

HEALTH SERVICES PLANNING AND REVIEW



August 16, 2012

9:30 a.m.

Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by: Mr. Nicholas Vailas, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Chase, Ms. Deb Grabowski, Mr. Christopher Martin, Ms. Maria Proulx, Esq., and Mr. Nicholas Vailas

Excused: Ms. Katja Fox and Ms. Lori Underwood.

Staff Members: Ms. Cindy Carrier, Mr. Paul Lakevicius, Ms. Angel McFetridge, and Mr. Jeffery Peck

Chair Vailas opened the meeting at 9:30 a.m.

Ms. Carrier then conducted a general swearing-in of audience members planning to testify at the meeting.

1. **Consent Agenda**

- **Approve June 21, 2012 Board Meeting Minutes**
- **Approve Findings of Fact, LTC 12-01, Greenbriar Terrace, \$5,470,508**
- **NSR 12-10 LRGHealthcare, Convenience Care Project, Laconia, NH \$127,995**

Discussion: Chair Vailas ask Ms. Carrier to introduce this agenda item. Ms. Carrier stated that the minutes from the June 21, 2012 Board needed to be approved, as well as the Findings of Fact for CON LTC 12-01, Greenbriar Terrace and NSR 12-10, LRGHealthcare, Convenience Care Project, Laconia, NH. She then asked if any of the Board members had an issue with the items on the consent agenda, as they would require removal from the consent agenda.

Mr. Chase then made a motion to approve the consent agenda. Mr. Martin seconded the motion. All Board members voted in favor of the motion, unanimously approving the consent agenda.

2. Approve Final Proposal, He-Hea 208.07 – Intervention Rule Amendment

Discussion: Chair Vailas asked Ms. Carrier to introduce this agenda item. Ms. Carrier stated that the final proposal (annotated) of the He-Hea 208.07 Intervention rule needed to be approved by the Board. She explained that the changes are the result of testimony made at the public hearing held on the rule in June, as well as comments issued by JLCAR staff attorneys. HSPR staff has re-worked the rule to satisfy both. She stated that a vote of the Board is required to continue this rule amendment with JLCAR.

Ms. Grabowski questioned the 3 day notice requirement and whether it meant mailing or receipt. Attorney Hodder from the audience clarified that it says to submit the request to the Board 3 days prior to the meeting. Attorney Malmberg from the audience stated that HSPR staff generally lets people know when a request is submitted. Ms. Proulx stated that it should be business days.

Chair Vailas recommended that the newly formed subcommittee should be assigned to work on this and clarify the 3 day requirement. The remaining Board members agreed with Mr. Vailas' recommendation. Ms. Carrier explained that there is a deadline of one month to get the final proposal to JLCAR but that an updated amendment would be ready for review at the Board's September meeting.

3. Determination of Need for Physical Rehabilitation Beds

Discussion: Chair Vailas asked Mr. Peck to introduce this agenda item. Mr. Peck stated that since the He-Hea 700 rule has been adopted, the Board must determine a need for additional physical rehabilitation beds pursuant to He-Hea 702.01 and He-Hea 704.01. He added that HSPR staff has performed the calculation to determine need. Mr. Peck noted that any need determination cannot be completed with the issuance of an RFA, however, due to the continued moratorium on rehabilitation beds thru 2014. Therefore, no action is required by the Board on this agenda item.

No Board action was taken on this agenda item.

4. Determination of Need and RFA Issuance for Psychiatric Inpatient Beds

Discussion: Chair Vailas asked Mr. Peck to introduce this agenda item. Mr. Peck stated that similarly to the Rehabilitation need above, with the adoption of the He-Hea 800 rule, the Board must now determine whether a need exists for additional psychiatric inpatient beds pursuant to He-Hea 802.01, and issue an RFA pursuant to He-Hea 804.01. HSPR staff has performed this calculation and a need for 177 additional beds is indicated. Because the process requires the determination of need be established prior to the issuance of any RFA, this is the first indication to interested parties that activity can be undertaken to fulfill that need. Therefore, HSPR staff recommends that the Board consider issuing the RFA to give entities an opportunity to respond; additionally, staff has identified other conditions that the Board may want to consider and Mr. Peck referred Board members to the conclusion of analysis document.

Chair Vailas stated that the Board should issue the RFA for Psychiatric Inpatient Beds at this time to see if there is any response.

Ms. Grabowski made a motion to issue the RFA for Psychiatric Inpatient Beds at this time. Mr. Chase seconded the motion. All Board members voted in favor and the motion was unanimously approved.

5. Other Administrative Business

- Ms. Carrier stated that the next meeting of the Board is scheduled for Thursday, September 20, 2012.
- She also stated that the organizational meeting of the Rules Subcommittee will be held directly following today's Board meeting.
- HSPR staff presents its semi-annual CON Project Status report of all open CON projects and the costs associated with such.
- The adopted copy of the He-Hea 700 Rehabilitation and He-Hea 800 Psychiatric rules are enclosed for your use. Please discard your current copies of these rules and replace them accordingly.
- Ms. Carrier asked the Board to welcome our staff member Mr. Paul Lakevicius who will be joining us part-time beginning in September. Paul will be taking on the duties of Ms. Patty Thibeault, who has now transitioned over to the Health Statistics and Data unit to work on coordinating the in-house processing of the UHDDS data set, which heretofore HSPR has funded via a contract with an outside agency. Paul will split his time between our office and the Lead Program within DPHS.

A motion to adjourn the meeting was made by Mr. Chase and seconded by Ms. Proulx; the meeting was adjourned at approximately 9:50 a.m.

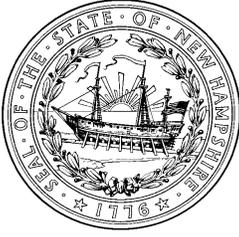
Signature:

Nicholas Vailas
HSPR Board Chair

Approved by
HSPR Board:

Date

HEALTH SERVICES PLANNING AND REVIEW



September 20, 2012

9:30 a.m.

Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by: Mr. Nicholas Vailas, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Chase, Ms. Katja Fox, Ms. Deb Grabowski, Ms. Maria Proulx, Esq., Ms. Lori Underwood and Mr. Nicholas Vailas

Excused: Mr. Christopher Martin

Staff Members: Ms. Cindy Carrier, Mr. Paul Lakevicius, Ms. Angel McFetridge, and Mr. Jeffery Peck

Chair Vailas opened the meeting at 9:30 a.m.

Ms. Carrier then conducted a general swearing-in of audience members planning to testify at the meeting.

1. Consent Agenda

- **Approve August 16, 2012 Board Meeting Minutes**

Discussion: Chair Vailas asked Mr. Lakevicius to introduce this agenda item. He stated that the minutes from the August 16, 2012 Board meeting needed to be approved. He then asked if any of the Board members had an issue with the item on the consent agenda, as it would require removal from the consent agenda.

Mr. Chase then made a motion to approve the consent agenda. Ms. Grabowski seconded the motion. Ms. Fox abstained from the vote since she did not attend the 8/16/12 Board meeting. All remaining Board members voted in favor of the motion, unanimously approving the consent agenda.

2. Approve Final Proposal Amendment He – Hea 208.07 Intervention

Discussion: Chair Vailas asked Ms. Carrier to introduce this agenda item. Ms. Carrier stated that at its last meeting, the Board delegated the final wording of this rule amendment to the newly formed Rules Subcommittee; this group has completed its task and now presents the final proposal for full Board review and approval. She explained that a vote of the Board is required to submit this rule to JLCAR as the next step in the rulemaking process.

Ms. Proulx made a motion to accept the changes to the Final Proposal Amendment He-Hea 208.07. Ms. Grabowski seconded the motion. All Board members voted in favor of the motion, and this agenda item was unanimously approved.

3. Portsmouth Regional Hospital, CON AC 06-07, Request for a 6-month Extension

Discussion: Chair Vailas asked Ms. Carrier to introduce this agenda item. Ms. Carrier stated that a request from Portsmouth Regional Hospital for a 6-month extension to complete its CON application AC 06-07 was received. She explained that this is the second and final allowable such request, as PRH already received a 6-month extension earlier this year to complete this project. Additional delays, as noted in the request, have prompted PRH to seek a further extension, to April 2013. The latest implementation report reveals that this project is some 94% complete and remains within the CON approved amount (plus 15% and inflation). Ms. Carrier stated that such requested extension is eligible for approval.

With no Board discussion, Mr. Chase made a motion to approve the request for a 6-month extension made by Portsmouth Regional Hospital for CON AC 06-07. Ms. Fox seconded the motion. All Board members voted in favor of the motion, and this agenda item was unanimously approved.

4. Determine October 1, 2012 Ambulatory Surgical Centers RFA Issuance

Discussion: Chair Vailas asked Mr. Peck to introduce this agenda item. Mr. Peck stated that the HSPR staff evaluation regarding the issuance of this RFA was included in the Board packet. He stated that to date, no letters of interest have been received, nor any support expressed, in support of this RFA. He stated that HSPR staff requests that the Board affirm that no RFA for ASC services be issued at this time, unless notice is received by September 26, 2012 (allowing sufficient time for posting of the public notice on October 1, 2012).

With no Board discussion, Mr. Chase made a motion to not issue the October 1, 2012 Ambulatory Surgical Centers RFA at this time unless any letters of interest are received by the deadline. Ms. Proulx seconded the motion. All Board members voted in favor and the motion was unanimously approved.

5. Other Administrative Business

- Mr. Peck stated that the next meeting of the Board is scheduled for Thursday, October 18, 2012.

- He also stated that the Rules Subcommittee will meet directly following today's Board meeting. The main topic of discussion will be the Change of Scope process.

A motion to adjourn the meeting was made by Ms. Underwood and seconded by Ms. Proulx; the meeting was adjourned at approximately 9:40 a.m.

Signature:

Nicholas Vailas
HSPR Board Chair

Approved by
HSPR Board:

Date

HEALTH SERVICES PLANNING AND REVIEW



October 18, 2012

9:30 a.m.

Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by: Mr. Nicholas Vailas, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Chase, Ms. Katja Fox, Ms. Deb Grabowski, Mr. Christopher Martin, Ms. Maria Proulx, Esq., Ms. Lori Underwood and Mr. Nicholas Vailas

Staff Members: Ms. Cindy Carrier, Mr. Paul Lakevicius, Ms. Angel McFetridge, and Mr. Jeffery Peck

Chair Vailas opened the meeting at 9:30 a.m.

Ms. Carrier then conducted a general swearing-in of audience members planning to testify at the meeting.

1. Consent Agenda

- **Approve September 20, 2012 Board Meeting Minutes**
- **NSR 12-11 Southern NH Medical Center, Nashua, NH – NSR Request to Combine Operating Rooms, \$1,201,809 (\$326,809 Equipment Included)**
- **NSR 12-14 Elliot Hospital, Manchester, NH - NSR for Cardiac Catheterization Equipment Replacement, \$707,111 (\$586,811 Equipment Included)**

Discussion: Chair Vailas asked Mr. Lakevicius to introduce this agenda item. He stated that the minutes from the September 20, 2012 Board meeting, NSR 12-11 Southern NH Medical Center, and NSR 12-14 Elliot Hospital needed to be approved. He then asked if any of the Board members had an issue with any of the items on the consent agenda, as they would require removal from the consent agenda. Chair Vailas pointed out that the total costs of the two NSR requests combined equipment and construction; and that actual construction costs were below the statutory threshold.

Mr. Chase then made a motion to approve the consent agenda. Ms. Underwood seconded the motion. All Board members voted in favor of the motion, unanimously approving the consent agenda.

2. NSR 12-12 Hampstead Hospital, Hampstead, NH – NSR Request for Facility Renovations, \$850,000

Discussion: Chair Vailas asked Ms. Carrier to introduce this agenda item. Ms. Carrier stated that Hampstead Hospital of Hampstead, NH seeks an NSR determination to renovate one wing of its facility. She stated that total construction costs are slated to be below the statutory threshold. She added that HSPR staff asked Hampstead to clarify whether the equipment costs are fixed and therefore included with the project total, or whether there are any separate major moveable equipment costs to be considered. Hampstead confirmed via email that the \$60,000 for equipment is fixed and not major moveable equipment. Therefore, this project is eligible for an NSR determination at this time.

With no Board discussion, Ms. Grabowski made a motion to approve the NSR request. Ms. Fox seconded the motion. All Board members voted in favor of the motion, and this agenda item was unanimously approved.

3. NSR 12-13 Convenient MD, LLC, NSR Request to Establish Outpatient Clinic in Concord, NH, \$980,000 (\$220,000 Equipment Included)

Discussion: Chair Vailas invited representatives from Convenient MD to come forward and asked Ms. Carrier to introduce this agenda item. Ms. Carrier stated Convenient MD submitted a similar request for a facility to be located in Windham, NH and because this request contained the same information – and same cost – HSPR staff was unsure whether this indicated a new and second location, or if this is a new location only. Other clarifying questions regarding this proposal were asked. Staff also provided an excerpt of the April 2012 Board meeting minutes where the first proposal was discussed. The requestor did respond to all the questions via email to HSPR staff's satisfaction. Therefore, it appears that this request is eligible for an NSR determination.

Mr. Gareth Dickens, President and Mr. Max Puyanic, CEO came forward to answer any Board questions. Ms. Erin Almeda, from the audience, asked if Convenient MD would accept Medicaid and Self Pay patients. Mr. Dickens responded that they indeed will.

Ms. Fox then made a motion to approve the NSR request made by Convenient MD, LLC to establish an outpatient Clinic in Concord, NH at a cost of \$980,000. Ms. Proulx seconded the motion. All Board members voted in favor of the motion, and this agenda item was unanimously approved.

4. Other Administrative Business

- Mr. Lakevicius stated that the next meeting of the Board is scheduled for Thursday, November 15, 2012.
- He also stated that the Rules Subcommittee will meet directly following today's Board meeting.
- HSPR staff has produced the 2011 – 2012 project comparisons and CON program activity comparisons as requested by the Chair at the last meeting.

A motion to adjourn the meeting was made by Mr. Chase and seconded by Ms. Fox; the meeting was adjourned at approximately 9:40 a.m.

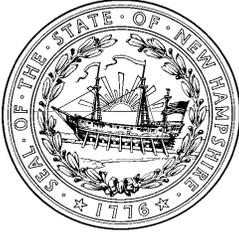
Signature:

Nicholas Vailas
HSPR Board Chair

Approved by
HSPR Board:

Date

HEALTH SERVICES PLANNING AND REVIEW



December 20, 2012

9:30 a.m.

Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by: Mr. Nicholas Vailas, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Chase, Ms. Katja Fox, Mr. Christopher Martin, Ms. Maria Proulx, Esq., Ms. Lori Underwood and Mr. Nicholas Vailas

Excused: Ms. Deb Grabowski

Staff Members: Ms. Cindy Carrier, Mr. Paul Lakevicius, Ms. Angel McFetridge, and Mr. Jeffery Peck

Chair Vailas opened the meeting at 9:34 a.m.

Ms. Carrier then conducted a general swearing-in of audience members planning to testify at the meeting.

1. Consent Agenda

- **Approve October 18, 2012 Board Meeting Minutes**
- **NSR 12-15 Laurel Center, Bedford, NH, NSR Request for Transfer of Ownership**
- **NSR 12-16 Frisbie Memorial Hospital, Rochester, NH, NSR Request to Relocate ICU, \$246,000**
- **NSR 12-17 Hillsboro House, Hillsboro, NH, NSR Exemption for Home Health License**
- **NSR 12-18 Orthopaedic Surgical Associates of Lowell, NSR Request for MRI Replacement, \$385,000 (Nashua Location)**

Discussion: Chair Vailas asked Ms. Carrier to introduce this agenda item. She stated that the minutes from the October 18, 2012 Board meeting, NSR 12-15 from the Laurel Center of Bedford, NSR 12-16 from Frisbie Memorial Hospital of Rochester, NSR 12-17 from the Hillsboro House of Hillsboro NH, and NSR 12-18 from Orthopaedic Surgical Associates of Lowell needed Board approval.

Ms. Underwood then made a motion to approve the consent agenda. Mr. Chase seconded the motion. All Board members voted in favor of the motion, unanimously approving the consent agenda.

2. Adopt He-Hea 208.07 Intervention

Chair Vailas asked Ms. Carrier to introduce this agenda item. Ms. Carrier stated that the Joint Legislative Committee on Administrative Rules (JLCAR) approved the Board's He-Hea 208.07 rule amendment at its October 18, 2012 meeting. She explained that the Board must now vote to adopt this rule so that it can be filed and made effective.

Ms. Proulx then made a motion to approve the adoption of He-Hea 208.07 Intervention rules.. Ms. Fox seconded the motion. All Board members voted in favor of the motion, and this agenda item was unanimously approved.

3. Other Administrative Business

- Ms. Carrier stated that the next meeting of the Board is scheduled for Thursday, January 17, 2013.
- She also stated that the Rules Subcommittee will meet directly following today's Board meeting.
- Finally, Ms. Carrier noted two LSRs that have been filed that could affect HSPR:
 - 2013-H-0110-R increasing the number of mental health beds statewide and relative to a committee to study issues relating to custody of persons with mental illness being held in state or county correctional facilities (Jennifer Coffey).
 - 2013-H-0442-R relative to the certificate of need board (Neal Kurk).

A motion to adjourn the meeting was made by Mr. Martin and seconded by Mr. Chase; the meeting was adjourned at approximately 9:38 a.m.

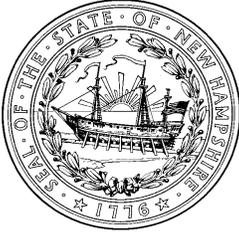
Signature:

Nicholas Vailas
HSPR Board Chair

Approved by
HSPR Board:

Date

HEALTH SERVICES PLANNING AND REVIEW



January 17, 2013

9:30 a.m.

Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by: Mr. Nicholas Vailas, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Chase, Ms. Deb Grabowski, Mr. Christopher Martin, and Ms. Lori Underwood

Excused: Ms. Katja Fox, Ms. Maria Proulx, Esq., and Mr. Nicholas Vailas

Staff Members: Ms. Cindy Carrier, Mr. Paul Lakevicius, Ms. Angel McFetridge, and Mr. Jeffery Peck

Acting Chair Underwood opened the meeting at 9:34 a.m.

Ms. Carrier offered to conduct a general swearing-in of audience members planning to testify at the meeting; however no one raised their hand thus making a general swear-in unnecessary.

1. Consent Agenda

- **Approve December 20, 2012 Board Meeting Minutes**
- **NSR 13-01 Kindred Transitional Care and Rehabilitation – Dover, NH, NSR Request for Transfer of Ownership**

Discussion: Acting Chair Underwood asked Mr. Lakevicius to introduce this agenda item. He stated that the minutes from the December 20, 2012 Board meeting need Board approval, as well as NSR 13-01 Kindred Transitional Care and Rehabilitation, Dover, NH for a Transfer of Ownership.

Mr. Chase then made a motion to approve the consent agenda. Ms. Grabowski seconded the motion. All Board members voted in favor of the motion, unanimously approving the consent agenda.

2. Determination of Need and RFA Issuance for Psychiatric Inpatient Beds

Discussion: Acting Chair Underwood asked Ms. Carrier to introduce this agenda item. Ms. Carrier stated that a Request for Applications (RFA) is due to be issued on February 1, 2013 for acute psychiatric inpatient beds pursuant to He-Hea 802.01(f). Accordingly, the Board must determine whether a need exists for additional psychiatric inpatient beds and issue an RFA pursuant to He-Hea 804.01. HSPR staff performed this calculation; a need for 177 additional beds is indicated. An RFA for acute psychiatric inpatient beds was previously issued on September 4, 2012 upon adoption of the He-Hea 800 rule. The technical assistance meeting was attended by Hampstead Hospital; however no applications were submitted in response to this RFA. Therefore, HSPR staff recommends that the Board consider issuing the RFA on February 1, 2013 to give entities an additional opportunity to respond.

Ms. Grabowski then made a motion to issue the RFA for Psychiatric Inpatient Beds effective February 1, 2013. Mr. Chase seconded the motion. All Board members voted in favor of the motion; thus the RFA will be issued.

3. Other Administrative Business

Mr. Peck stated the following:

- The next meeting of the Board is scheduled for Thursday, February 21, 2013.
- Due to lack of members present, the Board's Rules Subcommittee will not meet following the Board meeting.
- HSPR staff presents its semi-annual CON Project Status report of all open CON projects and the costs associated with such.
- HSPR staff presents the 2013 Nursing Home Bed Need Calculation for consideration and review. Although some regions show a need for additional beds, the nursing home moratorium remains in place through June 30, 2014.
- The 15-A forms from Board members are due 1/18/2013 to the Secretary of State's office.

A motion to adjourn the meeting was made by Mr. Martin and seconded by Mr. Chase; the meeting was adjourned at approximately 9:37 a.m.

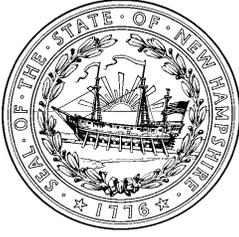
Signature:

Lori Underwood
Acting, HSPR Board Chair

Approved by
HSPR Board:

Date

HEALTH SERVICES PLANNING AND REVIEW



February 21, 2013

9:30 a.m.

Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by: Mr. Nicholas Vailas, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Chase, Ms. Katja Fox, Ms. Deb Grabowski, Mr. Christopher Martin, Ms. Maria Proulx, Esq., Ms. Lori Underwood and Mr. Nicholas Vailas

Staff Members: Ms. Cindy Carrier, Mr. Paul Lakevicius, Ms. Angel McFetridge, and Mr. Jeffery Peck

Chair Vailas opened the meeting at 9:30 a.m.

Ms. Carrier conducted a general swearing-in of audience members planning to testify at the meeting.

1. Consent Agenda

- **Approve January 17, 2013 Board Meeting Minutes**

Discussion: Chair Vailas asked Mr. Lakevicius to introduce this agenda item. He stated that the minutes from the January 17, 2013 Board meeting need Board approval.

Mr. Martin then made a motion to approve the consent agenda. Mr. Chase seconded the motion. Ms. Fox abstained from voting. All remaining Board members voted in favor of the motion, unanimously approving the consent agenda.

2. NSR 13-02 Barrington Surgical Center at Rye – NSR Request to Develop Ambulatory Surgical Center in Rye, NH \$226,570.48

Discussion: Mr. Peck introduced this agenda item, stating that a request has been received from Rye Surgical Care, LLC to become licensed as an Ambulatory Surgery Center focusing on pain management at 270 Lafayette Road in Rye, NH. Total estimated cost of the project is \$226,570.48. The requestor is affiliated with Barrington Surgical Care and Interventional Spine Medicine. Because the project is outpatient based and below the statutory threshold, HSPR staff concludes the request is eligible for an NSR determination.

Mr. Bob Raymond, the executive director of Interventional Spine Medicine came forward to answer Board questions. Ms. Proulx inquired as to the nature of service to be provided, asking if the facility would perform both outpatient surgery and pain management. Mr. Raymond clarified that it would be pain management only. Ms. Grabowski asked if this was an existing facility. Mr. Raymond stated that it was, and that the group has 4 facilities located around the state, and that they have been in existence for the past 4-5 years.

With no further questions from the Board, Chair Vailas asked for a motion on the agenda item. Ms. Fox made a motion to approve the project as presented. Ms. Proulx seconded the motion. All Board members voted in favor of the motion; thus the request was confirmed as not subject to CON review.

3. NSR 13-03 – Pleasant Valley Nursing Center, Derry, NH

- **Request to Transfer 109 Nursing Beds from Exeter Healthcare to Pleasant Valley, \$374,500 (Nursing Home Region 8)**
- **Request to submit CON Application to Accommodate Transferred Beds, RSA 151-C:4, III (a)**

Discussion: Ms. Carrier was asked to introduce this agenda item. She stated that THI of Derry has submitted a 2-part request for the Pleasant Valley Nursing Center for: (1) an NSR determination to transfer all 109 beds from Exeter Healthcare to Pleasant Valley at a cost of \$374,500; and (2) Permission to submit a CON application to accommodate the transferred beds under the authority of RSA 151-C:4, III(a). She stated that HSPR staff has also provided an evaluation of this request. The transfer of beds will take place within the same Nursing Home Region 8 (Rockingham County); therefore, there will be no net increase of beds. It appears that Pleasant Valley will then construct a facility in order to accommodate the transferred beds and keep them in operation, but the location of the new complement of beds may not be at the existing facility site. Ms. Carrier pointed out that the statute allows for this type of transaction as an exception to the moratorium under RSA 151-C:4, III (a). Such granting of permission from the Board would enable Pleasant Valley to submit an application for full review and analysis by staff and the Board. HSPR staff does request that the Board consider the term “existing facility” as used in the statute section concerning the transfer of beds – it is unclear whether this should be narrowly interpreted and thus limit THI to building at its campus, or can it be more broadly defined to include something more. HSPR staff also recommended that if THI is permitted to submit a CON application under the exception portion of the statute then such submission be given a deadline in order to ensure that these beds will not be “held hostage” by the applicant for any uncertain time period – HSPR staff recommends that THI be held to a 24-month timeframe for submission of its application.

Chair Vailas invited representatives from THI to discuss its proposal with the Board. Representing THI were Mr. Andrew Eills, Esq., legal counsel, Ms. Melissa St. Cyr, former nursing home administrator of Pleasant Valley, and Mr. Mark Fulchino THI, Executive Director. Attorney Eills thanked the staff for its evaluation of the proposal, then stated that the proposal would allow the submission of a CON application for full review and evaluation and the opportunity to put into place a large number of nursing home beds that have not been in use, while keeping all within the same county (long term care Region 8). He stated that the statute was amended in 2009 to allow such applications to be filed outside of the moratorium. He also introduced Mr. Kevin O’Leary, CFO, Exeter Health Resources, from the audience, who confirmed that the 109 beds from Exeter Healthcare are licensed but not in service.

Ms. Underwood asked if the new beds would be operated by THI – Mr. Fulchino stated yes. Ms. Proulx stated that she wanted to discuss the HSPR staff issue concerning the term “existing facility,” and what concern that might be. Ms. Carrier stated that she sought to have the Board make a determination that would either grant or deny THI permission to submit a CON application for review – if the statute is narrowly interpreted and THI was to place the beds outside of its physical campus then the application would be rejected. Attorney Eills reminded the Board that it can interpret the statute as it sees fit, and that it could determine that the beds could be allocated in a rational manner that would not necessarily mean on top of the existing facility. Ms. Fox stated that she reviewed the term “health care facility” as found in the Board’s statute, which includes “all services and property” owned by the facility, in this case the nursing home. She indicated that this definition helped clarify the issue for her.

Mr. Martin then made a motion that the transfer of beds from Exeter Healthcare to THI was not subject to CON review. Ms. Fox seconded the motion. All Board members voted in favor of the motion. Mr. Martin then made a motion to grant THI permission to submit a CON application for review of such transferred beds, with the condition that THI submit the application within 24 months. Mr. Chases seconded the motion. All Board members voted in favor of the motion.

4. Discussion – Cardiac Services Rule (He-Hea 1100)

Discussion: Ms. Carrier was asked to introduce this agenda item. She stated that the Board’s Cardiac Services Rule, He-Hea 1100 is slated to expire in June 2013, and that HSPR staff requests that the Board take some time to discuss re-adoption and/or amendment of this rule. She offered three options for proceeding with the re-adoption of this rule: the rule could be allowed to expire, in which case no new cardiac catheterization or heart surgery services could be offered in the state; appoint a subcommittee of Board members to review and draft the rule; or direct the Staff to craft an initial proposal of the rule to bring back to the Board for approval. She added that keeping rules active is due diligence for any state board or commission.

Mr. Vailas stated that there should be a subcommittee to work on this rule as it is an important service to the state. Ms. Underwood agreed that the rule should not lapse. From the audience, Ms. Erin Almeda of Concord Hospital noted that she was the subcommittee chair of the last cardiac rules review and that the Board could benefit from input from professionals on this issue. Chair Vailas then suggested that the Board have an input session at the next Board meeting to gather information that could be of benefit for a resulting subcommittee. He then directed the staff to draft an interim rule for approval at the next meeting in order to keep the rule effective for 150 days. No vote was required for this agenda item.

5. Other Administrative Business

Mr. Lakevicius stated the following:

- The next meeting of the Board is scheduled for Thursday, March 21, 2013.
- The Board’s Rules Subcommittee will meet immediately following the Board meeting.
- The Mary Hitchcock Memorial Hospital application AC 12-02 was handed out at today’s meeting. The hearing will be scheduled for the March HSPR Board Meeting.
- LSR 0442 is now HB677, copy enclosed. No hearing is yet scheduled for this bill, which re-works Board membership and responsibilities, addresses the

equipment replacement issues and extends CON to 2019. Chair Vailas added that the hearing may be scheduled for March 5, and Ms. Grabowski asked that HSPR staff inform Board members when the hearing is set.

- HSPR staff has provided new copies of the Board’s He-Hea 100-500 rules that includes the amendment to He-Hea 208.07 Intervention. Please replace your copy of the rule with this updated one.
- Also enclosed are updated copies of the HSPR Board member contact information for your use.

A motion to adjourn the meeting was then made by Mr. Chase and seconded by Ms. Underwood. All members voted in favor; thus, the meeting was adjourned at approximately 9:58 a.m.

Signature:

Nicholas Vailas
HSPR Board Chair

Approved by
HSPR Board:

Date

HEALTH SERVICES PLANNING AND REVIEW



March 21, 2013

9:30 a.m.

Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by: Mr. Nicholas Vailas, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Chase, Ms. Deb Grabowski, Mr. Christopher Martin, Ms. Maria Proulx, Esq., and Mr. Nicholas Vailas

Excused: Ms. Katja Fox and Ms. Lori Underwood

Staff Members: Ms. Cindy Carrier, Mr. Paul Lakevicius, Ms. Angel McFetridge, and Mr. Jeffery Peck

Chair Vailas opened the meeting at 9:30 a.m.

Ms. Carrier conducted a general swearing-in of audience members planning to testify at the meeting.

1. **Consent Agenda**

- **Approve February 21, 2013 Board Meeting Minutes**
- **NSR 13-04, Granite Ledges (Genesis Healthcare Center), Concord, NH, NSR Request for Minor Renovations, \$1,100**

Discussion: Chair Vailas asked Ms. Carrier to introduce this agenda item. She stated that the minutes from the February 21, 2013 Board meeting and NSR 13-04 for minor renovations to Granite Ledges (Genesis Healthcare Center) both need Board approval.

Mr. Chase then made a motion to approve the consent agenda. Ms. Proulx seconded the motion. All remaining Board members voted in favor of the motion, unanimously approving the consent agenda.

2. **NSR 13-05 Fairview Nursing Home, Hudson, NH, NSR Request for Building Addition, \$1,424,105 (\$60,766 equipment)**

Discussion: Mr. Peck introduced this agenda item, stating that a request has been received from Fairview Nursing Home for a proposed building addition to the facility to allow for

placement of 13 skilled private rooms and space for rehabilitation. He explained that the skilled beds will be taken from the conversion of existing 3 and 4 bed rooms and will enhance privacy and confidentiality and no new beds will be added as a result of this project. Mr. Peck stated that because the project falls below the current statutory threshold for nursing homes, HSPR staff concludes that this proposal is eligible for a Not Subject to Review determination.

Chair Vailas invited representatives to come forward to provide testimony. Mr. Tim Beaulieu, President and Mr. Rich Leboeuf, Administrator came forward to answer any Board questions. Ms. Grabowski asked about the financing of the project. Mr. Laboeuf stated that they will have a traditional loan through their existing lender.

With no further questions from the Board, Chair Vailas asked for a motion on the agenda item. Mr. Martin made a motion to approve the project as presented. Mr. Chase seconded the motion. All Board members voted in favor of the motion; thus the request was confirmed as not subject to CON review.

3. Public Hearing – Mary Hitchcock Memorial Hospital, CON AC 12-02, \$20,000,000

At this time, Ms. Carrier requested that the agenda be adjusted to hear the MHMH AC 12-02 CON application as requested by MHMH due to some potential scheduling conflicts of their presenters. The Board agreed to the adjustment.

Discussion: Chair Vailas invited representatives to the table to discuss the AC 12-02, Mary Hitchcock Memorial Hospital CON application. Mr. Neil Castaldo, Esquire, Senior Advisor to the CEO, Ms. Gail Dahlstrom, Vice President, Facilities Management, Ms. Wendy Fielding, Vice President, Financial Planning, and Dr. Wendy Wells, Professor and Chair of Pathology came forward at this time.

Attorney Castaldo provided an introduction to the presentation stating that current lab space is old and outdated; compliance issues exist; there has been a great increase in in-house testing with plans for additional growth after the project is complete; and MHMH seeks to improve its regional partnerships with area hospitals. Dr. Wells then provided some background regarding increased testing volumes that have created space and accreditation issues. She stated that the lab has reached its saturation point and that space is needed to accommodate future growth and address space deficiencies affecting accreditation. She also indicated that there will be in-house benefits by reducing the expense of send out volume by bringing tests in-house.

Board discussion and questions ensued with Chair Vailas questioning whether any cost savings would be passed on to patients. Attorney Castaldo explained that the savings are found in reduced cost structures and that MHMH must maintain sustainability with federal cuts and reduced revenues. He stated that MHMH has worked to reduce personnel via layoffs and has performed other LEAN processes in an effort to control costs. Ms. Proulx asked how MHMH can perform in-house testing more cheaply than using vendors. Dr. Wells stated that a comparison has been made with commercial labs with which they will be competing and that its costs will be comparable to such labs for the tests that they can bring in-house. Ms. Fielding further explained the difference in operating costs and the potential timeframe of payback.

Ms. Dahlstrom then explained the charts describing the floor plan changes and funding. Ms. Fielding explained that it will fund the project from ongoing operations. Board discussion ensued on MHMH's anticipated profit margins with MHMH explaining that it is a goal over time and that it is focused on sustainability and its purpose as a responsible healthcare resource for NHDHHS, DPHS, Health Services Planning and Review

NH patients. Attorney Castaldo further explained that MHMH has a responsibility to maintain its mission and reduce costs at the same time.

Dr. Wells then addressed the “Buy vs. Make” issue by stating that MHMH is looking at reducing unnecessary and over testing while maintaining a balance of utilization and cost. She also stated that the academic mission is important and that translational research will bring further specialized testing to patients.

There was no public testimony so the public hearing ended at 10:20 a.m. Board discussion ensued with staff informing the Board that the checklist had been updated with only one condition left for proposed approval. Mr. Peck explained that the condition was similar to that attached to CON AC 11-04 regarding the receipt of financial statements and ratios until the project is complete. Further discussion ensued on project costs.

Ms. Grabowski then made a motion to approve CON AC 12-02 with the condition as outlined by the staff. Mr. Chase seconded the motion. All Board members voted in favor of the motion.

4. Determine April 1, 2013 Ambulatory Surgical Centers RFA

Discussion: Mr. Lakevicius was asked to introduce this agenda item. He stated that the RFA for ASCs is due to be issued effective 4/1/13, and that, to date, no letters of interest have been received, nor any other support expressed, in support of this RFA and therefore, HSPR staff requests that the Board affirm that no RFA for ASC services will be issued at this time, unless notice is received by March 25, 2013 which will allow sufficient time for posting of the public notice on April 1st.

Mr. Chase then made a motion to not issue the April 1, 2013 Ambulatory Surgical Centers RFA unless notice is received by Monday, March 25, 2013. Ms. Proulx seconded the motion. All Board members voted in favor of the motion.

5. Presentation of MRI Data Analysis

Discussion: Mr. Lakevicius was asked to introduce this agenda item. He stated that HSPR staff presents its analysis of the Magnetic Resonance Imaging (MRI) data annually collected from vendors and hospitals. He explained that the data is used as the basis for the determination of need for both fixed and mobile MRI services, and referred to the report included with the Board packet. Ms. Carrier added that Staff has also included a map of all known MRI locations, including those that must be requested with the Bureau of Radiological Health but have not been to the Board; this provides a more complete view of MRI services in NH.

No Board action was required on this agenda item.

6. Determine April 1, 2013 Mobile MRI Services RFA Issuance

Discussion: Mr. Lakevicius was asked to introduce this agenda item. He stated that Shields Health Care Group has submitted a letter of intent and interest to provide mobile MRI services in NH, and requests that the Board issue an RFA so that it might apply for a CON. Mr. Lakevicius explained that the Board's rule, He-Hea 604.03 simply states that an RFA shall be NHDHHS, DPHS, Health Services Planning and Review

issued on April 1st of each year but over time HSPR staff has recommended that this be qualified by a letter of intent or specific request. He explained that an RFA for mobile MRI services was issued in 2011, but no applications were submitted. Based upon this latest request, the Board can issue an RFA, which only establishes some indication of need for additional services. The actual need must be proven with the submission and review of a CON application. He stated that representatives from Shields should be present to discuss their letter of intent with the Board.

Mr. Peter Ferrari, Chief Strategy Officer, Shields MRI, Mr. Steve McCarthy, Real Estate Representative for Shields MRI and Mr. Don Crandlemire, Esq. Legal Counsel, came forward at this time. Mr. Ferrari stated that Shields has been in business since the mid 1980s and that they are the largest MRI provider in MA. He explained that they believe there is a market for them in NH and they can provide service at a lower cost.

Ms. Proulx stated that she has seen the lower costs that Shields produces and then asked who does the billing when Shields forms a venture with a hospital. Mr. Ferrari responded that they set up a contract with the hospital as a joint venture and the joint venture does the billing at free standing rates. He added that the bill for radiologists can be split to bill separately or combined. Chair Vailas asked if they are for profit and if they pay taxes. Mr. Ferrari replied yes to both questions. Ms. Grabowski asked how the MRI results are read. Mr. Ferrari stated that they are read remotely but that MRI guidelines require onsite supervision. He added that Shields can integrate MRI readings electronically with hospital systems or a web product as well.

At this time, Ms. Proulx made a motion to issue the April 1, 2013 RFA for Mobile MRI services based on the letter of interest submitted by Shields MRI. Mr. Martin seconded the motion and all Board members voted in favor of the motion.

At this time, Chair Vailas proposed that the public discussion be held on Cardiac services at this time.

7. Public Discussion – Cardiac Services

Discussion: Ms. Carrier introduced this agenda item. She stated that as directed by the Board at the last meeting, HSPR staff has invited hospitals and their cardiac physicians and surgeons to provide input to and recommendations for cardiac catheterization and cardiac services in New Hampshire that will shape the Board's new He-Hea 1100 Cardiac Services rule. She explained that HSPR staff asked that presenters RSVP and limit presentations to 15 minutes apiece. Catholic Medical Center, Elliot Hospital and Concord Hospital will be speaking before the Board in that order.

Representatives from Catholic Medical Center (CMC) came forward at this time. Mr. Alex Walker, Senior VP Strategy and Planning and Dr. Louis Fink, MD, Chief of Cardiology, introduced themselves. Mr. Walker stated that they see this as the beginning of a process for the Board and would like to offer their help. Dr. Fink explained that the volumes for cardiac surgery have decreased. He stated that volume drives quality but overall NH meets volume criteria for quality services. Chair Vailas asked if there were no regulations protecting the franchise would institutions close shop. Dr. Fink stated that these are uncertain times and it's possible that financial incentives would keep this in check, not the lack of regulations.

Ms. Kristine Chaisson, Director of Cardiovascular Services, Mr. Richard Boss, MD and Mr. Gerald Sardella, MD, Cardiac Surgeon, representatives from Concord Hospital came forward at this time. Ms. Chaisson stated that the state has a high degree of collaboration and Concord's quality outcomes have been great. She added that Concord has agreements with LRGHealthcare. Ms. Chaisson stated that she has been with Concord Hospital for 15 years and Concord is overall happy with the regulations. She stated that there is collaboration with facilities working together around the state leading to quality outcomes. She added that the system is streamlined and they work with the patient and the patient has the choice. Chair Vailas asked about the volumes at Concord Hospital. Ms. Chaisson replied that there have been 170 surgeries per year supported by an entire package of cardiac services. Dr. Sardella stated that studies show that a surgeon should do 50 – 100 surgeries a year; he explained that when he worked in New York he was doing 200 – 250 per year. He stressed that the volume requirement should be researched. Chair Vailas stated that having a volume requirement is dangerous and could do harm and asked what the new threshold should be. Dr. Sardella responded that the threshold needs to be researched, but it needs to be well over 50 per year as surgeons need to be experienced. Ms. Grabowski asked if the rule is geared toward new programs only. Ms. Carrier answered that it is. Mr. Martin asked if liability rates are different based on volume. Ms. Chaisson answered no. Dr. Sardella added that regionalization is important.

Chair Vailas asked representatives from Elliot Hospital if they wanted to provide any testimony. Attorney Bob Best, Legal Counsel for Elliot Hospital, stated that they were just there to listen to the testimony.

Dr. Fink stated that per national guidelines high volume surgeons in low volume hospitals are needed as well as support services.

Ms. Maureen Smith, VP Planning and Development, Portsmouth Regional Hospital, spoke from the audience. She stated that representatives were unable to attend the meeting as the Joint Commission was at the hospital today. She added that she supports the testimony from CMC and Concord Hospital.

There was no Board action required for this agenda item.

8. Approve Interim Rule He-Hea 1100, Cardiac Services

Discussion: Chair Vailas asked Ms. Carrier to introduce this agenda item to the Board. Ms. Carrier stated that an interim, 150-day rule is presented by HSPR staff for Board approval. She explained that this will allow a six-month extension to the current rule and give the Board some time to draft and adopt a permanent rule for cardiac catheterization/cardiac services.

Ms. Proulx made a motion to approve the interim rule He-Hea 1100 for Cardiac Services. Ms. Grabowski seconded the motion and all Board members voted in favor of the motion.

9. Other Administrative Business

Ms. Carrier stated the following:

- The next meeting of the Board is scheduled for Thursday, April 18, 2013.

- Due to the anticipated length of the Board meeting, the Board's Rules Subcommittee will NOT meet immediately following the Board meeting today.
- HB677 – hearing held on 3/5 before the House Health and Human Services Committee with persons testifying both in support of and opposition to the bill. Retained in committee, the language is now in HB2. Passed the finance committee.
- A copy of the updated statutory thresholds is enclosed for your reference.

A motion to adjourn the meeting was then made by Mr. Chase and seconded by Mr. Martin. All members voted in favor; thus, the meeting was adjourned at approximately 11:10 a.m.

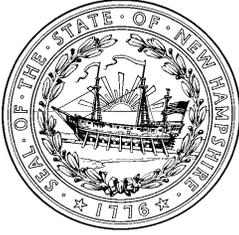
Signature:

Nicholas Vailas
HSPR Board Chair

Approved by
HSPR Board:

Date

HEALTH SERVICES PLANNING AND REVIEW



April 18, 2013
9:30 a.m.
Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by: Ms. Lori Underwood, Acting Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Chase, Ms. Katja Fox, Ms. Deb Grabowski, Mr. Christopher Martin, Ms. Maria Proulx, Esq., and Ms. Lori Underwood

Excused: Mr. Nicholas Vailas

Staff Members: Ms. Cindy Carrier, Mr. Paul Lakevicius and Ms. Angel McFetridge

Vice Chair Underwood opened the meeting at 9:46 a.m.

1. Consent Agenda

- **Approve March 21, 2013 Board Meeting Minutes**
- **Findings of Fact – Mary Hitchcock Memorial Hospital AC 12-02, \$20,000,000**
- **NSR 13-07, The Memorial Hospital, North Conway, ED Renovations \$461,725 (\$6,700 equipment)**

Discussion: Acting Chair Underwood asked Mr. Lakevicius to introduce this agenda item. He stated that the minutes from the March 21, 2013 Board meeting, Findings of Fact – Mary Hitchcock Memorial Hospital AC 12-02, \$20,000,000 and NSR 13-07 for The Memorial Hospital, North Conway, NH for ED renovations all need Board approval.

Mr. Chase then made a motion to approve the consent agenda. Ms. Grabowski seconded the motion. Ms. Fox and Ms. Underwood abstained from the vote as they were not present at the March Board meeting. All remaining Board members voted in favor of the motion, unanimously approving the consent agenda.

Ms. Carrier then conducted a general swearing-in of audience members planning to testify at the meeting.

2. NSR 13-06, St. Joseph Hospital, Replace existing MOB, Milford, NH \$1,934,600

Discussion: Ms. Carrier introduced this agenda item, stating that a request has been received from St. Joseph Hospital to replace the Milford Medical Center, a freestanding licensed emergency department, the only one in the state. She explained that SJH seeks to replace the current facility at this time using a phased construction approach. The proposal also entails other outpatient and physician office space, in addition to the emergency center and lab space. For this reason, the NSR request sought is for those services pertaining to emergency services, lab and a portion of radiology used by emergency patients – this allocation of costs totals \$1,934,000, which is below the current statutory threshold. The remaining project costs (\$4,061,000) fall under services that are exempt from review under RSA 151-C:13, I (physician offices, and scheduled outpatient physical therapy, radiology, and mammography services).

Ms. Carrier explained that because the portion of the project attributed to hospital services falls below the current statutory threshold, HSPR staff recommends that the proposal is eligible for a Not Subject to CON review determination. The Board can further confirm that the remaining portion of the project is exempt from CON review pursuant to RSA 151-C:13, I.

Ms. Melissa Sears, VP Strategic Planning and Mr. John Malmberg, Esquire, Legal Counsel for SJH came forward at this time. Ms. Fox asked the status of the hospital project approved in April 2012. Ms. Sears responded that the ED project is progressing on time. Ms. Grabowski questioned the volumes at the Milford facility. Ms. Sears explained that volumes are declining, and further explained that SJH is not increasing the size of the facility but that they are in need of a new facility. Ms. Grabowski then asked the distance between this facility and the hospital campus. Ms. Sears stated that it is 21 miles away from the hospital. Ms. Proulx asked if the facility was staffed with ER physicians. Ms. Sears replied yes, and that the facility is subject to the same EMTALA requirements as the hospital physicians. Ms. Proulx inquired whether the facility runs 24 hours. Ms. Sears explained that when the facility first became operational it was scheduled on a 16 hour day, and remains grandfathered as such.

With no further questions from the Board, Acting Chair Underwood asked for a motion on the agenda item. Ms. Grabowski made a motion to approve the project as presented. Ms. Proulx seconded the motion. All Board members voted in favor of the motion; thus the request was confirmed as not subject to CON review.

3. Determination of May 1, 2013 Megavoltage RT RFA Issuance

Discussion: Acting Chair Underwood asked Mr. Lakevicius to introduce this agenda item. He explained that pursuant to He-Hea 1603.01, the Board must determine a need in order to issue an RFA for Radiation Therapy Services effective May 1, 2013. He stated that letters of intent were due to the HSPR office by April 1, 2013 and so far none have been received. The HSPR staff evaluation concerning the need formula for additional units was enclosed with the Board packet. Mr. Lakevicius stated that, based upon the data received, and the lack of interest, HSPR staff recommends that the RFA not be issued at this time.

Ms. Fox asked for clarification purposes that no letters of intent had been received. Ms. Carrier responded by letting her know that she was correct.

Ms. Proulx then made a motion to not issue the RFA for MegaVoltage RT at this time due to the lack of interest. Mr. Martin seconded the motion. All Board members voted in favor of the motion.

4. Approve Initial Proposal He-Hea 1100 Cardiac Services

Discussion: Ms. Carrier was asked to introduce this agenda item. Ms. Carrier stated that the Initial Proposal of rule He-Hea 1100 Cardiac Services, is presented with amendments for re-adoption by the Board. The amendments pertain mainly to updating reference citations in the rule, as well as updating the criteria sections to be in line with other standardized rule language the Board has previously adopted. She also explained that an addendum has been included for consideration – this addendum updates the ICD-9 codes used in the rule definitions, and can be incorporated into the document, should the Board choose to approve the rule at this time. Finally she explained that JLCAR has a new process whereby any rule submitted for re-adoption before expiration will automatically extend the life of the current rule, so no interim rule is required. Therefore, the interim rule previously approved by the Board has been withdrawn and replaced by this Initial Proposal.

Ms. Fox inquired whether the addendum language would be available for review at the public hearing. Ms. Carrier responded yes, and that JLCAR would also hold a public hearing on the rule as well.

Mr. Martin then made a motion to accept the initial proposal for the He-Hea 1100 Cardiac Services rule with addendum. Ms. Fox seconded the motion. All Board members voted in favor of the motion.

5. Other Administrative Business

Ms. Carrier stated the following:

- The next meeting of the Board is scheduled for Thursday, May 16, 2013.
- The Board's Rules Subcommittee will meet immediately following the Board meeting today.
- HB677 – the language pertaining to this bill has been included (with amendment) into HB2 (sections 113-125), which has been approved by the NH House at this time.
- A copy of the Radiation Therapy data report, from which the need was determined for the RT RFA, was enclosed in the Board packet.

A motion to adjourn the meeting was then made by Mr. Chase and seconded by Mr. Martin. All members voted in favor; thus, the meeting was adjourned at approximately 10:04 a.m.

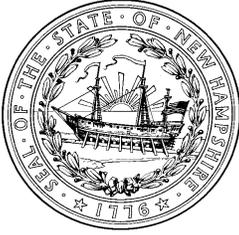
Signature:

Lori Underwood
HSPR Board Acting Chair

Approved by
HSPR Board:

Date

HEALTH SERVICES PLANNING AND REVIEW



May 16, 2013
9:30 a.m.
Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by:	Mr. Nicholas Vailas, Chair	Note Taker: HSPR Staff
Type of meeting:	Certificate of Need - Board Meeting	
Attendees:	Mr. Robert Chase, Ms. Katja Fox, Ms. Deb Grabowski, Ms. Lori Underwood, and Mr. Nicholas Vailas, Chair	
Excused:	Mr. Christopher Martin and Ms. Maria Proulx, Esq.	
Staff Members:	Ms. Cindy Carrier, Mr. Paul Lakevicius, and Mr. Jeffery Peck	

Chair Vailas opened the meeting at 9:30 a.m.

Ms. Carrier conducted a general swearing-in of audience members planning to testify at the meeting. She also informed the Board that agenda item #2, NSR 13-08, was withdrawn by the requestor.

1. Consent Agenda

- **Approve April 18, 2013 Board Meeting Minutes**
- **NSR 13-10, Colonial Poplin Nursing and Rehabilitation Facility, Fremont, NH, Facility Renovations, \$798,000**

Discussion: Chair Vailas asked if any of the Board members had an issue with any item on the consent agenda. Ms. Fox stated that the minutes of the April 18, 2013 Board meeting should state that the meeting was called by Acting Chair Underwood rather than Chair Vailas. Ms. Carrier stated that the minutes could be approved and that HSPR staff would make this editorial correction for the record.

Mr. Chase then made a motion to approve the consent agenda. Ms. Underwood seconded the motion. All Board members voted in favor of the motion, unanimously approving the consent agenda.

2. **NSR 13-08, Orchard Surgery Center, Establish Ambulatory Surgical Center, Salem, NH \$376,250**

Discussion: As noted above, this agenda item was withdrawn by the requestor.

3. **NSR 13-09, Portsmouth Regional Hospital, Facility Renovations to Reinstate 8 Psychiatric Beds and Allocate ED Space for 6 Bed Psychiatric Assessment \$1,807,706**

Discussion: Chair Vailas asked Ms. Carrier to introduce this agenda item. She explained that PRH plans to renovate its behavioral health unit to reinstate 8 inpatient psychiatric beds for a total of 30 of the 46 beds recognized by the Board via CON AC 06-07. She noted that any future increase in psychiatric beds beyond the 46 CON approved beds would require CON approval subject to the bed need formula and RFA as issued annually by the Board each February. Ms. Carrier stated that the second portion of PRH's request involves establishing space in its ED to accommodate a 6-bed area for psychiatric assessments. These are not inpatient beds and do not figure into any licensed bed category.

Mr. Chase made a motion to approve NSR 13-09 as presented. Ms. Underwood seconded the motion. All Board members voted in favor of the motion; thus the request was confirmed as not subject to CON review.

4. **NSR 13-11, Wentworth Surgery Center LLC, Establish Ambulatory Surgery Center, Somersworth, NH \$55,000**

Discussion: Ms. Carrier was asked to introduce this agenda item. Ms. Carrier stated that the members of the Center will be Wentworth-Douglass Health System, parent/holder of the hospital, and Physician Holding Company, a limited liability company comprised of up to 34 physicians. The Works, a for-profit corporation, will construct, fit up and own the facility and real estate, and then lease the facility to the Center. HSPR staff had questioned the relationship between The Works, the hospital and the Center, and Ms. Carrier stated that, based on the requestor's response, there could be some common control among the entities which would meet the definition of an affiliate. If The Works is considered an affiliate, the project cost could be significantly increased.

Mr. Daniel Dunn from Wentworth-Douglass Hospital and Eugene Van Loan, Esquire, came forward to testify. Attorney Van Loan explained the relationships between the entities. Chair Vailas asked if the hospital would have a larger financial interest in the Center. Attorney Van Loan replied that it would. Chair Vailas then stated that this suggests that the cost of the building be included in the project cost to eliminate any questions. Attorney Van Loan then stated that a construction bid had been obtained, and that the cost of the building would be \$1,504,490. Ms. Carrier stated that this would put the cost of the project over 75% of the threshold, requiring additional documentation of the construction costs.

Mr. Chase then made a motion to approve NSR 13-11 including the construction cost, with the condition that documentation of the construction cost be provided. Ms. Fox seconded the motion. All Board members voted in favor of the motion.

5. Determination of June 1, 2013 Mobile PET RFA Issuance/Presentation of PET Data Report

Discussion: Chair Vailas asked Mr. Lakevicius to introduce this agenda item. He referred to the data report that was provided to the Board and stated that to date, no letters of interest have been received relative to this RFA. Therefore, HSPR staff concludes and recommends that no RFA be issued effective June 1, 2013 unless a request is received by May 27, 2013 (allowing sufficient time for posting of the public notice).

Mr. Chase then made a motion to not issue the June 1, 2013 Mobile PET RFA unless notice is received by May 27, 2013. Ms. Underwood seconded the motion. All Board members voted in favor of the motion.

6. Determination of June 1, 2013 Acute Care Bed Need

Discussion: Chair Vailas asked Mr. Lakevicius to introduce this agenda item. He referred to the HSPR staff evaluation regarding the need for additional acute care beds that was provided to the Board and stated that due to data issues, HSPR staff is unable to perform an accurate bed need analysis. Therefore, HSPR staff recommends that the Board take no action at this time. When the data becomes available we will bring this matter back for consideration.

Ms. Fox made a motion to not issue the August 1, 2013 RFA for acute care beds based on the limited data available at this time. Mr. Chase seconded the motion. All Board members voted in favor of the motion.

7. Other Administrative Business

Mr. Lakevicius stated the following:

- The next meeting of the Board is scheduled for Thursday, June 20, 2013.
- The Board's Rules Subcommittee will not meet following the Board meeting today due to a lack of available Board members.

Ms. Carrier then stated that the public hearing for the cardiac rule, He-Hea 1100, will be held at the June 20, 2013 Board meeting.

Ms. Fox asked if there were any updates on the CON language in HB 2. Ms. Carrier stated that she hasn't seen anything on this bill, and that the legislature is currently focused on HB 1.

A motion to adjourn the meeting was then made by Ms. Underwood and seconded by Ms. Fox. All members voted in favor; thus, the meeting was adjourned at approximately 9:55 a.m.

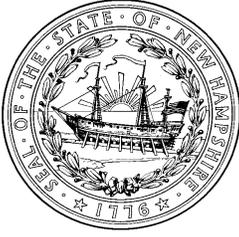
Signature:

Nicholas Vailas
HSPR Board Chair

Approved by
HSPR Board:

Date

HEALTH SERVICES PLANNING AND REVIEW



June 20, 2013
9:30 a.m.
Board Meeting

Merrimack County Nursing Home
325 Daniel Webster Hwy
Boscawen, NH 03303

Meeting called by: Mr. Nicholas Vailas, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Chase, Ms. Katja Fox, Mr. Christopher Martin, Ms. Lori Underwood, and Mr. Nicholas Vailas, Chair

Excused: Ms. Deb Grabowski and Ms. Maria Proulx, Esq.

Staff Members: Ms. Cindy Carrier, Mr. Paul Lakevicius, and Mr. Jeffery Peck

Chair Vailas opened the meeting at 9:30 a.m.

Ms. Carrier conducted a general swearing-in of audience members planning to testify at the meeting.

1. Consent Agenda

- Approve May 16, 2013 Board Meeting Minutes
- NSR 13-12, Southern NH Medical Center, Nashua, NH, Laboratory and Adjacent Space Renovation, \$635,000 (\$75,500 Equipment)
- NSR 13-13, New London Hospital, Pharmacy Renovations, \$660,000
- NSR 13-14, Convenient MD, LLC, Establish Outpatient Clinic in Stratham, NH \$760,100 (\$220,000 equipment)

Discussion: Mr. Lakevicius introduced this agenda item by reviewing the items on the consent agenda. Mr. Chase then made a motion to approve the consent agenda. Ms. Fox seconded the motion. Ms. Underwood recused herself from the vote on this agenda item. All remaining Board members voted in favor of the motion, thereby approving the consent agenda.

2. NSR 13-15, MinuteClinic Diagnostic of New Hampshire, LLC, Establish Non-Emergency Walk-In Care Center at CVS Store of Nashua, \$143,900 (\$7,400 equipment)

- **NSR 13-16, MinuteClinic Diagnostic of New Hampshire, LLC, Establish Non-Emergency Walk-In Care Center at CVS Store of Manchester, \$143,900 (\$7,400 equipment)**
- **NSR 13-17, MinuteClinic Diagnostic of New Hampshire, LLC, Establish Non-Emergency Walk-In Care Center at CVS Store of West Lebanon, \$143,900 (\$7,400 equipment)**
- **NSR 13-18, MinuteClinic Diagnostic of New Hampshire, LLC, Establish Non-Emergency Walk-In Care Center at CVS Store of Salem, \$143,900 (\$7,400 equipment)**
- **NSR 13-19, MinuteClinic Diagnostic of New Hampshire, LLC, Establish Non-Emergency Walk-In Care Center at CVS Store of Hampton, \$143,900 (\$7,400 equipment)**
- **NSR 13-20, MinuteClinic Diagnostic of New Hampshire, LLC, Establish Non-Emergency Walk-In Care Center at CVS Store of Concord, \$143,900 (\$7,400 equipment)**

Discussion: Chair Vailas asked those representing MinuteClinic Diagnostic of New Hampshire to come forward. Representing MinuteClinic Diagnostic of New Hampshire were Stephanie Sunday and Liz Booth, as well as Kenneth Bartholomew, Esquire, Rath Young and Pignatelli. Ms. Sunday described the services to be offered by the proposed non-emergency walk-in care centers, which include the treatment of minor illnesses, minor injuries and skin conditions, as well as wellness and physical exams, health condition monitoring, vaccinations and lab testing. Chair Vailas asked whether all these services could be considered non-emergency. Attorney Bartholomew stated that the facilities would be licensed under He-P 806, non-emergency walk-in care centers, and as such all services would have to fall within that category. Ms. Fox asked if the centers would enroll in the Medicaid program. Ms. Sunday replied that in many states the MinuteClinics do participate in the Medicaid program, and they will try to move forward with that in New Hampshire. Attorney Bartholomew added that they will include as many payors as possible, including Medicaid. Ms. Fox then made a motion to approve NSRs 13-15 through 13-20. Mr. Martin seconded the motion. All Board members voted in favor of the motion, thereby approving this agenda item.

3. Public Hearing – He-Hea 1100 Cardiac Services Rule

Discussion: Chair Vailas asked Ms. Carrier to introduce this agenda item. She explained that no substantial changes were made to the rule; the changes only update citations and references. Ms. Carrier also explained that a public hearing must be held before filing a final proposal with JLCAR. Accordingly, Chair Vailas opened the public hearing at 9:38 a.m. There was no public testimony. Therefore, Chair Vailas closed the public hearing at 9:40 a.m. Ms. Carrier then stated that there is a 7-day period for written testimony to be submitted, after which a final proposal would be brought forward for Board approval at the next meeting. No Board action was required at this time.

4. Other Administrative Business

- Ms. Carrier stated that the next meeting of the Board is scheduled for Thursday, July 18, 2013. However, she requested that the Board discuss whether it will meet in July and/or August and schedule accordingly. Mr. Vailas suggested that the Board meet on July 25, 2013, and all of the Board members present at the meeting agreed to this.

- Ms. Carrier stated that the Board's Rules Subcommittee will meet following the Board meeting today.
- Ms. Carrier stated that in anticipation of the August 1, 2013 Acute Care RFA HSPR staff has sent a notice to all hospital administrators informing them of this event and requesting letters of intent on or before July 25, 2013. She stated that one hospital has indicated that they would be submitting a letter of intent; therefore we anticipate issuing this RFA as usual, and this will be on the July 25, 2013 Board meeting agenda.
- Ms. Carrier stated that HSPR staff continues to follow changes to the legislation pertaining to CON. We believe the Committee of Conference has reached an agreement, and the House-proposed CON amendment language has been put back in HB2 after being removed by the Senate. We will continue to monitor this and will keep the Board posted on any developments.

A motion to adjourn the meeting was then made by Mr. Martin and seconded by Ms. Underwood. All members voted in favor; thus, the meeting was adjourned at approximately 9:45 a.m.

Signature:

 Nicholas Vailas
 HSPR Board Chair

Approved by
 HSPR Board:

 Date