

Minutes of Meeting
Health Services Council
Project Review Committee-II

DATE: 20 October 2005

TIME: 3:00 PM

LOCATION: Beck Conference Room

ATTENDANCE:

Committee II: Present: Victoria Almeida, Esq. (Vice Chair), Raymond C. Coia, Esq., Maria R. Gil, Robert J. Quigley, DC, (Chair), Larry Ross, Reverend David Shire (Secretary)

Not Present: Rosemary Booth Gallogly, Wallace Gernt, Sen. Catherine E. Graziano, RN, Ph.D., Denise Panichas

Staff: Valentina D. Adamova, Michael K. Dexter, Joseph G. Miller, Esq., Jacqueline Steiner (Intern)

Public: (see attached)

1. Call to Order and Approval of Minutes

The meeting was called to order at 3:05 PM. Minutes of the 6 October 2005 Project Review Committee - II meeting were approved as submitted. The Chairman noted that conflict of interest forms are available to any member who may have a conflict. The Chairman stated that due to the Open Meetings Act, the minutes of the meetings have to be available to the public by the next meeting date or within thirty-five days, whichever is sooner. The Chairman stated that because the next meeting might not occur within thirty-five days or the minutes might not be available by the next meeting time, he would ask the Committee members to vote to extend the availability of minutes beyond the time frame as provided for under the Open Meetings Act. A motion was made and seconded, and the motion passed by a vote of six in favor and none opposed (6-0) that the availability of the minutes for this meeting be extended beyond the time frame as provided for under the Open Meetings Act. Those members voting in favor were: Almeida, Coia, Gil, Quigley, Ross, Shire.

2. General Order of Business

The first item on the agenda was the application of Roger Williams Radiation Therapy, LLC [New England Radiation Therapy Management Services, Inc. and Roger Williams Hospital] for a Certificate of Need for acquisition of two linear accelerators and provision of radiation therapy services at 50 Maude Street in

Providence. Staff identified the handouts. Staff stated that the Veteran's Administration ("VA") contract with Roger Williams Hospital ("RWH") expired on 30 September 2005. Staff noted that the applicant has requested that the committee not take any action at this meeting because the applicant needs time to analyze Mr. Zimmerman's report and their witness was not available to present at this meeting. Staff noted that the applicant waived the right to the 120-day review.

Mr. Zimmerman, Director of Research for Spectrum Research Services, Inc., presented the findings of his report 'Radiation Oncology Needs Assessment: Rhode Island 2005' (Presentation Enclosed). In summary, he stated that since 2002 there has been no increase in the number of radiation treatments in Rhode Island. The working capacity in Rhode Island is less than 90% and the measure for an optimal working capacity is 100%. The operating hours have decreased as a result of the decrease in therapy treatments. He stated that RWH was operating at 58% working capacity. He noted that if VA represents 30% of RWH's caseload and RWH lose the contract, its working capacity would be 40% with 2 operating linear accelerators and 80% if it only operated 1 linear accelerator. Based on his findings, Mr. Zimmerman concluded that by historical standards there appears to be sufficient capacity in the stated for external radiation therapy for the next five years. An analysis of utilization of radiosurgery indicated that Rhode Island Hospital has the capacity to meet projected increases in intracranial procedures.

To a question regarding outcomes, Mr. Zimmerman replied that the Gamma Knife has very safe outcomes but the CyberKnife has not been in existence long enough to make a determination.

Mr. Zubiago, legal counsel to Roger Williams Radiation Therapy, LLC (“RWRT”), stated that RWH filed a bid protest with regards to the Veteran’s Administration (“VA”) contract being awarded to Radiation Oncology Associates (“ROA”) which is expected to be resolved in a 90 day time period. He noted that currently VA’s patients are being treated by ROA.

To the question if VA is referring any patient to RWH, Mr. Zubiago answered that there were no patient referred since the contract was awarded to ROA.

It was noted that VA’s patients made up 30% of the volume at RWH.

To Committee’s questions, staff noted that currently RWH has 2 linear accelerators and the Committee is looking at the issue of need at the time, place and circumstances to acquire and operate 2 linear accelerators by RWRT. Staff stated that it was explained to the applicant that it would have to demonstrate need and affordability for the both pieces of equipment.

Mr. Miller stated that the applicant is a new organization and that

organization needs to demonstrate need and affordability for the equipment.

The Chairman requested that the applicant review the responses to Committee's questions and provide its response to Mr. Zimmerman's report at the next meeting. The applicant agreed. The Chairman stated that he would like the applicant to address continuity of care. The applicant stated that RWH has a patient navigator.

The applicant noted that it's not a function of this project to encroach upon intracranial use of the Gamma Knife at Rhode Island Hospital. The proposal is creating a whole body radiosurgery program, to augment certain open surgical procedures.

Staff stated that there will be additional clarification questions sent to the applicant. Mr. Ross requested that in their responses the applicant identify how it determined the projected increase in volume.

The applicant stated that they would arrange the next meeting with staff.

There being no further business the meeting was adjourned at 4:30 PM.

Respectfully submitted,

Valentina D. Adamova