

Technology and Equipment Committee
Agency Response
Petition for Changes to Draft Policy TE-1: Conversion of Fixed PET Scanners
to Mobile PET Scanners in the
Proposed 2015 State Medical Facilities Plan

Petitioner:

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Request:

Novant Health and MedQuest respectfully ask the State Health Coordinating Council (SHCC) to consider one recommended change to the language of condition #4 of Policy TE-1 that appears in the Proposed 2015 State Medical Facilities Plan (SMFP).

Background Information:

Chapter Two of the North Carolina Proposed 2015 SMFP allows for “[a]nyone who finds that the North Carolina State Medical Facilities Plan policies or methodologies, or the results of their application, are inappropriate may petition for changes or revisions. Such petitions are of two general types: those requesting changes in basic policies and methodologies, and those requesting adjustments to the need projections.” The SMFP annual planning process and timeline allow for submission of petitions for changes to policies and methodologies in the spring and petitions requesting adjustments to need projections in the summer.

In the spring of 2014 the SHCC received three petitions related to the Positron Emission Technology (PET) equipment in Chapter 9 of the SMFP. One of those petitions was by Novant Health Inc. and Mequest Associates, Inc., the current petitioners. At that time they requested that

the SHCC consider developing a policy for the conversion of fixed to mobile PET. In response to these petitions, the Division of Health Service Regulation developed a draft Policy TE-1 based on the information provided by all three petitioners and by stakeholder feedback. A more detailed history on PET can be found in the *Background Information* section of the Agency Report from spring 2014. The current summer petition is requesting changes to the aforementioned Policy TE-1 that was drafted in the spring.

Analysis/Implications:

Novant Health and Medquest Associates agree with the inclusion of Policy TE-1 in the 2015 SMFP. In this petition, however, they have requested a language change to provision #4. The wording as proposed in the request is as follows, with the changes bolded:

“...the converted mobile PET scanner...shall not serve any mobile host facility in a county where any existing or approved fixed PET scanner is located, except as required by subpart (1) above...**or except if the mobile PET host site is an owned, related, or affiliated entity of the mobile PET vendor or its parent organization.**”

The petition states that “[c]ondition #4 has the unintended consequence of hampering the efforts of existing and developing health networks, often comprised of large, medium, and small hospitals located in urban and rural areas of North Carolina, to achieve cost savings by using their own mobile PET scanners to serve their own hospitals and facilities.” Novant Health is a primary example of this unintended consequence. As it is currently written, if they were approved and converted a fixed scanner to a mobile scanner, they would not be able to serve their facilities in Matthews and Huntersville in Mecklenburg County.

While this is a valid argument, the agency has to consider that this request does not ask for any adjusted need determinations in the Proposed 2015 SMFP as required for summer petitions. The SMFP outlines the petition process and the standards for their composition in Chapter 2. It states that, “[a]nyone who finds that the North Carolina State Medical Facilities Plan policies or methodologies, or the results of their application, are inappropriate may petition for changes or revisions.” In this instance, the petitioner’s request is a change in a policy and not an adjusted need determination. As discussed previously, petitions that request policy/methodology revisions are considered in the spring. Thus, this petition does not technically follow the standards of the petition process as outlined in the SMFP.

Agency Recommendation:

Given available information and comments submitted by the August 15, 2014 deadline date for comments on petitions, and in consideration of factors discussed above, the agency recommends this request be considered a comment and not a petition. The agency requests the State Health Coordinating Council take into consideration the points made by Novant Health, Inc and Medquest Associates, Inc. during the discussions about Policy TE-1.