



## Technology & Equipment Committee Draft Minutes

April 29, 2009

10:00 am – 12 Noon

The Jane S. McKimmon Center

MEMBERS PRESENT: Dr. Christopher Ullrich, Dr. Richard Bruch, Dr. Dennis Clements, Mr. Harold Hart, Dr. William McMillan, Mr. Stephen Nuckolls
MEMBERS ABSENT: Mr. Charles Hauser, Mr. Laurence Hinsdale, The Honorable William Wainwright
MFPS Staff Present: Dr. Carol Potter, Mr. Floyd Cogley
DHSR Staff Present: Ms. Lee Hoffman

Standing Agenda	Discussion	Motions	Recommendations/ Actions
Welcome & Introductions	Dr. Ullrich welcomed members, staff and visitors. He stated the meeting was open to the public, but that the meeting did not include a Public Hearing; therefore, discussion would be limited to members of the Committee and staff, unless questions were directed specifically to someone in the audience.		
Review of Executive Order No. 10: Ethical Standards for the State Health Coordinating Council	Dr. Ullrich reviewed Executive Order No.10, "Ethical Standards for the State Health Coordinating Council" Guide, asking all members that as they introduce themselves to include if they would be recusing themselves from any items on today's agenda.		
Introductions	Dr. Ullrich inquired if anyone had a conflict or needed to declare that they would derive a benefit from any matter on the agenda or intended to recuse themselves from voting on the matter. Dr. Ullrich asked members to declare conflicts as agenda items come up. At this time, all members introduced themselves, stating their workplace, position on Council and any financial benefits they or members of their families may have with any item on today's agenda. None of the members indicated having a financial benefit that would be derived from any matter coming before the Committee for action. Therefore, no member recused themselves from voting on any matter coming before the Committee at the meeting.		
Recusals	There were no recusals during today's meeting.		
Approval of minutes from August 27, 2008	Motion to approve the minutes.	Mr. Nuckolls Dr. Clements	Minutes approved

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<p>Petition from Daniel Carter of Health Planning Source</p> <p>Committee Discussion and Recommendations</p>	<p>Dr. Potter reviewed with Committee members the petition submitted by Daniel Carter. The petition requested inclusion of language in the Proposed 2010 State Medical Facilities Plan (SMFP) to “address a disconnect between the SMFP technology methodologies and the required performance standards in the [CON] rules by permitting the SHCC to establish target utilization recommendations for applicants that could be different from the historical utilization required to generate need determinations.”</p> <p>The petition did not ask for changes to the technology and equipment methodologies, instead it discussed performance standards in the CON administrative regulations. The Agency noted that the appropriate mechanism for recommending changes in administrative rules was to submit a petition to the Director of the Division of Health Service Regulation in accordance with 10A NCAC 14A .0101. The Agency recommendation was denial of the petition.</p> <p>Committee members discussed issues raised in the petition, and encouraged input from providers and others about current methodologies for need determinations. A motion was made and seconded to accept the Agency recommendation.</p>	<p>Dr. McMillan Mr. Nuckolls</p>	<p>Motion unanimously approved</p>
<p>Lithotripsy Staff Recommendations on the Lithotripsy Section of the Proposed 2010 SMFP</p> <p>Committee Discussion and Recommendations</p>	<p>Dr. Potter reviewed with the Committee the recommended clarifying narrative language and draft tables for the Lithotripsy section of the Proposed 2010 SMFP. The standard methodology, data and information available at the time of the Committee meeting resulted in a determination of no need for additional lithotripters for the Proposed 2010 SMFP.</p> <p>A motion was made and seconded to adopt the recommended narrative language, and the current determination of no need for additional lithotripters for the Proposed 2010 SMFP.</p>	<p>Mr. Nuckolls Dr. Clements</p>	<p>Motion unanimously approved</p>
<p>Gamma Knife Staff Recommendations on the Gamma Knife Section of the Proposed 2010 SMFP</p> <p>Committee Discussion and Recommendations</p>	<p>Dr. Potter reviewed the recommendations, including clarifying narrative language, for the Gamma Knife section of the Proposed 2010 SMFP. The Agency recommendation to the Committee is that there is no need for an additional gamma knife anywhere in the state.</p> <p>The Committee considered the adoption of the recommended narrative language and the determination of no need for an additional gamma knife for the Proposed 2010 SMFP.</p>	<p>Committee consensus</p>	<p>Committee voted unanimously to accept the recommendations</p>

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<p>Linear Accelerators – Radiation Oncology Staff Recommendations on the Linear Accelerators – Radiation Oncology Section of the Proposed 2010 SMFP</p> <p>Committee Discussion and Recommendations</p>	<p>Dr. Potter reviewed with the Committee the recommended clarifying narrative language and draft tables for the Linear Accelerator section of the Proposed 2010 SMFP. The standard methodology, data and information available at the time of the Committee meeting resulted in a determination of no need for additional linear accelerators for the Proposed 2010 SMFP. Dr. Potter shared with the Committee members a summary of suggestions about CPT codes and Equivalent Simple Treatment Visit (ESTV) values made by participants in a discussion group held in April 2008.</p> <p>The Committee authorized staff to continue to gather information about linear accelerator CPT codes, ESTV values, and other issues relevant to the linear accelerator data collection instrument. A motion was made and seconded to adopt the recommended narrative language, and the current determination of no need for additional linear accelerators for the Proposed 2010 SMFP.</p>	<p>Dr. McMillan Dr. Clements</p>	<p>Motion unanimously approved</p>
<p>Positron Emission Tomography Staff Recommendations on the Positron Emission Tomography Section of the Proposed 2010 SMFP</p> <p>Committee Discussion and Recommendations</p>	<p>Dr. Potter reviewed with the Committee the recommended clarifying narrative language and draft tables for the Positron Emission Tomography (PET) section of the Proposed 2010 SMFP. The standard methodology, data and information available at the time of the Committee meeting resulted in a determination of no need for additional PET scanners for the Proposed 2010 SMFP. In response to a question about the process for a provider with a CON to make changes in service sites, Ms. Hoffman explained that the SMFP identifies a need determination for a given service area, and that a declaratory ruling cannot change the service area for which the need was determined. She stated that the proposed clarifying language is consistent with that process.</p> <p>Dr. Ullrich noted that a comment had been received from Mr. William Hollowell representing Alliance HealthCare, Inc. pertaining to mobile PET service areas. At the request of Committee members, copies of the comment were given to Committee members.</p> <p>A motion was made and seconded to adopt the recommended narrative language, and the current determination of no need for additional PET scanners for the Proposed 2010 SMFP.</p>	<p>Dr. Clements Dr. McMillan</p>	<p>Motion unanimously approved</p>
<p>Magnetic Resonance Imaging Staff Recommendations on the Magnetic Resonance Imaging Section of the Proposed 2010 SMFP</p>	<p>Dr. Potter reviewed with the Committee the recommended clarifying narrative language and draft tables for the Magnetic Resonance Imaging (MRI) section of the Proposed 2010 SMFP. The standard methodology, data and information available at the time of the Committee meeting resulted in a need determination for one fixed MRI scanner in Wake County for the Proposed 2010 SMFP.</p>		

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Committee Discussion and Recommendations	<p>Dr. Ullrich brought up for discussion the number of mobile MRI sites in the state, and asked Dr. Potter to distribute and describe the map of sites that receive mobile MRI services. Dr. Ullrich noted the concentration of mobile MRI sites in urban areas in comparison to rural areas, and suggested that there is substantial access to MRI services for most counties in the state, particularly if fixed MRI sites were added to the map. He pointed out that the methodology results in need determinations for fixed MRI scanners only and does not allow for a mobile scanner to be applied for in response to a need determination. Dr. Ullrich proposed for discussion the addition in the Proposed 2010 SMFP of a sentence stating that there is no need for additional mobile MRI scanners in the state for one year. The reason for the sentence would be to draw comment over the summer, and for a subsequent assessment by the Committee at the fall meeting of whether or not to include the sentence in the 2010 SMFP. Dr. Bruch expressed his concern about the motion, noting that there are other ways to make such policy changes and increase the availability of fixed MRI services. The discussion included clarification that CON applications for mobile MRI scanners are accepted under Category L without there being a need determination in the SMFP. Committee members asked about the possibility of changing the need determination methodology to cover both fixed and mobile MRI scanners. Dr. Ullrich noted that putting the statement in the Proposed 2010 SMFP about no need for mobile MRI would accomplish essentially the same outcome, and would provide opportunity for comment without changing the methodology at this point.</p> <p>A motion was made and seconded to include in the Proposed 2010 SMFP a sentence that there is no need for additional mobile MRI scanners in the state. No members formally recused themselves from the vote, however Mr. Nuckolls indicated that he would abstain from the vote in recognition of any possible appearance of a conflict of interest.</p> <p>The Committee considered the adoption of the MRI section with the recommended clarifying narrative language, the additional language about mobile MRI, and the current need determination for one fixed MRI scanner in Wake County for the Proposed 2010 SMFP.</p>	<p>Dr. Ullrich Dr. Clements</p> <p>Committee consensus</p>	<p>The motion passed with three votes in favor, one opposed, and one abstention.</p> <p>Committee voted unanimously to adopt the MRI section.</p>

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<p>Cardiac Catheterization Equipment Staff Recommendations on the Cardiac Catheterization Equipment Section of the Proposed 2010 SMFP</p> <p>Committee Discussion and Recommendations</p>	<p>Dr. Potter reviewed with the Committee the recommended clarifying narrative language and draft tables for the Cardiac Catheterization Equipment section of the Proposed 2010 SMFP. The standard methodology, data and information available at the time of the Committee meeting resulted in a determination of no need for additional fixed or mobile Cardiac Catheterization Equipment for the Proposed 2010 SMFP.</p> <p>A motion was made and seconded to adopt the recommended narrative language, and the current determination of no need for additional Cardiac Catheterization Equipment for the Proposed 2010 SMFP.</p>	<p>Mr. Nuckolls Dr. McMillan</p>	<p>Motion unanimously approved</p>
<p>Committee Recommendations to the SHCC</p>	<p>A motion was made and seconded to forward the Technology and Equipment Committee recommendations to the SHCC for consideration at the May 27, 2009 SHCC meeting.</p>	<p>Dr. McMillan Dr. Clements</p>	<p>Motion unanimously approved</p>
<p>Other Business</p>	<p>The Committee authorized staff to make updates and corrections to the data and tables as indicated. There was no other business brought before the Committee.</p>	<p>Committee consensus</p>	
<p>Adjournment</p>	<p>There being no further business, the meeting adjourned.</p>		<p>Meeting adjourned</p>