

ESRD CON Review Cycles

All data to be included in the Proposed 2020 SMFP must be received by the Agency by February 2019 so that it can be considered by the Acute Care Committee at its second meeting in May 2019 and then by the full SHCC at its second meeting also in May 2019.

The data must be included in the Proposed Plan which is published on or about July 1st. Six public hearings are held in July where the public can comment on the data or the need determinations in the Proposed 2020 SMFP. Summer petitions and comments are due at the end of July. Anyone can petition for an adjusted need determination for stations or to have a need determination for stations removed or reduced.

Summer petitions are reviewed by the Acute Care Committee at its third and final meeting in September and a recommendation is made to the full SHCC at its fourth and final meeting in October. The full SHCC determines what to recommend to the Governor for inclusion in the plan. The plan is submitted to the Secretary and then to the Governor on or about November 1.

Data collected only for December 31, 2018

Review Cycle	Filing Deadline	Date for Data to be included in the 2020 SMFP	Approximate Age of Data Used to Determine if there is a Need in Months *
February 1, 2020	January 15, 2020	December 31, 2018	13
March 1, 2020	February 17, 2020	December 31, 2018	14
April 1, 2020	March 16, 2020	December 31, 2018	15
May 1, 2020	April 15, 2020	December 31, 2018	16
June 1, 2020	May 15, 2020	December 31, 2018	17
July 1, 2020	June 15, 2020	December 31, 2018	18
August 1, 2020	July 15, 2020	December 31, 2018	19
September 1, 2020	August 17, 2020	December 31, 2018	20
October 1, 2020	September 15, 2020	December 31, 2018	21
November 1, 2020	October 15, 2020	December 31, 2018	22
December 1, 2020	November 16, 2020	December 31, 2018	23

*Includes the entire month that the application is submitted although it is really only approximately 15 days or half a month.

Assuming that the application is submitted on November 16th, the data used in the 2020 SMFP to determine if the facility qualifies for additional stations is 23 months “old.” The methodology sets the threshold for whether a facility has a need for additional stations, based on its reported utilization. This does not mean that the applicant would be required to project its utilization forward starting from its actual utilization as of December 31, 2018. The applicant is free to project its utilization forward starting from its actual utilization as of October 31, 2020 if desired.

Data collected for June 30, 2018 and December 31, 2018

Review Cycle	Filing Deadline	Date for Data to be included in the 2020 SMFP	Approximate Age of Data in Months
February 1, 2020	January 15, 2020	June 30, 2018	18
March 1, 2020	February 17, 2020	June 30, 2018	19
April 1, 2020	March 16, 2020	June 30, 2018	20
May 1, 2020	April 15, 2020	June 30, 2018	21
June 1, 2020	May 15, 2020	June 30, 2018	23
July 1, 2020	June 15, 2020	December 31, 2018	18
August 1, 2020	July 15, 2020	December 31, 2018	19
September 1, 2020	August 17, 2020	December 31, 2018	20
October 1, 2020	September 15, 2020	December 31, 2018	21
November 1, 2020	October 15, 2020	December 31, 2018	22
December 1, 2020	November 16, 2020	December 31, 2018	23

The providers may report the June 30 data at the same time they report the December 31 data. It is also possible that they would be able to report the data at two different times. Regardless of the data reporting schedule, the data from both time points would be published at the same time. The data would be presented in the 2020 SMFP in two tables. Most likely, the facilities listed in each table would not be identical as facilities certified as of December 31, 2018 may not have been certified as of June 30, 2018. The number of stations for each facility may also vary between the tables as stations certified as of December 31, 2018 may not have been certified as of June 30, 2018. The utilization reported will also vary and may show that a facility that needed stations as of June 30, 2018 no longer needs any or needs fewer of them.

Summary

Facilities will have one opportunity to file a CON application in a single calendar year. Having two data reporting points (June and December) means that the facilities would use data that is 18-23 months old at the time of the CON application. Having one data collection point (December) means that the data would be 13-23 months old at the time of the CON application. It is recognized that utilization may have seasonal differences. If a provider believes that the December utilization data disadvantages a specific facility, the provider can file an adjusted need petition in July.