



**Comments on Cone Health Petition for a Linear Accelerator
Special Need Determination for Service Area 12 in the
Proposed 2026 State Medical Facilities Plan**

COMMENTER:

Atrium Health, Inc.
Greg Bass
Director, Core Market Growth and Business Development
1228 E. Morehead Street, Suite 200
Charlotte, NC 28024
Phone: 704-355-0314
greg.bass@advocatehealth.org

Atrium Health, Inc. (Atrium), part of Advocate Health, is filing these comments in opposition to the Cone Health (Cone) petition to add a linear accelerator special need determination in the Proposed 2026 State Medical Facilities Plan (SMFP).

The Cone Health petition seeks an adjusted need determination for one additional linear accelerator (LINAC) in Service Area 12. However, Cone also adds multiple stipulations to the request to restrict the geography where the new LINAC could be located and adds a list of requirements/conditions on any provider wishing to meet the need if the petition is ultimately approved by the State Health Coordinating Council (SHCC). Specifically, Cone asks that the LINAC be designated for Guilford County and only be approved for an existing provider of radiation therapy services that exceeds the LINAC methodology threshold of 6,750 by 10 percent or 7,425 average ESTV procedures per LINAC as published in the 2026 SMFP.

Cone would be the only existing provider in Service Area 12 that would meet these requirements. Cone filed a spring petition earlier this year to create an SMFP policy with similar stipulations. The Technology and Equipment Committee (TEC) voted to deny the petition as documented in the Committee Report at the June 4, 2025, SHCC meeting:

The Agency recognizes that this characteristic of the methodology can suppress need in some service areas, but it does not appear to be a statewide issue. In fact, it appears to affect only two service areas. In such cases, the summer petition process presents an opportunity for the providers to request an adjusted need determination for any service areas that they believe have special attributes that require resources that are not addressed by the standard methodologies in the SMFP. The Agency recommended denial of the petition and invited Cone Health to consider submitting a summer petition for an adjusted need determination. The Committee agreed with the Agency's recommendation.

The SHCC ultimately approved the TEC recommendation and denied the petition for a policy. Cone has followed the advice of the SHCC and filed a summer petition. The inclusion of stipulations on what providers can be approved for the equipment based on historical volumes is more of a methodology change than a special need petition and not in line with the intent or directions for summer petitions as described on page 8 of the Proposed 2026 SMFP as indicated below.

Summer petitions and proposals. *Summer petitions involve requests for adjustments to need determinations in the Proposed SMFP. Petitioners may submit a written petition requesting an adjustment to the need determination in the Proposed SMFP if they believe that special attributes of a service area or institution give rise to resource requirements that differ from those provided by the standard methodologies and policies.*

In addition, there have been multiple petitions submitted for consideration by the State Health Coordinating Council (SHCC) in recent years regarding deficiencies in the LINAC methodology in the SMFP. In response, the Technology and Equipment Committee convened an interested parties discussion group earlier this year. The statements below are excerpted from the Technology and Equipment Committee report at the June 4, 2025, SHCC meeting:

Based on this meeting and further discussions with Agency staff, it became clear that the issue of an adequate supply of LINACs needs careful and systematic consideration. Therefore, Dr. Greene decided to convene a workgroup. We expect the workgroup to begin work in the Fall of this year... This committee will consider the workgroup's recommendations for inclusion in the 2027 SMFP. The committee's decision then will be forwarded to the SHCC for consideration.

Atrium believes the petition from Cone exceeds the parameters of a summer petition and should be denied. Atrium is asking the State Health Coordinating Council to allow the LINAC methodology workgroup scheduled to convene this fall to review and revise the current methodology before releasing any special need determinations in service areas that do not adequately demonstrate how a service area's needs are not currently being met by the methodology.