

March 5, 2025

State Health Coordinating Council (SHCC)
North Carolina Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, NC 27699-2704

RE: Cone Health Petition to Adopt Policy TE-5

Dear Members of the SHCC,

I am writing to express my support for the petition filed by Moses Cone Health System (Cone Health) to create a new policy for inclusion in the *2026 State Medical Facilities Plan (2026 SMFP)*. This policy, Policy TE-5, would create an additional pathway for established radiation therapy providers with consistently high utilization to apply for a Certificate of Need (CON) to develop additional linear accelerator (linac) capacity, provided the applicant meets the criteria outlined in Cone Health's petition. As a physician who regularly treats cancer patients, I can strongly state that such an initiative would positively impact patients' ability to receive timely, coordinated cancer care in their preferred treatment location and enhance access to lifesaving healthcare resources throughout the broader community.

Under the current *SMFP*, providers wanting to develop a linac must wait for a need determination to be generated through a methodology that requires their designated service area to satisfy two of three criteria. Alternatively, providers can submit a summer petition to request approval of an adjusted need determination. In the absence of a methodology-identified need, individual providers consistently operating at or above capacity must therefore wait until service area averages increase to meet required thresholds or continually file petitions. The limited nature of these current approaches creates unnecessary barriers to expanding linac capacity where it is most needed. Cone Health's petition proposes a third alternative: allow established providers who demonstrate sustained high utilization to apply for CON approval to develop additional linac capacity on the basis of circumstances related to facility-specific utilization.

As a physician, I understand the critical importance of coordinated cancer care and have observed firsthand the impact of healthcare access challenges on the wellbeing of my patients. Without the addition of this policy, patients will continue to face extended wait times for treatment initiation, reduced flexibility in scheduling follow-up treatments, and increased travel burden if needing to seek more immediate care elsewhere. These circumstances add unnecessary stress during an already challenging time and can lead to fragmented care if treatment is less comprehensive or must be provided across multiple locations. The addition of Policy TE-5 would ensure our community members can receive radiation treatment close to home, improving both access and outcomes while reducing the financial and emotional burden on patients and their families.

While this letter may resemble those signed by others in the community, this should not detract from the fact that I fully support Cone Health's petition and strongly urge you to consider its approval.

Sincerely,



Lester S. Borden, Jr. MD, Urologist