

COMMENTS REGARDING WAKE PETITION
TO ADJUST NEED DETERMINATION
FOR LINEAR ACCELERATOR IN SERVICE AREA 20

Duke University Health System, Inc. hereby submits these comments regarding the petition submitted by WakeMed to adjust the need determination for linear accelerators in Service Area 20, which includes Wake and Franklin Counties. Duke supports the application of the existing methodology and resulting determination that no need exists for additional equipment in the service area.

Specifically, Duke offers the following points for consideration:

- WakeMed argues that eliminating two currently underutilized linear accelerators from the inventory supports the need for additional equipment. However, as the petition makes clear, that adjustment would still result in a surplus of more than 2 machines, a significant surplus in an adjusted inventory of 9 machines.
- One of the linear accelerators that WakeMed identifies as underutilized was the subject of a certificate of need application filed by Duke earlier this year. Duke proposed to acquire, replace, and relocate the linear accelerator from the Franklin County Cancer Center. That application was recently approved by the CON Section (the issuance of the CON is pending resolution of all appeals).
- In light of the fact that the two identified “underutilized” linear accelerators are in fact both projects that are under development (UNC) or are reasonably projected to begin providing additional services (Duke) and are not simply chronically underutilized, it is premature to determine that there is insufficient inventory to meet the future needs of the service area.

For all the foregoing reasons, WakeMed’s petition should be denied and the standard methodology applied in the 2022 State Medical Facilities Plan.