent, 1.0 shall be added to the base value.  
597 (j) For each MRI procedure performed at a teaching facility, 0.15 shall be added to the base value.  
598 (k) The results of subsections (a) through (j) shall be summed, and that sum shall represent an  
599 MRI adjusted procedure.

- 600  
601 (2) The Department shall apply not more than one of the adjustment factors set forth in this  
602 subsection, as applicable, to the number of MRI procedures adjusted in accordance with the applicable  
603 provisions of subsection (1) that are performed by an existing MRI service or unit.  
604 (a) For a site located in a rural or micropolitan statistical area county, the number of MRI adjusted  
605 procedures shall be multiplied by a factor of 1.4.  
606 (b) For a mobile MRI unit that serves hospitals and other host sites located in rural, micropolitan  
607 statistical area, and metropolitan statistical area counties, the number of MRI adjusted procedures for a  
608 site located in a rural or micropolitan statistical area county, shall be multiplied by a factor of 1.4 and for a  
609 site located in a metropolitan statistical area county, the number of MRI adjusted procedures shall be  
610 multiplied by a factor of 1.0.  
611 (c) For a mobile MRI unit that serves only sites located in rural or micropolitan statistical area  
612 counties, the number of MRI adjusted procedures shall be multiplied by a factor of 2.0.  
613 (d) For a mobile MRI unit that serves only sites located in a health service area with one or fewer  
614 fixed MRI units and one or fewer mobile MRI units, the number of MRI adjusted procedures shall be  
615 multiplied by a factor of 3.5.  
616 (e) Subsection (2) shall not apply to an application proposing a subsequent fixed MRI unit (second,  
617 third, etc.) at the same site.  
618  
619 (3) The number of MRI adjusted procedures performed by an existing MRI service is the sum of  
620 the results of subsections (1) and (2).

621  
622 **Section 14. Documentation of actual utilization**

623  
624 Sec. 14. Documentation of the number of MRI procedures performed by an MRI unit shall be  
625 substantiated by the Department utilizing data submitted by the applicant in a format and media specified  
626 by the Department and as verified for the 12-month period reported on the most recently published "MRI  
627 Service Utilization List" as of the date an application is deemed ~~complete~~ SUBMITTED by the  
628 Department. The number of MRI procedures actually performed shall be documented by procedure  
629 records and not by application of the methodology required in Section 15. The Department may elect to  
630 verify the data through on-site review of appropriate records.  
631

632 **Section 15. Methodology for computing the number of available MRI adjusted procedures**

633  
634 Sec. 15. (1) The number of available MRI adjusted procedures required pursuant to Section 3 shall  
635 be computed in accordance with the methodology set forth in this section. In applying the methodology,  
636 the following steps shall be taken in sequence, and data for the 12-month period reported on the most  
637 recently published "Available MRI Adjusted Procedures List," as of the date an application is deemed  
638 ~~complete~~ SUBMITTED by the Department, shall be used:

- 639 (a) Identify the number of actual MRI adjusted procedures performed by each existing MRI service  
640 as determined pursuant to Section 13.

641 (i) For purposes of computing actual MRI adjusted procedures, MRI adjusted procedures  
642 performed on MRI units used exclusively for research and approved pursuant to Section 8(1) and  
643 dedicated pediatric MRI approved pursuant to Section 9 shall be excluded.

644 (ii) For purposes of computing actual MRI adjusted procedures, the MRI adjusted procedures,  
645 from the host site routes utilized to meet the requirements of Section 3(2)(c), shall be excluded beginning  
646 at the time the application is submitted and for three years from the date the fixed MRI unit becomes  
647 operational.

648 (iii) For purposes of computing actual MRI adjusted procedures, the MRI adjusted procedures  
649 utilized to meet the requirements of Section 5(1) shall be reduced by 8,000 and shall be excluded  
650 beginning at the time the application is submitted and for three years from the date the fixed MRI unit  
651 becomes operational.

652 (b) Identify the number of available MRI adjusted procedures, if any, for each existing MRI service  
653 as determined pursuant to Section 2(1)(c).

654 (c) Determine the number of available MRI adjusted procedures that each referring doctor may  
655 commit from each service to an application in accordance with the following:

656 (i) Divide the number of available MRI adjusted procedures identified in subsection (b) for each  
657 service by the number of actual MRI adjusted procedures identified in subsection (a) for that existing MRI  
658 service.

659 (ii) For each doctor referring to that existing service, multiply the number of actual MRI adjusted  
660 procedures that the referring doctor made to the existing MRI service by the applicable proportion  
661 obtained by the calculation in subdivision (c)(i).

662 (A) For each doctor, subtract any available adjusted procedures previously committed. The total  
663 for each doctor cannot be less than zero.

664 (B) The total number of available adjusted procedures for that service shall be the sum of the  
665 results of (A) above.

666 (iii) For each MRI service, the available MRI adjusted procedures resulting from the calculation in  
667 (c)(ii) above shall be sorted in descending order by the available MRI adjusted procedures for each  
668 doctor. Then any duplicate values shall be sorted in descending order by the doctors' license numbers  
669 (last 6 digits only).

670 (iv) Using the data produced in (c)(iii) above, sum the number of available adjusted procedures in  
671 descending order until the summation equals at least 75 percent of the total available adjusted  
672 procedures. This summation shall include the minimum number of doctors necessary to reach the 75  
673 percent level.

674 (v) For the doctors representing 75 percent of the total available adjusted procedures in (c)(iv)  
675 above, sum the available adjusted procedures.

676 (vi) For the doctors used in subsection (c)(v) above, divide the total number of available adjusted  
677 procedures identified in (c)(ii)(B) above by the sum of those available adjusted procedures produced in  
678 (c)(v) above.

679 (vii) For only those doctors identified in (c)(v) above, multiply the result of (c)(vi) above by the  
680 available adjusted procedures calculated in (c)(ii)(A) above.

681 (viii) The result shall be the "Available MRI Adjusted Procedures List."

682

683 (2) After publication of the "Available MRI Adjusted Procedures List" resulting from (1) above, the  
684 data shall be updated to account for a) doctor commitments of available MRI adjusted procedures in  
685 subsequent MRI CON applications and b) MRI adjusted procedures used in subsequent MRI CON  
686 applications received in which applicants apply for fixed MRI services pursuant to Section 3(2).

687

## 688 **Section 16. Procedures and requirements for commitments of available MRI adjusted procedures**

689

690 Sec. 16. (1) If one or more host sites on a mobile MRI service are located within the planning area of  
691 the proposed site, the applicant may access available MRI adjusted procedures from the entire mobile  
692 MRI service.  
693

694 (2)(a) At the time the application is submitted to the Department, the applicant shall submit a signed  
695 data commitment, on a form provided by the Department in response to the applicant's letter of intent for  
696 each doctor committing available MRI adjusted procedures to that application for a new MRI unit that  
697 requires doctor commitments.

698 (b) An applicant also shall submit, at the time the application is filed with the Department, a  
699 computer file that lists, for each MRI service from which data are being committed to the same  
700 application, the name and license number of each doctor for whom a signed and dated data commitment  
701 form is submitted.

702 (i) The computer file shall be provided to the Department on mutually agreed upon media and in a  
703 format prescribed by the Department.

704 (ii) If the doctor commitments submitted on the Departmental forms do not agree with the data on  
705 the computer file, the applicant shall be allowed to correct only the computer file data which includes  
706 adding physician commitments that were submitted at the time of application.

707 (c) If the required documentation for the doctor commitments submitted under this subsection is  
708 not submitted with the application on the designated application date, the application will be deemed **filed**  
709 **SUBMITTED** on the first applicable designated application date after all required documentation is  
710 received by the Department.

711  
712 (3) The Department shall consider a signed and dated data commitment on a form provided by the  
713 Department in response to the applicant's letter of intent that meets the requirements of each of the  
714 following, as applicable:

715 (a) A committing doctor certifies that 100% of his or her available MRI adjusted procedures for  
716 each specified MRI service, calculated pursuant to Section 15, is being committed and specifies the CON  
717 application number for the MRI unit to which the data commitment is made. A doctor shall not be  
718 required to commit available MRI adjusted procedures from all MRI services to which his or her patients  
719 are referred for MRI services but only from those MRI services specified by the doctor in the data  
720 commitment form provided by the Department and submitted by the applicant in support of its application.

721 (b) A committing doctor certifies ownership interest, either direct or indirect, in the applicant entity.  
722 Indirect ownership includes ownership in an entity that has ownership interest in the applicant entity. This  
723 requirement shall not apply if the applicant entity is a group practice of which the committing doctor is a  
724 member. Group practice means a group practice as defined pursuant to the provisions of 42 U.S.C.  
725 1395nn (h)(4), commonly known as Stark II, and the Code of Federal Regulations, 42 CFR, Part 411,  
726 published in the Federal Register on August 14, 1995, or its replacement.

727 (c) A committing doctor certifies that he or she has not been provided, or received a promise of  
728 being provided, a financial incentive to commit any of his or her available MRI adjusted procedures to the  
729 application.

730  
731 (4)(a) The Department shall not consider a data commitment from a doctor for available MRI adjusted  
732 procedures from a specific MRI service if the available MRI adjusted procedures from that specific MRI  
733 service were used to support approval of an application for a new or additional MRI unit, pursuant to  
734 Section 3, for which a final decision to approve has been issued by the Director of the Department until  
735 either of the following occurs:

736 (i) The approved CON is withdrawn or expires.

737 (ii) The MRI service or unit to which the data were committed has been in operation for at least 36  
738 continuous months.

739 (b) The Department shall not consider a data commitment from a doctor for available MRI adjusted  
740 procedures from a specific MRI service if the available MRI adjusted procedures from that specific MRI  
741 service were used to support an application for a new fixed or mobile MRI unit or additional mobile MRI  
742 unit pursuant to Section 3, for which a final decision to disapprove was issued by the Director of the  
743 Department until either of the following occurs:

744 (i) A final decision to disapprove an application is issued by the Director and the applicant does  
745 not appeal that disapproval or

746 (ii) If an appeal was made, either that appeal is withdrawn by the applicant or the committing  
747 doctor withdraws his or her data commitment pursuant to the requirements of subsection (8).  
748

749 (5) The Department shall not consider a data commitment from a committing doctor for available  
750 MRI adjusted procedures from the same MRI service if that doctor has submitted a signed data  
751 commitment, on a form provided by Department, for more than one (1) application for which a final  
752 decision has not been issued by the Department. If the Department determines that a doctor has  
753 submitted a signed data commitment for the same available MRI adjusted procedures from the same MRI  
754 service to more than one CON application pending a final decision for a new fixed or mobile MRI unit or  
755 additional mobile MRI unit pursuant to Section 3, the Department shall,

756 (a) if the applications were filed on the same designated application date, notify all applicants,  
757 simultaneously and in writing, that one or more doctors have submitted data commitments for available  
758 MRI adjusted procedures from the same MRI service and that the doctors' data from the same MRI  
759 service shall not be considered in the review of any of the pending applications filed on the same  
760 designated application date until the doctor notifies the Department, in writing, of the one (1) application  
761 for which the data commitment shall be considered.

762 (b) if the applications were filed on different designated application dates, consider the data  
763 commitment submitted in the application filed on the earliest designated application date and shall notify,  
764 simultaneously in writing, all applicants of applications filed on designated application dates subsequent  
765 to the earliest date that one or more committing doctors have submitted data commitments for available  
766 MRI adjusted procedures from the same MRI service and that the doctors' data shall not be considered in  
767 the review of the application(s) filed on the subsequent designated application date(s).  
768

769 (6) The Department shall not consider any data commitment submitted by an applicant after the  
770 date an application is deemed ~~complete~~ SUBMITTED unless an applicant is notified by the Department,  
771 pursuant to subsection (5), that one or more committing doctors submitted data commitments for  
772 available MRI adjusted procedures from the same MRI service. If an applicant is notified that one or  
773 more doctors' data commitments will not be considered by the Department, the Department shall  
774 consider data commitments submitted after the date an application is deemed ~~complete~~ SUBMITTED  
775 only to the extent necessary to replace the data commitments not being considered pursuant to  
776 subsection (5).

777 (a) The applicant shall have 30 days to submit replacement of doctor commitments as identified by  
778 the Department in this Section.  
779

780 (7) In accordance with either of the following, the Department shall not consider a withdrawal of a  
781 signed data commitment

782 (a) during the 120-day period following the date on which the Department's review of an  
783 application commences.

784 (b) after a proposed decision to approve an application has been issued by the Department.  
785

786 (8) The Department shall consider a withdrawal of a signed data commitment if a committing  
787 doctor submits a written notice to the Department, that specifies the CON application number and the  
788 specific MRI services for which a data commitment is being withdrawn, and if an applicant demonstrates  
789 that the requirements of subsection (7) also have been met.  
790

## 791 **Section 17. Lists published by the Department**

792  
793 Sec. 17. (1) On or before May 1 and November 1 of each year, the Department shall publish the  
794 following lists:

795 (a) A list, known as the "MRI Service Utilization List," of all MRI services in Michigan that includes  
796 at least the following for each MRI service:

797 (i) The number of actual MRI adjusted procedures;

798 (ii) The number of available MRI adjusted procedures, if any; and

799 (iii) The number of MRI units, including whether each unit is a clinical, research, or dedicated  
800 pediatric.  
801 (b) A list, known as the "Available MRI Adjusted Procedures List," that identifies each MRI service  
802 that has available MRI adjusted procedures and includes at least the following:  
803 (i) The number of available MRI adjusted procedures;  
804 (ii) The name, address, and license number of each referring doctor, identified in Section  
805 15(1)(c)(v), whose patients received MRI services at that MRI service; and  
806 (iii) The number of available MRI adjusted procedures performed on patients referred by each  
807 referring doctor, identified in Section 15(1)(c)(v), and if any are committed to an MRI service. This  
808 number shall be calculated in accordance with the requirements of Section 15(1). A referring doctor may  
809 have fractional portions of available MRI adjusted procedures.  
810 (c) For the lists published pursuant to subsections (a) or (b), the May 1 list will report 12 months of  
811 data from the previous January 1 through December 31 reporting period, and the November 1 list will  
812 report 12 months of data from the previous July 1 through June 30 reporting period. Copies of both lists  
813 shall be available upon request.  
814 (d) The Department shall not be required to publish a list that sorts MRI database information by  
815 referring doctor, only by MRI service.

816  
817 (2) When an MRI service begins to operate at a site at which MRI services previously were not  
818 provided, the Department shall include in the MRI database, data beginning with the second full quarter  
819 of operation of the new MRI service. Data from the start-up date to the start of the first full quarter will not  
820 be collected to allow a new MRI service sufficient time to develop its data reporting capability. Data from  
821 the first full quarter of operation will be submitted as test data but will not be reported in the lists published  
822 pursuant to this section.

823  
824 (3) In publishing the lists pursuant to subsections (a) and (b), if an MRI service has not reported  
825 data in compliance with the requirements of Section 12, the Department shall indicate on both lists that  
826 the MRI service is in violation of the requirements set forth in Section 12, and no data will be shown for  
827 that service on either list.

## 828 829 **Section 18. Effect on prior CON Review Standards; Comparative reviews**

830  
831 Sec. 18. (1) These CON review standards supersede and replace the CON Review Standards for  
832 Magnetic Resonance Imaging Services approved by the CON Commission on ~~September 16, 2008~~  
833 ~~SEPTEMBER 10, 2009~~ and effective ~~November 13, 2008~~ NOVEMBER 5, 2009.

834  
835 (2) Projects reviewed under these standards shall not be subject to comparative review.



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**Section 19. Health Service Areas**

Sec. 19. Counties assigned to each of the health service areas are as follows:

<b>HSA</b>	<b>COUNTIES</b>		
1	Livingston Macomb Wayne	Monroe Oakland	St. Clair Washtenaw
2	Clinton Eaton	Hillsdale Ingham	Jackson Lenawee
3	Barry Berrien Branch	Calhoun Cass Kalamazoo	St. Joseph Van Buren
4	Allegan Ionia Kent Lake	Mason Mecosta Montcalm Muskegon	Newaygo Oceana Osceola Ottawa
5	Genesee	Lapeer	Shiawassee
6	Arenac Bay Clare Gladwin Gratiot	Huron Iosco Isabella Midland Ogemaw	Roscommon Saginaw Sanilac Tuscola
7	Alcona Alpena Antrim Benzie Charlevoix Cheboygan	Crawford Emmet Gd Traverse Kalkaska Leelanau Manistee	Missaukee Montmorency Oscoda Otsego Presque Isle Wexford
8	Alger Baraga Chippewa Delta Dickinson	Gogebic Houghton Iron Keweenaw Luce	Mackinac Marquette Menominee Ontonagon Schoolcraft

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**CON REVIEW STANDARDS**  
**FOR MRI SERVICES**

Rural Michigan counties are as follows:

Alcona	Hillsdale	Ogemaw
Alger	Huron	Ontonagon
Antrim	Iosco	Osceola
Arenac	Iron	Oscoda
Baraga	Lake	Otsego
Charlevoix	Luce	Presque Isle
Cheboygan	Mackinac	Roscommon
Clare	Manistee	Sanilac
Crawford	Mason	Schoolcraft
Emmet	Montcalm	Tuscola
Gladwin	Montmorency	
Gogebic	Oceana	

Micropolitan statistical area Michigan counties are as follows:

Allegan	Gratiot	Mecosta
Alpena	Houghton	Menominee
Benzie	Isabella	Midland
Branch	Kalkaska	Missaukee
Chippewa	Keweenaw	St. Joseph
Delta	Leelanau	Shiawassee
Dickinson	Lenawee	Wexford
Grand Traverse	Marquette	

Metropolitan statistical area Michigan counties are as follows:

Barry	Ionia	Newaygo
Bay	Jackson	Oakland
Berrien	Kalamazoo	Ottawa
Calhoun	Kent	Saginaw
Cass	Lapeer	St. Clair
Clinton	Livingston	Van Buren
Eaton	Macomb	Washtenaw
Genesee	Monroe	Wayne
Ingham	Muskegon	

Source:

65 F.R., p. 82238 (December 27, 2000)  
Statistical Policy Office  
Office of Information and Regulatory Affairs  
United States Office of Management and Budget