

Notice of Public Comment Period

The Michigan Department of Health and Human Services (MDHHS) will hold a public comment period for Certificate of Need (CON) Review Standards.

Date: Thursday, December 17, 2020 - Wednesday, January 6, 2021



Magnetic Resonance Imaging (MRI) Services



The Commission has asked for input on the proposed changes to the MRI Services standards. The proposed changes are to acknowledge MRI is the only standard that requires the use of specific data, i.e. the May and November MRI Utilization lists. Given that there was a period of months where only urgent/emergent MRIs could be done, that has reduced the number of available adjusted MRI procedures that can be used for applications. The proposed language would provide a ten percent reduction for the number of available MRI adjusted procedures needed for initiation if the application is utilizing an MRI list where the report period is impacted by a public health epidemic and allow providers to annualize their procedure data that's impacted by a public health epidemic.

The proposed changes include the following:

1. Section 2(1)(II): Defines "Public Health Epidemic" - "PUBLIC HEALTH EPIDEMIC" MEANS AN EPIDEMIC IDENTIFIED AND CONTROLLED PURSUANT TO MCL 333.2253(1) OR MCL 333.2453(1), OR AN EPIDEMIC OR PANDEMIC AS DECLARED BY THE CENTERS FOR DISEASE CONTROL (CDC) OR THE WORLD HEALTH ORGANIZATION (WHO).
2. Section 3(1) – (4): Provides a ten percent reduction for the number of available MRI adjusted procedures needed for initiation if the application is utilizing an MRI list where the report period is impacted by a public health epidemic.
3. Section 4(5)(c): Allows for the annualizing of procedure data if the application is utilizing an MRI List where the reporting period is impacted by a public health epidemic when replacing an existing fixed MRI service and its unit(s) to a new site.

Each existing MRI unit to be relocated performed at least the applicable minimum number of MRI adjusted procedures set forth in Section 14 based on the most recently published MRI Service Utilization List as of the date an application is deemed submitted by the Department unless one of the following requirements OF SUBSECTION (i), (ii), OR (iii) are met: IF THE APPLICATION IS UTILIZING AN MRI LIST WHERE THE DEPARTMENT DETERMINES THAT THE REPORTING PERIOD IS IMPACTED BY A PUBLIC HEALTH EPIDEMIC AND THE FACILITY WAS PREVENTED BY LAW FROM OPERATING AT FULL CAPACITY DUE TO THE PUBLIC HEALTH EPIDEMIC, THE APPLICANT MAY ANNUALIZE THEIR MRI ADJUSTED PROCEDURES AND SHALL INCLUDE ONLY THOSE MONTHS AND PROCEDURES PERFORMED WHEN THE FACILITY WAS NOT PREVENTED BY LAW FROM OPERATING AT FULL CAPACITY DUE TO THE PUBLIC HEALTH EPIDEMIC. IF USING ANNUALIZED DATA, THE APPLICANT SHALL SUBMIT

AN AFFIDAVIT CONFIRMING THE MONTHS THAT THE FACILITY WAS PREVENTED BY LAW FROM OPERATING AT FULL CAPACITY DUE TO THE PUBLIC HEALTH EPIDEMIC.

4. Section 5(2): Allows for the annualizing of procedure data if the application is utilizing an MRI List where the reporting period is impacted by a public health epidemic when expanding an MRI service.

IF THE APPLICANT IS APPLYING FOR EXPANSION, AND THE APPLICATION IS UTILIZING AN MRI LIST WHERE THE DEPARTMENT DETERMINES THAT THE REPORTING PERIOD IS IMPACTED BY A PUBLIC HEALTH EPIDEMIC, AND THE FACILITY WAS PREVENTED BY LAW FROM OPERATING AT FULL CAPACITY DUE TO THE PUBLIC HEALTH EPIDEMIC, THE APPLICANT MAY ANNUALIZE THEIR MRI ADJUSTED PROCEDURES AND SHALL INCLUDE ONLY THOSE MONTHS AND PROCEDURES PERFORMED WHEN THE FACILITY WAS NOT PREVENTED BY LAW FROM OPERATING AT FULL CAPACITY DUE TO THE PUBLIC HEALTH EPIDEMIC. IF USING ANNUALIZED DATA, THE APPLICANT SHALL SUBMIT AN AFFIDAVIT CONFIRMING THE MONTHS THAT THE FACILITY WAS PREVENTED BY LAW FROM OPERATING AT FULL CAPACITY DUE TO THE PUBLIC HEALTH EPIDEMIC.

6. Other technical edits.



Comments may be submitted starting Thursday, December 17, 2020, in writing by sending an email to the following email address: MDHHS-ConWebTeam@michigan.gov.

Please submit written comments no later than 5:00 p.m., Wednesday, January 6, 2021. If you have any questions or concerns, please contact Tania Rodriguez at rodriguez1@michigan.gov.

12/16/20