

HEALTH SERVICES PLANNING AND REVIEW

August 20, 2015

9:30 a.m.

Board Meeting

NH Hospital Association

Conference Room 1

125 Airport Road

Concord, NH 03301

Meeting called by: Mr. Robert Bridgham, Acting Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Tyler Brannen, Mr. Robert Bridgham Ms. Katja Fox, and Dr. Robert Woodward

Excused: Ms. Debra Grabowski, Chair

Staff Members: Ms. Cindy Carrier and Mr. Jeffery Peck

Acting Chair Bridgham brought the meeting to order at 9:30 a.m. and welcomed new Board member, Dr. Robert Woodward. He then requested that Staff member Ms. Carrier perform a swear-in for those persons intending to testify before the Board that day; Ms. Carrier did so.

CONSENT AGENDA

1. Approve June 18, 2015 Board Meeting Minutes
2. NSR 15-08, Androscoggin Valley Hospital, Berlin, NH, Request to Renovate Pharmacy IV Room, \$128,179
3. NSR 15-09, Androscoggin Valley Hospital, Berlin, NH, Request for Fuel Tank Replacement, \$103,584
4. NSR 15-10, Huggins Hospital, Wolfeboro, NH, Request for Medical/Surgical Room Renovation to Accommodate Relocated ICU Beds, \$125,000
5. NSR 15-12, Rochester Manor, Rochester, NH, Transfer of Ownership to Genesis Healthcare, Inc. (40 Whitehall Road Operations, LLC), \$14,021,609
6. NSR 15-13, Dr. O'Connell's PainCare Centers, Inc., Transfer of Ownership to PMC Surgical Center, LLC , \$700,000

Discussion: Acting Chair Bridgham asked Mr. Peck to introduce the consent agenda. Mr. Peck reviewed the items on the consent agenda and noted that corrected information was provided regarding the cost of NSR 15-13; the original application indicated zero cost, but the applicant later informed staff that the cost would be \$700,000. Ms. Fox then requested that this item be removed from the consent agenda for discussion. She then made a motion to approve

items 1 through 5 on the consent agenda. Mr. Brannen seconded the motion, and all Board members voted in favor. Ms. Fox then asked if Dr. O'Connell's PainCare Centers submitted the cost information in writing. Ms. Carrier stated that they did not; the information was provided via a telephone call. Ms. Fox stated that she would like this information to be provided in writing for the record. Attorney Andrew Eills, representing Dr. O'Connell's PainCare Centers, stated that he would provide a letter containing this information. Ms. Fox then made a motion to approve NSR 15-13 with the condition that Dr. O'Connell's PainCare Centers provide the cost information in writing. Mr. Brannen seconded the motion, and all Board members voted in favor.

OLD BUSINESS

7. Board Update – NSR Outstanding Conditions

Discussion: Ms. Carrier stated that there are no updates to be noted regarding any NSR outstanding conditions at this time.

NEW BUSINESS

8. NSR 15-11, Genesis Healthcare Center, Transfer of 2 Beds from Hackett Hill to Ridgewood Center (Nursing Home Region 6, Hillsborough County), \$1,500

Discussion: Mr. Peck was asked to introduce this agenda item. He stated that Genesis Healthcare, a nursing home operator, submitted an NSR request to transfer 2 long term care beds from its Hackett Hill facility in Manchester, NH to the Ridgewood Center in Bedford, NH. Mr. Peck referred to HSPR staff's evaluation of this request, and stated that both facilities are owned by Genesis and both are located in the same nursing home region, Region 6, Hillsborough County. He stated that, despite the nursing home moratorium that prevents the addition of new beds to the state, transfers of beds within the same region have been allowed as such transactions will not increase the total number of nursing home beds in the region or the state. Further, the cost associated with the project is minimal (\$1,500) and does not require an exemption decision from the Board in order to submit a CON application. HSPR staff does recommend a condition that copies of the revised licenses for both facilities be provided once the transfer is complete.

Ms. Fox made a motion that this request is not subject to CON review with the condition that the revised licenses be provided. Mr. Brannen seconded the motion. All Board members voted in favor and the request was approved with condition.

9. NSR 15-14, Wentworth-Douglass Hospital, Dover, NH, Request to Relocate and Expand Hospital Pharmacy, \$2,200,000

Discussion: Ms. Carrier was asked to introduce this agenda item. She stated that Wentworth-Douglass Hospital ("WDH") of Dover, NH seeks a Not Subject to CON Review determination for relocation and expansion of its hospital pharmacy. She referred to the HSPR staff evaluation of this request, and stated that, based upon such evaluation, the project can be considered eligible for an NSR determination. Representing WDH were Attorney Robert Best, Mr. Jeffrey Hughes, Vice President and Chief Strategy Officer, Mr. Richard Meinking, Pharmacy Operations Manager, and Mr. David Merriman, Director of Pharmacy Services. Mr. Hughes provided some background on the pharmacy and the proposed relocation and renovations. Mr. Brannen noted that the proposed expansion is extensive, and asked what is driving this. Mr. Hughes stated that the role of the pharmacy has changed from daytime services to a 24/7 operation, serving the hospital as well as the Wentworth Health Partners medical and specialty practices. The

pharmacy is now on a main corridor, and will be moved to a central location for added security. Mr. Merriman stated that the industry is moving toward more automation, and more space is needed to meet regulatory requirements. Mr. Brannen asked what portion of the pharmacy services are paid as a traditional pharmacy benefit versus under the hospital medical benefit. Mr. Merriman stated that most of the pharmacy services are included under the hospital medical benefit. He further stated that WDH is transitioning to an ACO, and is trying to do more work in-house rather than outsourcing to cut costs. He added that WDH is a member of a GPO, which improves its pricing and buying power. Mr. Hughes stated that WDH is adding a second carousel, and additional space is needed for that.

Ms. Fox asked if WDH operates a retail pharmacy. Mr. Merriman replied that it does, stating that it was originally established for WDH employees but is now located near the lobby and operates as a retail pharmacy for outpatients. The goal is to increase the likelihood that patients will fill their prescriptions, which will improve their outcomes and reduce readmissions. He added that this relatively small operation is not a threat to the pharmacy chains.

Dr. Woodward asked what was being displaced to accommodate the relocated pharmacy. Mr. Hughes replied that the pharmacy will be located in the former inpatient unit on the second floor, which was vacated when the Garrison Wing opened. Mr. Bridgham asked for a description of a carousel, and Mr. Meinking provided some background.

Mr. Brannen then made a motion that this request is not subject to CON review. Ms. Fox seconded the motion. All Board members voted in favor and the request was approved.

10. NSR 15-15, LRGHealthcare, Establish Non-Emergency Walk-In Care Clinic at Interlakes Medical Center, Meredith, NH, \$0

11. NSR 15-16, LRGHealthcare, Establish Non-Emergency Walk-In Care Clinic at Westside Healthcare, Franklin, NH, \$0

12. NSR 15-17, LRGHealthcare, Establish Non-Emergency Walk-In Care Clinic at Laconia Clinic, Laconia, NH, \$0

13. NSR 15-18, LRGHealthcare, Establish Non-Emergency Walk-In Care Clinic at Occupational Health, Gilford, NH, \$0

Since no representative from LRGHealthcare was present, the Board deferred these agenda items until later in the meeting.

14. Cottage Hospital, Woodsville, NH, Request to Add 10-Bed Geropsychiatric Unit

Discussion: Ms. Carrier was asked to introduce this agenda item. She referred to the letter from Cottage Hospital of Woodsville, NH stating its intent to pursue a 10-bed geropsychiatric unit at its facility. She explained the RFA process now in place for additional inpatient psychiatric beds, stating that the RFA for such beds is issued each February 1st; in 2015, the RFA was issued and no persons responded. Therefore, Cottage missed the opportunity for submission of an application under this RFA. HSPR staff believes, however, that the Board can consider the issuance of an additional RFA if need is so warranted. The Board's He-Hea 800 rules require the RFA to be issued annually but does not restrict it to a once-per-year occurrence. Representing Cottage Hospital were Ms. Maria Ryan, CEO and Ms. Karen Woods, Administrative Director. Ms. Ryan provided some background on Cottage Hospital, and stated that the need arose for a gero-psychiatric unit in 2010. Cottage came to the Board at that time,

but did not go forward with the project due to space issues. She stated that Cottage now has the space, and a feasibility study has been completed but not in time for the February RFA. Ms. Woods stated that the nearest geriatric-focused facility is at Lakes Region General Hospital, and there is a need for this service in the North Country. She added that this service would not compete with other hospitals.

Ms. Carrier stated that the need formula continues to show a large need for beds, adding that the rule does not differentiate between adult and geriatric-psychiatric beds. Ms. Fox asked if this would help divert people from EDs and New Hampshire Hospital, and Ms. Ryan said it would. Mr. Bridgham referred to He-Hea 802.01(j), which states that "the Board shall accept a request for additional psychiatric inpatient beds up to a 10 bed unit in those instances where access to services causes a person to travel beyond a 45 mile radius or 60 minute travel time from his or her residence." Board discussion ensued regarding this provision and whether it is met by Cottage. Ms. Fox pointed out that Mary Hitchcock Memorial Hospital is 42 miles away, while Mr. Bridgham stated that anything to the north of Cottage would meet the criteria. He questioned whether the Board should issue a general RFA or one specific to the North Country. Ms. Fox stated that the Board should issue a general RFA, since other hospitals might wish to apply, and that the Board should not cater to one hospital. She stated that there are currently 31 patients waiting for a bed at New Hampshire Hospital. Mr. Bridgham then agreed that the RFA should be statewide.

Ms. Fox then made a motion to issue a statewide RFA based on: (1) the existing need per the formula; (2) the request made by Cottage Hospital; (3) no response to the 2/01/15 RFA and (4) the provisions of He-Hea 802.01(j). Mr. Woodward seconded the motion, and all Board members voted in favor. It was agreed that the RFA would be issued effective August 27, 2015, allowing time for posting the notice in the newspapers.

Acting Chair Bridgham then announced that the Board would proceed to item 16, the public hearing for He-Hea 2200, after which a representative from LRGHealthcare should be available by telephone.

16. Public Hearing: He-Hea 2200 Robotic Assisted Surgery System Rules

Discussion: Ms. Carrier was asked to introduce this agenda item. She stated that time is now allotted for the Board to hear testimony in support of and opposition to the He-Hea 2200 Robotic Assisted Surgery System Rules. She noted that the subcommittee met on 8/05/15 to discuss the comments made by Wentworth-Douglass Hospital and Elliot Hospital; a draft rule based on the discussion of these comments was provided. Additional comments were submitted by Mary Hitchcock Memorial Hospital ("MHMH") on 8/19/15, which will be discussed today.

Acting Chair Bridgham then opened the public hearing at 10:35 a.m. Mr. Jason Aldous, Dr. Elias Hyams and Dr. Evelyn Fleming came forward representing MHMH. Mr. Aldous first requested that the rule be amended to allow for an RFA to be issued upon passage of the rule. Dr. Hyams then spoke in regard to He-Hea 2202.05(d)(3), stating that there should not be a rigid list of indications and contraindications that a hospital would be held accountable for. Dr. Fleming added that the robot is a tool, and a decision is made as to whether robotic-assisted surgery is appropriate for a given patient based on his or her condition. Ms. Carrier stated that the list isn't necessarily rigid, but some examples are needed as to how the standard will be met. Ms. Fox stated that the rule needs to apply to all facilities, and should not be catered to MHMH. Mr. Aldous replied that the standards apply to most hospitals, but stated that MHMH's cases differ from most hospitals due to the academic and research components. Ms. Carrier stated that those differences can be recognized in the CON application. Mr. Aldous also noted

that MHMH's service area is larger, and they would like flexibility in identifying such; again, Ms. Carrier stated that any differences can be addressed in the application.

Dr. Woodward asked for recommendations on how the Board should "push" new technologies. Dr. Fleming replied that new technology shouldn't be developed too quickly or used inappropriately based on marketing or public perception. It is important to be sure the benefit is worth the cost.

There was no other public testimony on the rule.

Acting Chair Bridgham then thanked everyone for commenting and for their participation in developing the rule. Ms. Carrier stated that the hearing would be left open for 7 days for the submission of written testimony.

10. NSR 15-15, LRGHealthcare, Establish Non-Emergency Walk-In Care Clinic at Interlakes Medical Center, Meredith, NH, \$0

11. NSR 15-16, LRGHealthcare, Establish Non-Emergency Walk-In Care Clinic at Westside Healthcare, Franklin, NH, \$0

12. NSR 15-17, LRGHealthcare, Establish Non-Emergency Walk-In Care Clinic at Laconia Clinic, Laconia, NH, \$0

13. NSR 15-18, LRGHealthcare, Establish Non-Emergency Walk-In Care Clinic at Occupational Health, Gilford, NH, \$0

Discussion: Mr. Andrew Patterson, Senior VP of Provider Relations and Contracting at LRGHealthcare, ("LRGH") joined the meeting by telephone. Mr. Peck was asked to introduce these agenda items. He referred to the four (4) requests from LRGH for the establishment of non-emergency walk-in care clinics at existing physician practices in Meredith, Franklin, Laconia and Gilford. HPSR staff provided one evaluation of these 4 requests. The applicant has indicated that because the clinics will be established in existing physician practices, there are no costs for any of the projects. On that basis, the projects can be considered eligible for NSR determinations. HPSR staff has asked the applicant to address the need for all 4 clinics at this time, along with some discussion on volumes, as well as a clarification as to whether such clinics will be open to the public or reserved for use by patients of the physician practices.

Mr. Patterson stated that LRGH is adding a walk-in component to 4 existing sites, and needs a license for such so walk in patients don't have to be turned away and sent to the ED. He stated that these centers will accept anyone. It is hoped that patients with an existing physician will see that provider, but if their physician isn't available they could go to a walk-in center. These centers will also serve people who do not have a primary care physician. Dr. Woodward asked if the centers would accept uninsured patients. Mr. Patterson replied that they would. Dr. Woodward asked if a patient could walk in for a physical. Mr. Patterson said yes, but LRGH would prefer that patients establish and maintain a continuous relationship with a physician. Dr. Woodward asked if there would be any difference in the fee for the walk in service versus having an appointment. Mr. Patterson replied that there is no difference – all patients would be billed as a doctor's office visit, and there would be no facility fee. Mr. Brannen asked if there would be any changes in staffing. Mr. Patterson stated that staffing would be handled a little differently, such that one physician would be the "on call" provider and keep his/her schedule open for walk-ins. He added that the Meredith office may bring in a nurse practitioner next summer to handle minor illness visits and to help cover vacations and increased volumes. Mr.

Bridgham asked if there is enough waiting room and exam room capacity to handle potential increased volumes. Mr. Patterson stated that these locations were chosen because they have sufficient capacity without requiring any construction. Ms. Fox asked if hours of operation would be expanded. Mr. Patterson stated that the centers would be open for 12 hours Monday through Friday and somewhat less on weekends. Ms. Fox asked if LRGH considers this to be a market share opportunity. Mr. Patterson replied that the offices are already serving most of these patients, and hope to do this in a better way to avoid sending patients to the ED where there are longer waits and higher costs.

The Board then proceeded to vote on each request. A motion was made by Mr. Brannen and seconded by Dr. Woodward that NSR 15-15 is not subject to CON review, and all Board members voted in favor. A motion was made by Ms. Fox and seconded by Mr. Brannen that NSR 15-16 is not subject to CON review, and all Board members voted in favor. A motion was made by Mr. Brannen and seconded by Ms. Fox that NSR 15-17 is not subject to CON review, and all Board members voted in favor. Finally, a motion was made by Mr. Brannen and seconded by Dr. Woodward that NSR 15-18 is not subject to CON review, and all Board members voted in favor. Thus, each of these requests was approved.

15. Public Hearing: He-Hea 900 Long Term Care Rules

Discussion: Ms. Carrier was asked to introduce this agenda item. She stated that the He-Hea 900 Long Term Care Rule is expiring, and this rule replaces the expiring rule. She further stated that the Board will now hear testimony in support of and opposition to the rule. Acting Chair Bridgham opened the public hearing at 11:30 a.m. There was no public testimony on the rule. Ms. Carrier stated that the hearing would be left open for 7 days for the submission of written testimony.

17. OTHER BUSINESS:

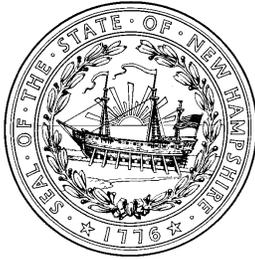
➤ **Committee Reports:**

- **State Health Plan:** Mr. Brannen stated that the State Health Plan is evolving into a report. The goal is for this to be an educational document about the sunset of the CON process which will address the pros and cons of the HSPR Board. He stated that the August 28, 2015 meeting will be rescheduled, but that the committee will continue to meet monthly. He also noted that a contract is being developed with Susan Palmer Terry to assist with the development of this report. Other roles are being assigned, and Mr. Brannen stated that any volunteers are welcome. Ms. Fox added that she would welcome input from the regulated community as to which components of the CON process are still valuable.
- **Rules Subcommittee:** Mr. Bridgham stated that he would be meeting with Ms. Carrier after the Board meeting to plan future rules subcommittee meetings. The subcommittee needs to make the final edits to He-Hea 2200, and then move on to the Board's practice and procedure rules.
- **Other Administrative Business:** Mr. Peck noted that the CON project status report has been updated to show where the outstanding CON projects stand. He then stated that the next Board meeting is scheduled for Thursday, September 17, 2015 at 9:30 a.m. at the NH Hospital Association.

Acting Chair Bridgham then asked for a motion to adjourn the meeting. A motion was made by Ms. Fox and seconded by Mr. Brannen to adjourn the meeting. All members voted in favor and the meeting was adjourned at approximately 11:37 a.m.

Signature: _____
Robert Bridgham
Acting HSPR Board Chair

Board Approval Date



HEALTH SERVICES PLANNING AND REVIEW

September 17, 2015

9:30 a.m.

Board Meeting

NH Hospital Association

Conference Room 1

125 Airport Road

Concord, NH 03301

Meeting called by: Ms. Debra Grabowski, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Tyler Brannen, Mr. Robert Bridgham Ms. Katja Fox, Ms. Debra Grabowski, Chair, and Dr. Robert Woodward

Staff Members: Ms. Cindy Carrier and Mr. Jeffery Peck

Chair Grabowski brought the meeting to order at 9:30 a.m. She welcomed new Board member Dr. Robert Woodward and thanked Mr. Bridgham for chairing the August 20, 2015 Board meeting. She then requested that Staff member Ms. Carrier perform a swear-in for those persons intending to testify before the Board that day; Ms. Carrier did so.

CONSENT AGENDA

1. Approve August 20, 2015 Board Meeting Minutes
2. NSR 15-19 St. Vincent de Paul Rehabilitation and Nursing Center, Berlin, NH, Renovation of Common Corridors, \$188,655

Discussion: Chair Grabowski asked Board members if any items needed to be removed from the consent agenda for discussion; none were removed. Mr. Bridgham then made a motion to approve the consent agenda. Ms. Fox seconded the motion. All Board members voted in favor and the consent agenda was approved.

OLD BUSINESS

3. Board Update – NSR Outstanding Conditions

Discussion: Mr. Peck stated that there are no updates to be noted regarding any NSR outstanding conditions at this time. Ms. Fox noted that there will be items to address in October; Ms. Carrier stated that the appropriate parties will be contacted and updates will be provided at the October Board meeting.

NEW BUSINESS

4. NSR 15-20 Mt. Carmel Rehabilitation and Nursing Center, Manchester, NH, Construct Portico and Overhead Canopy, \$424,638

Discussion: Mr. Joe Bohunicky, Administrator of Mt. Carmel, and Mr. Harry Dangora, Construction Manager, came forward to testify on this agenda item. Mr. Bohunicky provided some background on the project, which involves the construction of a main entrance portico with drive-up access and an overhead canopy off the side entrance to protect patients and residents when being brought to or picked up from the facility. Ms. Fox asked if the project involved new construction, and Mr. Bohunicky replied that it did.

Ms. Fox then made a motion that this request is not subject to CON review. Mr. Bridgham seconded the motion. All Board members voted in favor and the request was approved.

5. NSR 15-21 Mt. Carmel Rehabilitation and Nursing Center, Manchester, NH, Renovate Interior Courtyard, \$162,500

Discussion: Mr. Bohunicky and Mr. Dangora remained at the table to testify on this agenda item. Mr. Bohunicky provided some background on the project, which involves the renovation of the existing interior courtyard area, which is approximately 50' x 60'. The horseshoe-shaped courtyard, which is old and rundown, will be transformed into a healing garden for residents of the facility. In response to Mr. Bridgham's question, Mr. Bohunicky stated that the area will be secured. Ms. Grabowski asked if Mt. Carmel submitted two projects because they involve different contractors, and Mr. Bohunicky replied that this was the case.

Mr. Bridgham then made a motion that this request is not subject to CON review. Ms. Fox seconded the motion. All Board members voted in favor and the request was approved.

6. Determine Issuance of 10-1-15 Ambulatory Surgery Center RFA

Discussion: Mr. Peck was asked to introduce this agenda item. He stated that HSPR staff sent notices to existing providers alerting them of this opportunity to apply for a CON, but no letters of intent have been received or other interest expressed in regard to this RFA. Therefore, HSPR staff recommends that this RFA not be issued unless any interest is expressed by September 28th, allowing time for newspaper postings to be published. Ms. Fox asked what it would cost to issue the RFA regardless of the lack of interest expressed to date. Mr. Peck replied that a notice would need to be published in a newspaper in each county, which would cost nearly \$2,000. Ms. Fox then made a motion to not issue the RFA unless any interest is expressed by September 28th. Mr. Bridgham seconded the motion, and all Board members voted in favor.

7. Approve Final Proposal He-Hea 900 Long Term Care Rules

Discussion: Ms. Carrier was asked to introduce this agenda item. She stated that the JLCAR comments were received, and that HSPR staff would take care of the editorial issues. She then reviewed the comment on page 23 of the rule as to legal services and financial assistance being included in the definition of "continuum of care." The Board decided to remove these items from the definition. On page 29, items d and f, the word "address" will be changed to "report." Finally, in regard to the comment on page 31, HSPR staff will include a letter explaining the differences between the 2006 and 2015 versions of the Marshall Valuation Service with the final proposal of the rule.

Mr. Bridgham then made a motion to approve the initial proposal of He-Hea 900 with the changes noted above. Mr. Brannen seconded the motion, and all Board members voted in favor.

8. Approve Final Proposal He-Hea 2200 Robotic Assisted Surgery System Rules

Discussion: Ms. Carrier was asked to introduce this agenda item. She stated that an annotated copy of the rule including Board updates and responses to JLCAR's comments was provided. She noted that the comment on page 6 in regard to historical financial statements will be removed. Chair Grabowski thanked Mr. Bridgham for his work chairing the rules subcommittee. Mr. Bridgham then made a motion to approve the initial proposal of He-Hea 2200. Mr. Brannen seconded the motion, and all Board members voted in favor.

9. Approve Initial Proposal He-Hea 200-300 Expiring Rules (various sections)

Discussion: Ms. Carrier was asked to introduce this agenda item. She stated that the newspaper notice for today's meeting had listed the August Board meeting date in error, and the initial proposal could fail to be approved by JLCAR as a result. Therefore, HSPR staff will bring the rule back in October for Board approval. This will still allow time for the rule to be filed with JLCAR before the existing rule expires; thus the rule will remain in effect until the new rule is adopted. Ms. Fox made a motion to table agenda item 9. Mr. Bridgham seconded the motion, and all Board members voted in favor.

10. OTHER BUSINESS:

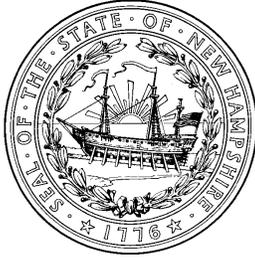
➤ **Committee Reports:**

- **State Health Plan:** Mr. Brannen stated that the committee met on September 11. The goal is to provide an educational document to the Legislature about the sunset of the CON process which will address the pros and cons of the HSPR Board. He noted that Susan Palmer Terry, Bob Woodward and Andrew Eills are working on various sections of the report, and he would work on it to present the report as the "single author." Monthly meetings will continue until the report is complete; the next meeting is October 8. Ms. Fox noted that Rep. Cindy Rosenwald submitted a LSR to extend the repeal of the CON program; thus the Legislature may consider this report with its legislation.
- **Rules Subcommittee:** Mr. Bridgham stated that the subcommittee met on September 9 for a final review of He-Hea 2200. He also stated that he and Ms. Carrier have developed a strategy for the He-Hea 200 and 300 rules. The existing rules will be re-adopted and then amended as necessary. That way the rules can be re-adopted without running the risk of the existing rules expiring. Ms. Carrier noted that the forms will be referenced in the rules; thus several sections of the rules will be eliminated. This will allow the Board to change a form more easily in the future. Mr. Bridgham stated that he, Ms. Carrier and other interested persons would meet after the Board meeting to plan future rules subcommittee meetings.
- **Other Administrative Business:** Ms. Carrier stated that the next Board meeting is scheduled for Thursday, October 15, 2015 at 9:30 a.m. at the NH Hospital Association.

Chair Grabowski then asked for a motion to adjourn the meeting. A motion was made by Mr. Bridgham and seconded by Mr. Brannen to adjourn the meeting. All members voted in favor and the meeting was adjourned at approximately 10:12 a.m.

Signature: _____
Debra Grabowski
HSPR Board Chair

Board Approval Date



HEALTH SERVICES PLANNING AND REVIEW

October 15, 2015

9:30 a.m.

Board Meeting

NH Hospital Association

Conference Room 1

125 Airport Road

Concord, NH 03301

Meeting called by: Ms. Debra Grabowski, Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Tyler Brannen, Mr. Robert Bridgham Ms. Katja Fox, Ms. Debra Grabowski, Chair, and Dr. Robert Woodward

Staff Members: Mr. Jeffery Peck

Chair Grabowski brought the meeting to order at 9:31 a.m. Mr. Peck asked if anyone in the audience needed to be sworn in, and no one indicated that they would be testifying on any agenda item.

CONSENT AGENDA

1. **Approve September 17, 2015 Board Meeting Minutes**

Discussion: Chair Grabowski asked for a motion to approve the consent agenda. Mr. Bridgham then made a motion to approve the consent agenda. Ms. Fox seconded the motion. All Board members voted in favor and the consent agenda was approved.

OLD BUSINESS

2. **Board Update – NSR Outstanding Conditions**

- **NSR 14-02 ConvenientMD Broad St Nashua – status**
- **NSR 14-05 ConvenientMD Portsmouth – status**
- **NSR 14-34 Concord Hospital – status**
- **NSR 14-35 St. Ann Rehabilitation – status**
- **NSR 14-36 Warde Health Center – status**
- **NSR 15-02 Valley Regional Hospital – status**

Discussion: Mr. Peck stated that representatives of ConvenientMD were not available to attend today's meeting, and they agreed to have discussion on NSR 14-02, which involves a request for a third six-month extension, tabled until the November 19, 2015 Board meeting. Mr. Peck then stated that HSPR staff received updates on the remaining NSRs noted above; NSR 14-05 is underway, and NSRs 14-34, 14-36 and 15-02 are complete. He stated that NH Catholic Charities responded in regard to NSR 14-35 and stated that this project will not start

before January 2016; HSPR staff requested that should the project not commence by this date the applicant should request an extension for commencement. The Board's revised rules now state that an NSR for renovation commence within one year of approval, which in this case would be 12/18/15. Dr. Woodward suggested that the extension for NSR 14-02 be granted up until the Board's sunset date. Ms. Fox stated that her tolerance for these extensions is getting lower, and she wants to hear a good argument from the applicant as to why another extension should be granted. She also stated that she is not comfortable with granting an extension until the Board's sunset date. Mr. Bridgham stated that the impact may be irrelevant in light of the impending sunset of the Board, and Mr. Brannen agreed. Ms. Fox then asked if all outstanding conditions on CONs and NSRs would go away if the Board sunsets. Mr. Peck stated that they would unless any changes are made to the legislation.

NEW BUSINESS

3. Approve Initial Proposal He-Hea 200-300 Expiring Rules (various sections)

Discussion: Mr. Peck stated that an initial proposal of the expiring He-Hea 200-300 rules was provided to the Board, and a synopsis of the proposed amendments to these rules was handed out this morning. Mr. Peck stated that these rules are slated to expire in January 2016, but will continue during the re-adoption process if the initial proposal is filed with JLCAR prior to expiration. Mr. Peck stated that work will continue with the Board's Rules Subcommittee to improve the CON application form. Mr. Bridgham then made a motion to approve the initial proposal of He-Hea 200-300. Dr. Woodward seconded the motion. Chair Grabowski abstained from the vote. All remaining Board members voted in favor of the motion. Mr. Peck stated that the rule would be filed with JLCAR and the Board's public hearing would likely take place at the December 17, 2015 Board meeting.

4. Approve 2016 Meeting Schedule

Discussion: Mr. Peck stated that the 2016 Board meeting schedule through June 2016 has been established, and was provided with the meeting packet. The meetings will continue to be held on the 3rd Thursday of the month.

5. OTHER BUSINESS:

➤ **Committee Reports:**

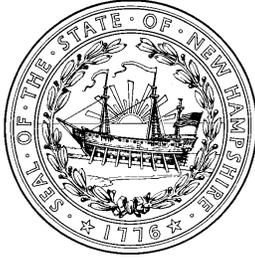
- **State Health Plan:** Mr. Brannen stated that the committee continues to meet monthly, and is currently editing a draft of the report to be submitted to the Legislature in December. The report will focus on what CON is, the pros and cons, etc. The committee will meet again on November 3, 2015 at 2:00, and the intent is to have the report completed for approval at the December 17, 2015 Board meeting.
- **Rules Subcommittee:** Mr. Bridgham stated that the subcommittee is continuing to look at the He-Hea 200-300 rules. The goal is to make the CON application more user friendly. He also noted that some other rules will expire during 2016, but do not require immediate attention. Mr. Bridgham stated that the subcommittee will meet on November 3, 2015 at 1:00 ahead of the State Health Plan committee meeting.
- **Other Administrative Business:** Mr. Peck stated that the next Board meeting is scheduled for Thursday, November 19, 2015 at 9:30 a.m. at the NH Hospital Association.

Chair Grabowski then stated that there has been a change in her job responsibilities such that she now has a conflict in regard to serving on the HSPR Board, which she has discussed with the Governor's Office. Accordingly, she stated that she will be resigning from the Board. She thanked the Board, staff, and the public for their support during her tenure as Chair of the Board.

Chair Grabowski then asked for a motion to adjourn the meeting. A motion was made by Mr. Bridgham and seconded by Mr. Brannen to adjourn the meeting. All members voted in favor and the meeting was adjourned at approximately 9:57 a.m.

Signature: _____
Debra Grabowski
HSPR Board Chair

Board Approval Date



HEALTH SERVICES PLANNING AND REVIEW

November 19, 2015
9:30 a.m.
Board Meeting
NH Hospital Association
Conference Room 1
125 Airport Road
Concord, NH 03301

Meeting called by: Mr. Robert Bridgham, Interim Chair **Note Taker:** HSPR Staff

Type of meeting: Certificate of Need - Board Meeting

Attendees: Mr. Robert Bridgham, Interim Chair, Ms. Katja Fox and Dr. Robert Woodward

Excused: Mr. Tyler Brannen

Staff Members: Ms. Cindy Carrier and Mr. Jeffery Peck

Interim Chair Bridgham brought the meeting to order at 9:40 a.m. He then requested that Staff member Ms. Carrier perform a swear-in for those persons intending to testify before the Board that day; Ms. Carrier did so.

CONSENT AGENDA

1. Approve October 15, 2015 Board Meeting Minutes
2. NSR 15-22 Monadnock Community Hospital, Peterborough, NH, Request to Renovate Café, \$692,000
3. NSR 15-23 Monadnock Community Hospital, Peterborough, NH, Request to Renovate Medical Surgical Unit, \$700,000
4. NSR 15-24 Monadnock Community Hospital, Peterborough, NH, Request to Construct Psychiatric Holding Room Bathroom, \$55,000

Discussion: Interim Chair Bridgham asked Board members if any items needed to be removed from the consent agenda for discussion; none were removed. Ms. Fox then made a motion to approve the consent agenda. Dr. Woodward seconded the motion. All Board members voted in favor and the consent agenda was approved.

OLD BUSINESS

5. Board Update - NSR Outstanding Conditions

- **NSR 15-03 Cheshire Medical Center MRI Replacement**
- **NSR 14-02 ConvenientMD Broad St Nashua – Request for Extension**
- **NSR 14-01 ConvenientMD Londonderry – Request for Extension**

Discussion: Ms. Carrier stated that Cheshire Medical Center responded with final project completion documents. She then stated that ConvenientMD is requesting a third six-month extension for its Broad Street, Nashua and Londonderry locations. Mr. Gareth Dickens, Mr. Max Puyanik and Attorney John Malmberg came forward to discuss these requests with the Board. Mr. Dickens stated that out of the 11 NSRs ConvenientMD has been granted, 9 facilities are signed and closed, and of these 6 facilities are open and 2 will be opening next month. He stated that the Broad Street, Nashua and Londonderry locations have unique issues beyond ConvenientMD's control. He stated that they are working with the parties to move these projects forward, but are developing alternatives for other nearby locations. Mr. Puyanik stated that the Londonderry location has issues with the site plan and traffic signals, while the Broad Street location has issues involving the property owner and the building developer.

Ms. Fox asked if these were new applications would the projects be subject to CON review. Attorney Malmberg replied that they would be subject to CON review. Mr. Bridgham asked if anything has changed that would have led the Board to determine that these projects would be subject to CON review. Attorney Malmberg said no, the project costs haven't changed. He added that at the time these NSRs were approved the Board's rules did not include a time limit for completion of NSR projects.

Ms. Fox then made a motion to extend the deadline for action on these projects until June 30, 2016. Dr. Woodward seconded the motion. All Board members voted in favor of the motion.

NEW BUSINESS

6. Adopt He-Hea 900 Long-Term Care Rules

Discussion: Ms. Carrier stated that JLCAR approved the He-Hea 900 Long-Term Care rules at its October 15, 2015 meeting. The Board must now vote to adopt the rule in order for it to be filed and made effective. Upon doing so, the rule will be in effect for 10 years. Ms. Fox then made a motion to adopt He-Hea 900. Dr. Woodward seconded the motion. All Board members voted in favor of the motion.

7. Adopt He-Hea 2200 Robotic Assisted Surgery System Rules

Discussion: Ms. Carrier stated that JLCAR approved the He-Hea 2200 Robotic Assisted Surgery rules at its October 15, 2015 meeting. The Board must now vote to adopt the rule in order for it to be filed and made effective. Upon doing so, the rule will be in effect for 10 years. Dr. Woodward then made a motion to adopt He-Hea 2200. Ms. Fox seconded the motion. All Board members voted in favor of the motion.

8. Determine Issuance of RFA for Robotic Assisted Surgery Systems

Discussion: Ms. Carrier stated that the He-Hea 2200 Robotic Assisted Surgery System rules would be filed today. As such, an RFA can now be issued pursuant to the rules. She added that the RFA could be effective on November 25, 2015 after allowing time to have it posted in the newspapers. The applications would then be due on January 25, 2016. Dr. Woodward then made a motion to issue the RFA. Ms. Fox seconded the motion. All Board members voted in favor of the motion; thus the RFA will be issued.

9. NSR 15-25 Wentworth-Douglass Hospital, Dover, NH, Replace Radiation Therapy Unit, \$500,000/\$3,074,070 Equipment

Discussion: Mr. Peck was asked to introduce this agenda item. He stated that Wentworth-Douglass Hospital ("WDH") submitted a request for the replacement of one of its radiation therapy units. He stated that HSPR staff's evaluation of this request was provided. He noted the need for two conditions, should the request be approved, surrounding the exact unit to be replaced, as well as the exact unit to be acquired. He also stated that Board discussion needs to take place concerning placing a unit into "back-up" status, and whether doing so violates RSA 151-C:5, II(d)(2). Representing Wentworth-Douglass Hospital were Attorney Robert Best, Mr. Jeff Hughes, VP of Strategic Planning, and Ms. Michelle Hanson, Manager of Strategic Planning. Mr. Hughes stated that Cancer Services is a mission critical, regional service, and that WDH is one of the busiest radiation therapy centers in the state. Attorney Best stated that all of the radiation therapy equipment will be fully depreciated this year, and that WDH's request meets all of the criteria under RSA 151-C:5, II(d)(2). He added that the unit that is replaced will be removed from service, although it will serve as a backup. Attorney Best stated that WDH will accept the staff's suggested conditions. In response to a question from Mr. Bridgham, Attorney Best stated that WDH locked in pricing through 2017 for the future purchase of the equipment. Installation is anticipated in September 2017.

Dr. Woodward asked what will happen to the existing backup unit. Mr. Hughes stated that it would be dismantled and sold. Ms. Hanson added that it is no longer being maintained, and can no longer be used as a backup. Dr. Woodward then asked if the existing service contracts, including the one for the future backup unit, will be maintained. Ms. Hanson replied that they would be. Ms. Fox asked if there would ever be 3 units running at the same time. Attorney Best replied that there would not be. Further discussion ensued surrounding the use of a backup unit, and whether this circumvents the statute. Attorney Best stated that the intent of the statute is to prevent the proliferation of equipment. WDH has no intent to use the backup unit on a regular basis; it will be maintaining the same status as it has for many years. Ms. Fox noted that the cost of the service contract for the backup unit will have to be passed on to the payors for the service. Ms. Hanson stated that the cost of the service contract is about \$100,000 less than for the older units, and the cost of overtime and other expenses to make up for downtime is probably just as high. Ms. Carrier noted that only the active units are counted in the inventory when running the radiation therapy need formula to determine the issuance of an RFA. Further discussion ensued on the benefits of a backup unit for patients (less waiting and re-scheduling).

Ms. Fox then made a motion that WDH's request is not subject to CON review, with the following conditions: (1) WDH shall identify which of the two older units will be replaced; (2) WDH shall identify the specific unit being acquired and the price for replacement cost comparison; (3) WDH shall not have more than 2 machines in use at any time; and (4) WDH shall report to the Board the number of times the backup unit is used semi-annually beginning 6 months after the replacement unit is put into operation. Dr. Woodward seconded the motion. All Board members voted in favor of the motion.

10. OTHER BUSINESS:

➤ **Committee Reports:**

- **State Health Plan:** In Mr. Brannen's absence, Ms. Carrier stated that the committee continues to work on the draft of the report to be submitted to the Legislature in December. Discussion is ongoing regarding the questions to pose at the end of the report. The data charts are also being reworked. The committee will meet again on December 7, 2015 at 1:00, and the intent is to approve the final draft of the report for Board approval at the December 17, 2015 Board meeting. Ms. Carrier stated that she would be in contact with Mr. Brannen regarding the final pieces of the report and to make a copy of the draft available ahead of the December 7th meeting.
- **Rules Subcommittee:** Mr. Bridgham stated that the subcommittee is continuing to look at the He-Hea 200-300 rules and the CON application form. Ms. Fox stated that the Inpatient Substance Abuse rule is expired, and questioned whether state funding changes would entice someone to open a facility. She stated that she would continue looking into this. She then asked for a list of rules expiring in 2016, and Ms. Carrier stated that she would provide an updated list. Mr. Bridgham stated that he would meet with subcommittee members after the December 17, 2015 Board meeting to schedule the next subcommittee meeting.
- **Other Administrative Business:** Ms. Carrier stated that one acute care application has been received and is undergoing completeness review. HSPR staff is also expecting an inpatient psychiatric application to be filed on November 25th. Finally she stated that the next Board meeting is scheduled for Thursday, December 17, 2015 at 9:30 a.m. at the NH Hospital Association.

Interim Chair Bridgham then asked for a motion to adjourn the meeting. A motion was made by Dr. Woodward and seconded by Ms. Fox to adjourn the meeting. All members voted in favor and the meeting was adjourned at approximately 10:45 a.m.

Signature: _____
Robert Bridgham
Interim Board Chair

Board Approval Date