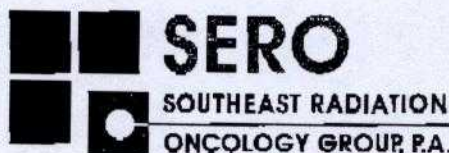


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August 7, 2008

Ms. Carol G. Potter
 Division of Health Service Regulation
 Medical Facilities Planning Section
 2714 Mail Service Center
 Raleigh, NC 27699-2714

Dear Ms. Potter:

As a practicing radiation oncologist in North Carolina, I am deeply concerned with the attempt by Parkway Urology, PA, d/b/a Cary Urology, PA to receive a Certificate of Need for a linear accelerator. This group of Urologists is misleading the board into thinking that a 'prostate specific' radiation department is of value to the community. There is absolutely no evidence that an organ-specific radiation oncology center provides better outcomes than a comprehensive radiation therapy center.

Radiation Oncology is a highly specialized field of medicine that focuses on treatment of cancer patients. In addition, radiation oncologists are a vital part of the multi-disciplinary team caring for oncology patients of all cancer types. Linear accelerators are expensive, complex and potentially dangerous medical devices. They are to be supervised and regulated by radiation oncologists, who are trained in the use, application and safety of these machines as well as state and national regulatory agencies.

Based on state regulations, there are specific criteria to be met in order for a CON to be awarded for such a machine. Currently, the 2008 SMFP notes that North Carolina has an excess capacity of linear accelerators. Awarding a CON to this urology group would invalidate the CON process and regulatory status of the state. In addition, it would create a rush of other specialties trying to build extremely expensive radiation centers. With an excess of linear accelerators, the potential for inappropriate use of linear accelerators would be tremendous as clinics strive to cover the multi-million dollar expense of the center and to make it profitable.

Wake County is already served by 7 linear accelerators (with an additional unit approved for operation), capable of the most technologically advanced treatment methods. In addition, Duke University Medical Center and the University of North Carolina-Chapel Hill are within 30 miles of Cary and are nationally recognized radiation centers with NCI designation. Thus, there is absolutely no need for an additional linear accelerator for this

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service area and much less for a 'prostate specific' center. Duke University has been ranked as the 6th best urology program in the country, according to the July 25th 2008 US News and World Report. It is evident that the prostate patients in Cary already have ample access to excellent radiation therapy and urologic oncology care.

Radiation Oncology facilities owned by referring physicians, such as Urologists, create an extremely lucrative opportunity for self-referral. In addition, there is a great threat that solid, evidence based medicine would be supplanted by financial based medical care.

I urge the division of health services to deny this CON award to Parkway Urology, P.A. as it will in no way serve the patients of this state in a favorable manner.

Sincerely,

William Bobo

William Bobo, MD