

1 | **MICHIGAN DEPARTMENT OF COMMUNITY HEALTH**  
2  
3 | **CERTIFICATE OF NEED (CON) REVIEW STANDARDS**  
4 | **FOR BONE MARROW TRANSPLANTATION (BMT) 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**

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12 | Sec. 1. (1) These standards are requirements for the approval ~~and delivery~~**TO INITIATE OR**  
13 **ACQUIRE BMT** of services under Part 222 of the Code. ~~Pursuant to Part 222 of the Code, BMT~~  
14 **SERVICES is-ARE** a covered clinical service ~~pursuant to Part 222 of the Code.~~ The Department shall use  
15 these standards in applying Section 22225(1) of the Code being Section 333.22225(1) of the Michigan  
16 Compiled Laws and Section 22225(C) of the Code, being Section 333.22225(2)(C) of the Michigan  
17 Compiled Laws.  
18

19 (2) A BMT service listed on the Department inventory that is located at a hospital site and initially  
20 does not perform both allogeneic and autologous procedures shall not be required to obtain separate  
21 CON approval to begin performing both autologous and allogeneic BMT procedures.  
22

23 (3) An existing BMT service that performs only adult procedures shall require separate CON  
24 approval in order to perform pediatric procedures. An existing BMT service that performs only pediatric  
25 procedures shall require separate CON approval in order to perform adult procedures.  
26

27 **Section 2. Definitions**  
28

29 Sec. 2. (1) As used in these standards:

30 | (a) ~~"Acquisition of a BMT service" means the acquisition (including purchase, lease, donation, or~~  
31 ~~other arrangement) of an existing BMT service.~~

32 (b) "Adult" means an individual age 18 or older.

33 (c) "Allogeneic" means transplantation between genetically nonidentical individuals of the same  
34 species.

35 (d) "Autologous" means transplantation in which the donor and recipient are the same individual.

36 (e) "Bone marrow transplantation service" or "BMT service" means the transplantation of  
37 proliferating hematopoietic stem cells essential to the survival of a patient derived from the bone marrow,  
38 the peripheral circulation, cord blood, or any other source.

39 (f) "Cancer hospital" means a hospital that has been approved to participate in the Title XVIII  
40 (Medicare) program as a prospective payment system (PPS) exempt hospital in accordance with Section  
41 1886 (d)(1)(B)(v) of the Social Security Act, as amended.

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

44 (h) "Comparative group" means the applications that have been grouped for the same type of  
45 project in the same planning area and are being reviewed comparatively in accordance with the CON  
46 rules.

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

49 (j) "Department" means the Michigan Department of Community Health (MDCH).

50 (k) "Department inventory of BMT services" means the list maintained by the Department of: (i) the  
51 bone marrow transplantation services operating pursuant to a valid CON issued under Part 222 or former  
52 Part 221; (ii) operating BMT services for which the operation of that service did not require a CON; and (iii)  
53 BMT services that are not yet operational but have a valid CON issued under Part 222. The list shall

54 inventory adult and pediatric services separately and shall specify the site at which the BMT service is  
55 authorized.

56 (l) "Existing BMT service," for purposes of Section 3(5) of these standards, means any of the  
57 following: (i) a BMT service listed on the Department inventory, (ii) a proposed BMT service under appeal  
58 from a final decision of the Department, or (iii) a proposed BMT service that is part of a completed  
59 application under Part 222 (other than the application under review) for which a proposed decision has  
60 been issued and which is pending final decision.

61 (m) "Health service area" or "HSA" means the geographic area set forth in ~~Section 9~~APPENDIX A.

62 (n) "Initiate" or "implement" means the performance of the first transplant procedure. The term of  
63 an approved CON shall be 18 months or the extended period established by Rule 325.9403(2).

64 ~~(o) "Initiate a BMT service" means to begin operation of a BMT service at a site that does not  
65 provide either adult or pediatric BMT services and is not listed on the Department inventory as of the date  
66 an application is submitted to the Department. The term includes an adult service that is proposing to  
67 provide a pediatric BMT service, and a pediatric service that is proposing to provide an adult BMT service.  
68 The term does not include beginning operation of a BMT service by a cancer hospital which acquires an  
69 existing BMT service provided that all of the staff, services, and programs required under section 3(3) are  
70 to be provided by the cancer hospital and/or by the hospital from which the BMT service is being acquired.~~

71 (p) "Institutional Review Board" or "IRB" means an institutional review board as defined by Public  
72 Law 93-348 which is regulated by Title 45 CFR 46.

73 (q) "Licensed site" means the location of the hospital authorized by license and listed on that  
74 licensee's certificate of licensure.

75 (r) "Medicaid" means title XIX of the social security act, chapter 531, 49 Stat. 620, 1396r-6 and TO  
76 1396r-8G AND 1396I to 1396v1396U.

77 (s) "Pediatric" means any patient 20 years of age or less or any patient with congenital conditions or  
78 diseases for which BMT is a treatment.

79 (t) "Planning area" means:

80 (i) planning area one that includes the counties in health service areas 1, 2, 5, and 6, and the  
81 following counties in health service area 7: Alcona, Alpena, Cheboygan, Crawford, Montmorency, Oscoda,  
82 Otsego, and Presque Isle; or

83 (ii) planning area two that includes the counties in health service areas 3, 4, and 8, and the  
84 following counties in health service area 7: Antrim, Benzie, Charlevoix, Emmet, Grand Traverse,  
85 Kalkaska, Leelanau, Manistee, Missaukee, and Wexford.

86 (u) "Qualifying project" means each application in a comparative group that has been reviewed  
87 individually and has been determined by the Department to have satisfied all of the requirements of  
88 Section 22225 of the Code, being Section 333.22225 of the Michigan Compiled Laws, and all other  
89 applicable requirements for approval in the Code and these standards.

90 (v) "Survival rate" means the rate calculated using the Kaplan-Meier technique and the following: (i)  
91 the date of transplantation (or, if more than one transplant is performed, the date of the first transplant)  
92 must be the starting date for calculation of the survival rate; (ii) for those dead, the date of death is used, if  
93 known. If the date of death is unknown, it must be assumed as 1 day after the date of the last ascertained  
94 survival; (iii) for those who have been ascertained as surviving within 60 days before the fiducial date (the  
95 point in time when the facility's survival rates are calculated and its experience is reported), survival is  
96 considered to be the date of the last ascertained survival, except for patients described in subsection (v);  
97 (iv) any patient who is not known to be dead, but whose survival cannot be ascertained to a date that is  
98 within 60 days before the fiducial date, must be considered as "lost to follow up" for the purposes of the  
99 survival rate calculation; (v) any patient transplanted between 61 and 120 days before the fiducial date  
100 must be considered as "lost to follow up" if he or she is not known to be dead and his or her survival has  
101 not been ascertained for at least 60 days before the fiducial date. Any patient transplanted within 60 days  
102 before the fiducial date must be considered as "lost to follow up" if he or she is not known to be dead and  
103 his or her survival has not been ascertained on the fiducial date; and (vi) the survival analyses must use  
104 the assumption that each patient in the "lost to follow up" category died 1 day after the last date of  
105 ascertained survival. However, an applicant may submit additional analyses that reflect each patient in  
106 the "lost to follow up" category as alive at the date of the last ascertained survival.

107 (w) "Tumor registry" means a manual or computerized data base containing information about all  
108 malignancies and only those that are diagnosed and/or treated at the applicant's facility. The  
109 malignancies must be reportable to the Michigan Cancer Surveillance Program as required pursuant to  
110 Public Act 82 of 1984, as amended.

111  
112 (2) The definitions of Part 222 shall apply to these standards.

### 113 114 **Section 3. Requirements to initiate a BMT service**

115  
116 Sec. 3. Initiate a BMT service means to begin operation of a BMT service at a site that does not  
117 provide either adult or pediatric BMT services and is not listed on the Department inventory as of the date  
118 an application is submitted to the Department. The term includes an adult service that is proposing to  
119 provide a pediatric BMT service, and a pediatric service that is proposing to provide an adult BMT service.  
120 The term does not include beginning operation of a BMT service by a cancer hospital which acquires an  
121 existing BMT service provided that all of the staff, services, and programs required under section 3(3) are  
122 to be provided by the cancer hospital and/or by the hospital from which the BMT service is being acquired.  
123 An applicant proposing to initiate a BMT service shall demonstrate the following requirements: AS  
124 APPLICABLE TO THE PROPOSED PROJECT.

125  
126 (1) An applicant shall specify in the application whether the proposed service will perform either or  
127 both adult and pediatric BMT procedures.

128  
129 (2) An applicant shall specify the licensed site at which the BMT service will be provided.

130  
131 (3) An applicant proposing to initiate either an adult or pediatric BMT service shall demonstrate that  
132 the licensed site at which the transplants will be offered provides each of the following staff, services, and  
133 programs:

- 134 (a) operating rooms.
- 135 (b) continuous availability, on-site or physically connected, either immediate or on-call, of CT  
136 scanning, magnetic resonance imaging, ultrasound, angiography, and nuclear medicine services.
- 137 (c) dialysis.
- 138 (d) inpatient-outpatient social work.
- 139 (e) inpatient-outpatient psychiatry/psychology.
- 140 (f) clinical research.
- 141 (g) a microbiology and virology laboratory.
- 142 (h) a histocompatibility laboratory that meets the standards of the American Society for  
143 Histocompatibility and Immunogenetics, or an equivalent organization, either on-site or through written  
144 agreement.
  - 145 (i) a hematopathology lab capable of performing cell phenotype analysis using flow cytometry.
  - 146 (j) a clinical chemistry lab with the capability to monitor antibiotic and antineoplastic drug levels,  
147 available either on-site or through other arrangements that assure adequate availability.
  - 148 (k) other support services, as necessary, such as physical therapy and rehabilitation medicine.
  - 149 (l) continuous availability of anatomic and clinical pathology and laboratory services, including  
150 clinical chemistry, and immuno-suppressive drug monitoring.
  - 151 (m) continuous availability of red cells, platelets, and other blood components.
  - 152 (n) an active medical staff that includes, but is not limited to, the following board-certified or board-  
153 eligible specialists. For an applicant that is proposing to perform pediatric transplant procedures, these  
154 specialists shall be board-certified or board-eligible in the pediatric discipline of each specialty.
    - 155 (i) anesthesiology.
    - 156 (ii) cardiology.
    - 157 (iii) critical care medicine.
    - 158 (iv) gastroenterology.
    - 159 (v) general surgery.
    - 160 (vi) hematology.

161 (vii) infectious diseases.  
162 (viii) nephrology.  
163 (ix) neurology.  
164 (x) oncology.  
165 (xi) pathology, including blood banking experience.  
166 (xii) pulmonary medicine.  
167 (xiii) radiation oncology.  
168 (xiv) radiology.  
169 (xv) urology.  
170 (o) One or more consulting physicians who are board-certified or board-eligible in each of the  
171 following specialties. For an applicant proposing to perform pediatric BMT procedures, these specialists  
172 shall have specific experience in the care of pediatric patients.  
173 (i) dermatology.  
174 (ii) immunology.  
175 (iii) neurosurgery.  
176 (iv) orthopedic surgery.  
177  
178 (4) An applicant must provide an implementation plan for the proposed BMT service.  
179 "Implementation plan" means a plan that documents how a proposed BMT service will be initiated within  
180 the time period specified in these standards or the CON rules. At a minimum, the implementation plan  
181 shall identify:  
182 (a) each component or activity necessary to begin performing the proposed BMT service including,  
183 but not limited to, the development of physical plant requirements, such as an intensive care unit capable  
184 of treating immuno-suppressed patients, equipment acquisitions, and recruitment and employment of all  
185 physician and support staff;  
186 (b) the time table for completing each component or activity specified in subsection (a); and  
187 (c) if the applicant previously has been approved for a BMT service for which either the CON  
188 expired or the service did not perform a transplant procedure during any consecutive 12-month period,  
189 what changes have or will be made to ensure that the proposed service can be initiated and provided on a  
190 regular basis.  
191  
192 (5)(a) An applicant shall demonstrate that the number of existing adult BMT services does not exceed  
193 three (3) adult BMT services in planning area one identified in Section 2(1)(t)(i) or one (1) adult BMT  
194 service in planning area two identified in Section 2(1)(t)(ii) and that approval of the proposed application  
195 will not result in the total number of adult BMT services exceeding the need for each specific planning  
196 area.  
197 (b) An applicant shall demonstrate that the number of existing pediatric BMT services does not  
198 exceed two (2) pediatric BMT services in planning area one identified in Section 2(1)(t)(i) or one (1)  
199 pediatric BMT service in planning area two identified in Section 2(1)(t)(ii) and that approval of the  
200 proposed application will not result in the total number of pediatric BMT services exceeding the need for  
201 each specific planning area.  
202  
203 (6)(a) An applicant proposing to initiate an adult BMT service shall project that at least 30 transplants,  
204 of which at least 10 are allogeneic transplant procedures, will be performed in the third 12-months of  
205 operation.  
206 (b) An applicant proposing to initiate a pediatric BMT service shall project that at least 10  
207 transplants, of which 5 are allogeneic transplant procedures, will be performed in the third 12-months of  
208 operation.  
209 (c) An applicant proposing to initiate both an adult and a pediatric BMT service shall specify  
210 whether patients age 18-20 are included in the projection of adult procedures required pursuant to  
211 subsection (a) or the projection of pediatric procedures required pursuant to subsection (b). An applicant  
212 shall not include patients age 18-20 in both adult and pediatric projections required pursuant to  
213 subsections (a) and (b).  
214

- 215 (7) An applicant shall provide megavoltage radiation therapy services, either on-site or physically  
216 connected, with a nominal beam energy of at least 6 MEV, including the capability to perform total body  
217 irradiation.
- 218
- 219 (8) An applicant shall demonstrate that the licensed site at which the proposed BMT service is  
220 proposed has an institutional review board.
- 221
- 222 (9) An applicant proposing to initiate a pediatric BMT service shall demonstrate that the licensed  
223 site at which the pediatric transplant procedures will be performed has each of the following:
- 224 (a) a designated pediatric inpatient oncology unit.
- 225 (b) a pediatric inpatient intensive care unit.
- 226 (c) membership status in either the Pediatric Oncology Group (POG) or the Children's Cancer  
227 Group (CCG).
- 228 (d) a pediatric tumor board that meets on a regularly scheduled basis.
- 229 (e) family support group services, provided either directly or through written agreements.
- 230 (f) a pediatric cancer program with the following staff:
- 231 (i) a director who is either a board-certified immunologist who has specific training and experience  
232 in BMT or a board-certified pediatric hematologist/oncologist.
- 233 (ii) nurses with training and experience in pediatric oncology.
- 234 (iii) social workers with training and experience in pediatric oncology.
- 235 (iv) pediatric psychologists.
- 236 (v) child life specialists.
- 237
- 238 (10)(a) An applicant proposing to initiate either a new adult or pediatric BMT service shall submit, in its  
239 application, a written consulting agreement with an existing BMT service. The written consulting  
240 agreement must be with an existing in-state or out-of-state Foundation for the Accreditation of Cellular  
241 Therapy (FACT) accredited transplant unit that performs both allogenic and autologous transplants for  
242 either adult and/or pediatrics. The terms of the agreement and the roles and responsibilities of both the  
243 existing and proposed service shall include at least the following:
- 244 (i) The term of the written consulting agreement is no less than 36 months after the proposed  
245 service begins to perform BMT procedures.
- 246 (ii) One or more representatives of the existing BMT service have been designated as staff  
247 responsible for carrying out the roles and responsibilities of the existing service.
- 248 (iii) The existing service shall evaluate and make recommendations to the proposed service on  
249 policies and procedures, including time tables, for at least each of the following:
- 250 (A) nursing services.
- 251 (B) infection control.
- 252 (C) nutritional support.
- 253 (D) staff needs and training.
- 254 (E) inpatient and outpatient medical coverage.
- 255 (F) transfusion and blood bank policies.
- 256 (G) transplant treatment protocols.
- 257 (H) hematopoiesis laboratory services and personnel.
- 258 (I) data management.
- 259 (J) quality assurance program.
- 260 (iv) Specify a schedule of site visits by staff of the existing BMT service that, at a minimum,  
261 includes:
- 262 (A) 3 visits during the first 12-months of operation of the proposed service.
- 263 (B) 3 visits during each the second 12-months and third 12-months of operation of the proposed  
264 service.
- 265 (v) Specify that the purpose of the site visits required by subdivision (iv) is to assess the proposed  
266 service and make recommendations related to quality assurance mechanisms of the proposed service,  
267 including at least each of the following:
- 268 (A) a review of the number of patients transplanted.

- 269 (B) transplant outcomes.
- 270 (C) all infections requiring treatment or life-threatening toxicity, defined for purposes of this  
271 agreement as National Cancer Institutes grade #3 or greater toxicity, excluding hematological toxicity.
- 272 (D) all deaths occurring within 100 days from transplant.
- 273 (E) each of the requirements of subdivision (iii).
- 274 (vi) Specify that a written report and minutes of each site visit shall be completed by the existing  
275 BMT service and sent to the proposed service within 2 weeks of each visit, and that copies of the reports  
276 and minutes shall be available to the Department upon request. At a minimum, the written report shall  
277 address each of the items in subdivision (v).
- 278 (vii) Specify that the existing BMT service shall notify the Department and the proposed service  
279 immediately if it determines that the proposed service may not be in compliance with any applicable quality  
280 assurance requirements, and develop jointly with the proposed service a plan for immediate remedial  
281 actions.
- 282 (viii) Specify that the existing BMT service shall notify the Department immediately if the consulting  
283 agreement required pursuant to these standards is terminated and that the notification shall include a  
284 statement describing the reasons for the termination.
- 285 (b) For purposes of subsection (10), "existing BMT service" means a service that meets all of the  
286 following:
- 287 (i) currently is performing and is FACT accredited in, the types of transplants (allogeneic and  
288 autologous; adult or pediatric) proposed to be performed by the applicant;
- 289 (ii) currently is certified as a National Marrow Donor Program; and
- 290 (iii) is located in the United States.
- 291 (c) An applicant shall document that the existing BMT service meets the requirements of  
292 subsection (b).

293

294 **Section 4. Requirements for approval – acquisition of a BMT service by a cancer hospital**

295

296 **SEC 4.(4) Acquisition of a BMT service means the acquisition (including purchase, lease, donation,**  
297 **or other arrangement) of an existing BMT service.** An applicant proposing to acquire an existing BMT  
298 service shall demonstrate **THE FOLLOWING, AS APPLICABLE TO THE PROPOSED PROJECT.**

299

300 **(1) that it THE APPLICANT** meets all of the requirements of this subsection and shall not be  
301 required to be in compliance with Section 3(5) and the department inventory.

302 (a) The total number of BMT services is not increased in the planning area as the result of the  
303 acquisition.

304 (b) As part of the acquisition of the BMT service, the acquisition or replacement of the cancer  
305 hospital, or for any other reasons, the location of the BMT service shall be located at its prior location  
306 or in space within the licensed cancer hospital site.

307 (c) The applicant is a cancer hospital as defined by these standards. The applicant shall, to the  
308 satisfaction of the Department, provide verification of PPS-exemption at the time of application, or shall  
309 demonstrate compliance with the following to the satisfaction of the Department:

310 (i) The applicant, or an affiliate of the applicant, operates a comprehensive cancer center  
311 recognized by the National Cancer Institute in conjunction with a Michigan university that is designated  
312 as a comprehensive cancer center, or the applicant is the Michigan university that is designated as a  
313 comprehensive cancer center.

314 (ii) The applicant commits to provide evidence, satisfactory to the Department, of approval as a  
315 PPS-exempt hospital within the time limits specified in subsection (g).

316 (d) The applicant demonstrates that it meets, directly or through arrangements with the hospital  
317 from which it acquires the BMT service, the requirements set forth under Section 3(3), (6), (7), and (8),  
318 as applicable.

319 (e) The applicant agrees to either have a written consulting agreement as required by Section  
320 3(10) or obtain a determination by the Department that such an agreement is not required because the  
321 existing BMT staff, services, and program substantially will continue to be in place after the acquisition.

322 (f) The applicant agrees and assures to comply, either directly or through arrangements with  
323 the hospital from which it acquires the BMT service, with all applicable project delivery requirements.

324 (g) If the applicant described in this subsection, or an applicant previously approved under this  
325 subsection, does not meet the Title XVIII requirements of the Social Security Act for exemption from  
326 PPS within 24 months after receiving CON approval under this section or such later date as the  
327 Department may have previously approved, the Department may extend the 24-month deadline to no  
328 later than the last session day permitted by the United States Constitution for the 113<sup>th</sup> United States  
329 Congress. Extension of the deadline until the end of the 113<sup>th</sup> Congress shall require the filing of a  
330 CON application under this section that provides demonstration by the applicant, to the satisfaction of  
331 the Department, that the applicant is continuing to pursue the PPS exemption. If the applicant fails to  
332 meet the Title XVIII requirements for PPS exemption within the 24-month period, or its possible  
333 extensions, then the Department may expire the CON granted pursuant to this subsection. However,  
334 prior to the Department expiring the CON, the original holder of the CON to provide the BMT service  
335 may apply for acquisition of the service, pursuant to all the provisions of this section, except for  
336 subsections (c) and (g).

337  
338 (2) Applicants proposing to acquire an existing BMT service under this section shall not be  
339 subject to comparative review.

#### 341 **Section 5. Review standards for comparative reviews**

342  
343 Sec. 5. (1) Any application subject to comparative review under Section 22229 of the Code, being  
344 Section 333.22229 of the Michigan Compiled Laws, or under these standards, shall be grouped and  
345 reviewed comparatively with other applications in accordance with the CON rules applicable.

346  
347 (2) Each application in a comparative group shall be individually reviewed to determine whether the  
348 application has satisfied all the requirements of Section 22225 of the Code being Section 333.22225 of the  
349 Michigan Compiled Laws and all other applicable requirements for approval in the Code and these  
350 standards. If the Department determines that two or more competing applications satisfy all of the  
351 requirements for approval, these projects shall be considered qualifying projects. The Department shall  
352 approve those qualifying projects which, when taken together, do not exceed the need, as defined in  
353 Section 22225(1) being Section 333. 22225(1) of the Michigan Compiled Laws, and which have the  
354 highest number of points when the results of subsection (2) are totaled. If two or more qualifying projects  
355 are determined to have an identical number of points, then the Department shall approve those qualifying  
356 projects which, taken together, do not exceed the need, as defined in Section 22225(1) of the Code, being  
357 Section 333. 22225(1) of the Michigan Compiled Laws, in the order in which the applications were  
358 received by the Department, based on the date and time stamp placed on the applications by the CON  
359 administrative unit of the Department responsible for administering the CON program when an application  
360 is submitted.

361  
362 (3)(a) A qualifying project will have points awarded based on the straight-line distance to the nearest  
363 existing BMT service of the type applied for (adult or pediatric), as shown in the following schedule:

364  
365

Straight-line Distance to Nearest BMT Service	Points Awarded
<75 miles	0
75 – 150 miles	1
>150 miles	2

366  
367  
368  
369  
370  
371

372 (b) A qualifying project will have up to 4 points awarded based on the percentage of the  
373 medical/surgical indigent volume at the licensed site at which the proposed BMT service will be provided  
374 in accordance with the following:

375 (i) For each applicant in the same comparative group, determine the medical/surgical indigent  
376 volume. Determine the licensed site that has the highest indigent volume in the same comparative group.  
377 Divide the medical/surgical indigent volume for that licensed site by 4.0. The result is the indigent volume  
378 factor rounded to the nearest whole number.

379 (ii) For each applicant in the same comparative group, divide the medical/surgical indigent volume  
380 by the indigent volume factor determined in subdivision (i). The result, to the nearest whole number, is the  
381 number of points that will be awarded to each applicant pursuant to this subsection.

382 For purposes of this subsection, indigent volume means the ratio of a hospital's indigent charges to  
383 its total hospital charges expressed as a percentage, rounded to the nearest whole number, as  
384 determined by the Michigan Department of Community Health Medical Services Administration. The  
385 indigent volume data being used in this subsection is the data in the most current DCH-MSA  
386 Disproportionate Share Hospital (DSH) Report at the time the application(s) is deemed submitted by the  
387 Department.

388 (c) A qualifying project will have 2 points awarded if an applicant documents that, during the 36-  
389 month period prior to the date an application is submitted to the Department, at least 15 patients received  
390 pre- and post-transplant care at the licensed hospital site at which the BMT procedures will be performed  
391 and were referred for and received a BMT at an existing BMT service, and submits documentation from  
392 the existing BMT service(s) of these referrals.

393 (d) A qualifying project will have points awarded based on the number of necessary support  
394 services/personnel as identified in Section 7 that the applicant has available on-site on the date the  
395 application is submitted to the Department, as follows:

396 (i) 24-hour blood bank support, including pheresis capability, irradiated blood, products suitable for  
397 cytomegalovirus-negative transplants, and blood component therapy.

398 (ii) a processing and cryopreservation laboratory that meets the standards of the fact or an  
399 equivalent organization.

400 (iii) anatomic and clinical pathology with competency in interpreting pathologic findings related to  
401 graft-v-host disease and other opportunistic infections in immuno-compromised hosts.

402 (IV) therapeutic drug monitoring.

403 (v) one or more attending physicians with fellowship training, and/or at least 2 years of experience,  
404 in pediatric and/or adult BMT, as appropriate.

405 (vi) board-certified or board-eligible consulting physicians in all of the following areas: anatomic  
406 pathology with competence in graft versus host disease and other opportunistic diseases, infectious diseases  
407 with experience in immuno-compromised hosts, and radiation oncology with experience in total body  
408 irradiation.

409 (vii) a transplant team coordinator, with experience in evaluating pre and post BMT patients.

410 (viii) nurses with specialized training in pediatric and/or adult, as appropriate, BMT,  
411 hematology/oncology patient care, administration of cytotoxic therapies, management of infectious  
412 complications associated with host-defense mechanisms, administration of blood components, the  
413 hemodynamic support of the transplant patient, and managing immuno-suppressed patients.

414 (ix) a pharmacist experienced with the use of cytotoxic therapies, use of blood components, the  
415 hemodynamic support of the transplant patient, and the management of immuno-suppressed patients.

416 (x) an active, formal multi-disciplinary research program related to BMT.

417 (xi) a protective environmental inpatient unit for immuno-suppressed patients that has an isolation  
418 policy, an infection control plan specific to that unit, and air handling system capable of preventing nosocomial  
419 infections disseminated from central heating and cooling systems and ambient air.

420

421 The applicant shall receive points, up to a maximum of three (3), for this criterion according to the  
422 following schedule:

423

Number of BMT Support Personnel/Services Available	Points
zero or one	0
two to five	1



six to nine	2
ten or eleven	3

424  
425 (4) Submission of conflicting information in this section may result in a lower point award. If an  
426 application contains conflicting information which could result in a different point value being awarded in  
427 this section, the Department will award points based on the lower point value that could be awarded from  
428 the conflicting information. For example, if submitted information would result in 6 points being awarded,  
429 but other conflicting information would result in 12 points being awarded, then 6 points will be awarded. If  
430 the conflicting information does not affect the point value, the Department will award points accordingly.  
431 For example, if submitted information would result in 12 points being awarded and other conflicting  
432 information would also result in 12 points being awarded, then 12 points will be awarded.

433  
434 **Section 6. Requirements for ~~approval--all applicants~~ MEDICAID PARTICIPATION**

435  
436 Sec. 6. An applicant shall provide verification of Medicaid participation. An applicant that is ~~initiating~~  
437 ~~a new service or is~~ a new provider not currently enrolled in Medicaid shall certify that proof of Medicaid  
438 participation will be provided to the Department within six (6) months from the offering of services if a CON  
439 is approved.

440  
441 **Section 7. Project delivery requirements-- terms of approval FOR ALL APPLICANTS**

442  
443 Sec. 7. ~~(1)~~ An applicant shall agree that, if approved, the BMT service shall be delivered in  
444 compliance with the following terms of ~~CON~~ approval:

445 (a1) Compliance with these standards. An applicant shall immediately report to the Department any  
446 changes in key staff or other aspects of the BMT service that may affect its ability to comply with these  
447 standards.

448 ~~(b) Compliance with applicable safety and operating standards.~~

449 (e2) Compliance with the following quality assurance ~~standards~~ REQUIREMENTS, as applicable, no  
450 later than the date the first BMT procedure, allogeneic or autologous, is performed:

451 (iA) An applicant shall establish and maintain, either on-site or through written agreements, all of the  
452 following:

453 (A) 24-hour blood bank support, including pheresis capability, irradiated blood, products suitable for  
454 cytomegalovirus-negative transplants, and blood component therapy.

455 (B) a cytogenetics and/or molecular genetic laboratory.

456 (C) a processing and cryopreservation laboratory that meets the standards of the FACT or an  
457 equivalent organization.

458 (D) a histocompatibility laboratory that has the capability of DNA-based HLA-typing and meets the  
459 standards of the American Society for Histocompatibility and Immunogenetics or an equivalent  
460 organization.

461 (E) anatomic and clinical pathology with competency in interpreting pathologic findings related to  
462 graft-v-host disease (programs performing allogeneic transplants) and other opportunistic infections in  
463 immuno-compromised hosts (programs performing allogeneic and autologous transplants).

464 (F) therapeutic drug monitoring.

465 (H) An applicant shall establish and maintain, at the licensed hospital site at which the transplants  
466 are performed, both of the following:

467 (A) a protective environmental BMT inpatient unit for immuno-suppressed patients that has an  
468 isolation policy, an infection control plan specific to that unit, and an air handling system capable of  
469 preventing nosocomial infections disseminated from central heating and cooling systems and ambient air.

470 (B) a specialized intensive care unit capable of treating immuno-suppressed neutropenic patients.

471 (C) An applicant shall establish and maintain written policies related to outpatient care for BMT  
472 patients, including at least the following:

473 (A) the ability to evaluate and provide treatment on a 24-hour basis.

474 (B) nurses experienced in the care of BMT patients.

475 | (~~III~~) a designated outpatient area for patients requiring long-duration infusions or the administration  
476 | of multiple medications or blood product transfusions.

477 | (~~ivD~~) A BMT service shall establish and maintain a dedicated transplant team that includes at least  
478 | the following staff:

479 | (~~A~~) a transplant team leader, who is a physician that is board-certified in at least one of the following  
480 | specialties: hematology, medical oncology, immunology, or pediatric hematology/oncology, as appropriate,  
481 | and has had either at least one year of specific clinical training or two years of experience, both inpatient  
482 | and outpatient, as an attending physician principally responsible for the clinical management of patients  
483 | treated with hematopoietic transplantation. The team leader's experience shall include the clinical  
484 | management of patients receiving an allogeneic transplant. The responsibilities of the transplant team  
485 | leader shall include overseeing the medical care provided by attending physicians, reporting required data  
486 | to the Department, and responsibility for ensuring compliance with the all applicable project delivery  
487 | requirements.

488 | (~~B~~) one or more attending physicians with specialized training in pediatric and/or adult BMT, as  
489 | appropriate. At least one attending physician shall have specialized training in allogeneic transplantation,  
490 | adult or pediatric, as appropriate. An attending physician shall be board-certified or board-eligible in  
491 | hematology, medical oncology, immunology, or pediatric hematology/oncology, as appropriate.

492 | (~~C~~) on-site availability of board-certified or board-eligible consulting physicians, adult and/or pediatric,  
493 | as appropriate, in at least the following specialties: cardiology, gastroenterology nephrology, psychiatry,  
494 | pulmonary medicine, and critical care medicine.

495 | (~~D~~) on-site availability of board-certified or board-eligible consulting physicians in the following areas:  
496 | anatomic pathology with competence in graft versus host disease (services performing allogeneic  
497 | transplants) and other opportunistic diseases (services performing allogeneic and autologous transplants),  
498 | infectious diseases with experience in immuno-compromised hosts, and radiation oncology with experience  
499 | in total body irradiation.

500 | (~~E~~) a transplant team coordinator, who shall be responsible for providing pre-transplant patient  
501 | evaluation and coordinating treatment and post-transplant follow-up and care.

502 | (~~F~~) a nurse to patient ratio necessary to provide care consistent with the severity of a patient's clinical  
503 | status.

504 | (~~G~~) nurses with specialized training in pediatric and/or adult, as appropriate, BMT,  
505 | hematology/oncology patient care, administration of cytotoxic therapies, management of infectious  
506 | complications associated with compromised host-defense mechanisms, administration of blood components,  
507 | the hemodynamic support of the transplant patient, and managing immuno-suppressed patients.

508 | (~~H~~) a pharmacist experienced with the use of cytotoxic therapies, use of blood components, the  
509 | hemodynamic support of the transplant patient, and the management of immuno-suppressed patients.

510 | ~~(I)~~ dietary staff capable of providing dietary consultations regarding a patient's nutritional status,  
511 | including total parenteral nutrition.

512 | (~~J~~) designated social services staff.

513 | (~~K~~) designated physical therapy staff.

514 | (~~L~~) data management personnel designated to the BMT service.

515 | (~~M~~) for an applicant performing pediatric BMT, a child-life specialist.

516 | (~~vE~~) In addition to the dedicated transplant team required in ~~subdivision-subSECTION (ivD)~~, an  
517 | applicant's staff shall include a patient ombudsman, who is familiar with the BMT service, but who is not a  
518 | member of the transplant team.

519 | (~~viF~~) An applicant shall develop and maintain patient management plans and protocols that include the  
520 | following:

521 | (~~A~~) therapeutic and evaluative procedures for the acute and long-term management of a patient.

522 | (~~B~~) patient management and evaluation during the waiting, in-hospital and immediate post-  
523 | discharge phases of the service.

524 | (~~C~~) long-term management and evaluation, including education of the patient, liaison with the  
525 | patient's attending physician, and the maintenance of active patient records for at least 5 years.

526 | (~~D~~) IRB approval of all clinical research protocols, or if transplantation does not require an IRB-  
527 | approved clinical research protocol, written policies and procedures that include at least the following:  
528 | donor, if applicable, and recipient selection, transplantation evaluations, administration of the preparative

529 regimen, post-transplantation care, prevention and treatment of graft-versus-host disease, and follow-up  
530 care.

531 | ~~(viiG)~~ An applicant shall establish and maintain a written quality assurance plan.

532 | ~~(viiiH)~~ An applicant shall implement a program of education and training for nurses, technicians,  
533 service personnel, and other hospital staff.

534 | ~~(ixI)~~ An applicant shall participate actively in the education of the general public and the medical  
535 community with regard to BMT, and make donation literature available in public areas of the institution.

536 | ~~(xJ)~~ An applicant shall establish and maintain an active, formal multi-disciplinary research program  
537 related to the proposed BMT service.

538 | ~~(xiK)~~ An applicant shall operate, either on-site or under its direct control, a multi-disciplinary selection  
539 committee which includes, but is not limited to, a social worker, a mental health professional, and  
540 physicians experienced in treating BMT patients.

541 | ~~(xiiL)~~ A pediatric BMT service shall maintain membership status in the Children's Oncology Group  
542 (COG).

543 | ~~(xiiiM)~~ For purposes of evaluating subsection (e2), except subdivision ~~(xiK)~~, the Department shall  
544 consider it prima facie evidence as to compliance with the applicable requirements if an applicant  
545 documents that the BMT service is accredited by the National Marrow Donor Program (NMDP) or the  
546 Foundation for the Accreditation of Cell Therapy (FACT).

547

548 | (3) COMPLIANCE WITH THE FOLLOWING ACCESS TO CARE REQUIREMENTS:

549 | (A) THE BMT SERVICE SHALL ACCEPT REFERRALS FOR BMT SERVICES FROM ALL  
550 APPROPRIATELY LICENSED HEALTH CARE PRACTITIONERS.

551 | ~~(xivB)~~ THE BMT SERVICE shall participate in Medicaid at least 12 consecutive months  
552 within the first two years of operation and continue to participate annually thereafter.

553 | (C) THE BMT SERVICE SHALL not deny BMT services to any individual based on ability to pay or  
554 source of payment.

555 | (D) THE OPERATION OF AND REFERRAL OF PATIENTS TO THE BMT SERVICE SHALL BE IN  
556 CONFORMANCE WITH 1978 PA 368, SEC. 16221, AS AMENDED BY 1986 PA 319; MCL 333.16221;  
557 MSA 14.15 (16221).

558

559 | ~~(d4)~~ Compliance with the following ~~terms of approval~~ MONITORING AND REPORTING  
560 REQUIREMENTS:

561 | ~~(i) An applicant shall perform the applicable required volumes as follow:~~

562 | ~~(AA)~~ An adult BMT service shall perform at least 30 transplants, of which at least 10 are allogeneic  
563 transplants, in the third 12-months of operation and annually thereafter.

564 | ~~(BB)~~ A pediatric BMT service shall perform at least 10 transplants, of which at least 5 are allogeneic  
565 transplants, in the third 12-months of operation. After the third 12-months of operation, an applicant shall  
566 perform at least 30 pediatric transplants in any 36-month consecutive period, with no fewer than 5  
567 allogeneic transplants in any 12-month period, beginning with the third 12-months of operation, and  
568 thereafter.

569 | ~~(CC)~~ A BMT service that performs both adult and pediatric BMT shall specify whether each patient  
570 age 18-20 is included in the category of adult procedures or the category of pediatric procedures. An  
571 applicant shall determine for each patient age 18-20 whether to record that patient as an adult or a  
572 pediatric procedure, but an applicant shall record each patient age 18-20 in only 1 category.

573 | ~~(DD)~~ The applicant shall participate in a data collection network established and administered by the  
574 Department or its designee. The data may include, but is not limited to, annual budget and cost information,  
575 demographic and diagnostic information, primary and secondary diagnoses, whether the transplant  
576 procedure was a first or repeat transplant procedure, length of stay, the volume of care provided to patients  
577 from all payor sources, and other data requested by the Department and approved by the CON Commission.  
578 The applicant shall provide the required data on an individual basis for each designated licensed site; in a  
579 format established by the Department; and in a mutually-agreed upon media. The Department may elect to  
580 verify the data through on-site review of appropriate records. In addition, an applicant shall report at least the  
581 following data for each patient:

582 | ~~(A)~~ disease type.

- 583 (BII) transplant type, i.e., related allogeneic, unrelated allogeneic, and autologous.
- 584 (CIII) source of hematopoietic stem cell, i.e., bone marrow, peripheral circulation, cord blood, etc.
- 585 (DIV) patient age, i.e., adult or pediatric as defined by these standards.
- 586 (EV) data on 100-day, 6-month, 1-year, 2-year, and 5-year survival rates.
- 587 (FVI) relapse rates at 6-months, 1-year, and 5-years post-transplant.
- 588 (GVII) median follow-up, and patients lost-to-followup.
- 589 (HVIII) cause(s) of death, if applicable.
- 590 (IX) additional summary information, as applicable.

591 An applicant annually shall report for its BMT service annual and cumulative survival rates by type of  
592 transplant performed reported in actual number of transplants by disease category, transplant type, i.e.,  
593 related allogeneic, unrelated allogeneic, and autologous; source of hematopoietic stem cell; patient age, i.e.,  
594 adult or pediatric, as defined by these standards; and relapse rates at 100-days, 6-months, one year, and five  
595 years post-transplant. For purposes of these standards, procedure-related mortality is defined as death  
596 occurring within 100 days from BMT.

597 (iiiE) The applicant shall maintain an organized institutional transplant registry for recording ongoing  
598 information on its patients being evaluated for transplant and on its transplant recipients and shall participate  
599 in the national and international registries applicable to the BMT service.

600 ~~(iv) An applicant, to assure that the BMT service(s) will be utilized by all segments of the Michigan~~  
601 ~~population, shall:~~

- 602 ~~— (A) not deny the services to any individual based on ability to pay or source of payment;~~
- 603 ~~— (B) provide the services to all individuals in accordance with the patient selection criteria developed by~~  
604 ~~appropriate medical professionals, and approved by the Department; and~~
- 605 ~~— (C) maintain information by payor and non-paying sources to indicate the volume of care from each~~  
606 ~~source provided annually.~~

607 ~~Compliance with selective contracting requirements shall not be construed as a violation of this term.~~

608 (vF) The applicant BMT SERVICE shall provide the Department with ~~a notice stating the date on~~  
609 ~~which the first transplant procedure is performed and such notice shall be submitted to the~~  
610 Department TIMELY NOTICE OF THE PROPOSED PROJECT IMPLEMENTATION consistent with  
611 applicable statute and promulgated rules. ~~An applicant BMT SERVICE~~ that initially does not perform both  
612 allogeneic and autologous procedures also shall notify the Department when it begins to perform  
613 autologous procedures.

614 (viG) An applicant shall notify the Department immediately if the consulting agreement required  
615 pursuant to Section 3(10) of these standards is terminated prior to the end of the first 36-months of  
616 operation of the BMT service. The notification shall include a statement describing the reasons for the  
617 termination. An applicant shall have 30 days following termination of that agreement to enter into a written  
618 consulting agreement that meets the requirements of Section 3(10). An applicant shall provide the  
619 Department with a copy of that written consulting agreement.

620 (viiH) The Department may use the information provided pursuant to Section 3(10) of these standards  
621 in evaluating compliance with the requirements of this section.

623 (25) The agreements and assurances required by this section shall be in the form of a certification  
624 agreed to by the applicant or its authorized agent.

## 626 Section 8. Documentation of projections

628 Sec. 8. An applicant required to project volumes of service under Section 3 shall specify how the  
629 volume projections were developed. The applicant shall use relevant and unduplicated data for  
630 patients in the same planning area as the proposed BMT service, which are verifiable from the most  
631 recent statewide tumor registry. The applicant shall only include new cancer cases that are  
632 appropriate for referral for BMT services and from the age grouping of patients based on the type of  
633 service to be offered. This specification of projections shall include an assessment of the accuracy of  
634 projections, and of the statistical method used to make the projections. Based on this documentation,  
635 the Department shall determine if the projections are reasonable.

638 **Section 9. Health Service Areas**

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640 ~~Sec. 9. Counties assigned to each health service area are as follows:~~

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HSA	COUNTIES		
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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682 **Section 10. Department Inventory of BMT Services**

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684 ~~Sec 109.~~ The Department shall maintain, and provide on request, a listing of the Department  
685 Inventory of BMT services.

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688 | **Section 4110. Effect on prior CON Review Standards; comparative reviews**

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690 |       Sec. 4110. (1) These CON review standards supersede and replace the CON Review Standards for  
691 | Extrarenal Organ Transplantation Services pertaining to BMT services approved by the CON Commission  
692 | on ~~March 25~~SEPTEMBER 23, 2010 and effective on ~~May 28~~DECEMBER 3, 2010.

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694 |       (2) Projects reviewed under these standards shall be subject to comparative review except for  
695 | Section 4.

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Counties assigned to each health service area are as follows:

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