

Technology & Equipment Committee
Linear Accelerator Petition-2
Regarding the Proposed 2009 SMFP
For the Final 2009 SMFP

Agency Analysis:

Petitioner:

Thomas and Brooks, PLLC
Raleigh, Wake County, NC

Request

The petitioner requests that the State Health Coordinating Council (SHCC) adjust the inventory of linear accelerators shown in Table 9F on page 152 of the Proposed 2009 State Medical Facilities Plan to include two linear accelerators not presently identified.

Background Information

In the Proposed NC 2009 State Medical Facilities Plan (SMFP), there are 113 linear accelerators listed in the inventory that are either operational, pending development based on issuance of a CON, or prior year need determinations for which a CON has not yet been issued.

Analysis/Implications

The petitioner asserts that:

- (1) There is a linear accelerator in Harnett County, North Carolina which is not included in the Proposed 2009 SMFP inventory for Service Area 20. This linear accelerator is located at Betsy Johnson Regional Hospital. On page 15 of Betsy Johnson's 2008 Hospital License Renewal Application, the hospital identifies one linear accelerator.

- (2) There is a linear accelerator in Franklin County, North Carolina which is not included in the Proposed 2009 SMFP inventory for Service Area 20. This linear accelerator is owned and/or operated under the auspices of Franklin County Cancer Center (a/k/a Franklin Regional Medical Center; Franklin Regional Cancer Treatment Center; Dr. McLaurin).

The petitioner provided a copy of Betsy Johnson Regional Hospital's 2008 Hospital License Renewal Application, which indicates one linear accelerator; a copy of a brochure about the Franklin County Cancer Center; and a list of active licenses from the NC Division of Radiation Protection listing a license for Pros Holding, LLC in Franklin County. However, according to the hospital, this equipment is not operational.

Because no CONs were issued for this equipment, the CON Section will evaluate information provided by FRMC and solicit information from Betsy Johnson Hospital to determine if the linear accelerators were acquired in accordance with provisions of the CON law.

The Agency further notes that even if the entities referred to in the petition were included in the inventory of linear accelerators, it would not affect any need determination in the Final 2009 SMFP.

Agency Recommendation

The petition is not a request for a special need determination but rather a change in the reported inventory in the SMFP. At this time, the Agency does not have sufficient information to determine if the inventory as shown in the "Proposed 2009 SMFP" incorrectly reflects the number of linear accelerators authorized under the CON Law. At such time as determination are made by the CON Section, the linear accelerator inventory in the SMFP will be adjusted in accordance with Policy Gen-2, Item 2.h. Consequently, the Agency recommends denial of the petition in its request to add linear accelerators in Franklin and Harnett counties to the inventory, at this time.