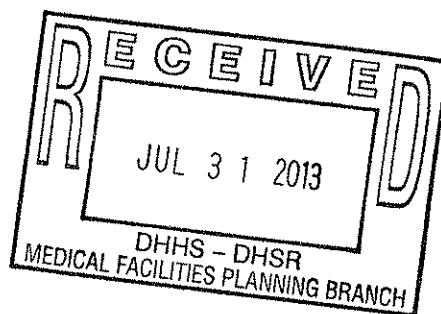




**cary urology**

105 S.W. CARY PARKWAY  
SUITE 300  
CARY, NORTH CAROLINA 27511

(CUR-28)



**Comment on Petition filed by Duke-Raleigh Hospital regarding  
Special Need for Linear Accelerator in Service Area 20**

***Proposed 2014 State Medical Facilities Plan***

**Submitted by:** Kevin Khoudary, MD  
Parkway Urology, PA, d/b/a, Cary Urology, PA  
919-467-3203 (telephone)  
[khoudary@caryurology.com](mailto:khoudary@caryurology.com) (e-mail)

In public hearings this summer Duke Raleigh Hospital announced its plans to submit a special need petition to increase by one the linear accelerator need in Linear Accelerator Service Area 20. The petition argues that the CON granted to Cancer Centers of North Carolina (CCNC) in 2007 has not made sufficient progress and that Duke Raleigh's sole accelerator is operating beyond capacity.

We wish to register opposition to the request. We believe the request is premature, for reasons I will explain.

As was the case last year, when Duke filed the same request., the presentation fails to mention the Certificate of Need that was granted to Cary Urology to develop a Prostate Cancer Center with a linear accelerator in Service Area 20 (*J-8331-09 / Parkway Urology, PA, d/b/a, Cary Urology, PA / Acquire a linear accelerator and develop a multidisciplinary prostate health center in Raleigh / Wake County*).

I am pleased to report that the project opened May 6, 2013, as promised in Southeast Raleigh at the intersection of Sunnybrook Road and Carl Sandburg, only 6.5 miles or 10 minutes from Duke Raleigh Hospital. We would be delighted to give you a site tour. We are treating patients, we serve all payor groups; and we have an active charity program.

As promised, the NC Minority Prostate Cancer Awareness Action Team is collocated in the center and urologists and radiation oncologists are working together on care and treatment plans for prostate cancer patients. We are still in the initial months of the program and are busy working through a backlog of demand for the service. It is too early to tell how service volume will look at the end of the year. What we can say for certain is that we are serving patients from Wake County and Service Area 20 and the impact of our linear accelerator will not show up in the 2012 statistics for Duke Raleigh. We were not in service in 2012. As you evaluate the numbers, we hope you will keep that in mind.

The Prostate Health Center is focused on prostate and related cancers, a group representing approximately half of the typical case mix for most linear accelerators. We can tell you from our current experience, that because of the efficiency of the Trilogy equipment, we will have capacity for more than 6,750 ESTV's. Moreover, data in the Proposed 2014 State Medical Facilities Plan show a surplus of 2.32 linear accelerators not including our center. Even with CCNC eliminated, and Franklin minimized, the area has excess capacity.

Given these facts, the proposed petition will not meet the value proposition requirements for the 2014 Plan. It will add cost to the health care system; it will offer charges of an academic medical center, not a freestanding facility. It will add excess capacity. Duke could increase capacity on its existing allocation if it were to replace its out dated equipment with technology comparable to the Trilogy. The newer equipment is both safer and more efficient

We understand that CCNC is also developing its 2007 project. Should Duke wish to protest the level of activity on that CON, we believe the proper forum is in the Certificate of Need Section. Certainly, adding more capacity to Service Area 20 at this time is not a good solution. I hope that the State Health Coordinating Council and Planning staff will agree and recommend against approval of this petition.

Thank you for your time and attention. My colleagues and I would be happy to respond to any questions you may have.