

**MINUTES OF THE MEETING
HEALTH SERVICES COUNCIL**

DATE: 31 January 2006

TIME: 3:00 PM

LOCATION: Health Policy Forum

ATTENDANCE:

Council: Present: Victoria Almeida, Esq., (Vice Chair), Edward F. Almon, Robert L. Bernstein, Joseph V. Centofanti, MD, Raymond Coia, Esq., Wallace Gernt, Maria R. Gil, Sen. Catherine E. Graziano, RN, Ph.D., John Keimig, Richard Lepine, Denise Panichas, Robert J. Quigley DC, (Chair), Robert Ricci, Larry Ross, Reverend David Shire, Robert Whiteside

Not Present: John W. Flynn, Rosemary Booth Gallogly, Robert S.L. Kinder, MD, John Young

Staff: Valentina D. Adamova, Michael K. Dexter, Joseph G. Miller, Esq., Donald C. Williams, Andrea Therrien (Intern)

Public: (see attached)

1. Call to Order, Approval of Minutes, Time Extension for the Minutes Availability, Conflict of Interest Forms and Establishment of the Nominating Committee of the Health Services Council.

The meeting was called to order at 3:00 PM. The Chairman noted that conflict of interest forms are available to any member who may have a conflict. The minutes of the 1 November 2005 meeting of the Health Services Council were approved as submitted. The Chairman requested a motion for the extension of time for the availability of minutes pursuant to the Open Meetings Act. A motion was made, seconded and passed by fifteen in favor and none opposed (15-0) that the availability of the minutes for this meeting be extended beyond the time frame provided for under the Open Meetings Act. Those members voting in favor were: Almeida, Almon, Bernstein, Centofanti, Coia, Gernt, Graziano, Kiemig, Lepine, Panichas, Quigley, Ricci, Ross, Shire, Whiteside. The Chairman appointed the members who would serve on the Nominating Committee of the Health Services Council as: Catherine Graziano, Robert Kinder, Larry Ross.

2. General Order of Business

The first item on the agenda was the Amendment to the Conditions of Approval for the Report of the Health Services Council on the

Application of Women & Infants Hospital of Rhode Island for a Certificate of Need to construct a five-story addition and increase the number of NICU bassinets and licensed bed capacity. Staff noted the recommended changes to the language of the conditions of approval with respect to substituting the word 'inpatients' with 'patients'. Staff noted that the Health Insurance Commissioner agrees to the appropriateness of the change.

A motion was made, seconded and passed by a vote of fifteen in favor, and none opposed (15-0) to recommend that the Health Services Council adopt the corrections to Section II of the 'Women & Infants NICU/OB CON Application Additional Language/WPCCER' within the Report of the Committee of the Health Services Council on the Application of Women & Infants Hospital of Rhode Island for a Certificate of Need to Construct a Five-Story Addition and Increase the Licensed Bed Capacity. Those members voting in favor of the motion were: Almeida, Almon, Bernstein, Centofanti, Coia, Gernt, Graziano, Kiemig, Lepine, Panichas, Quigley, Ricci, Ross, Shire, Whiteside.

The next item on the agenda was the Report of the Committee of the Health Services Council on the Applications of Dialysis Center of Wakefield, LLC, Dialysis Center of Warwick, LLC, Dialysis Center of West Warwick, LLC, Dialysis Center of Westerly, LLC, and Dialysis Center of Woonsocket, LLC for Changes in Effective Control of Fresenius Medical Care of Wakefield, Fresenius Medical Care of

Warwick, Artificial Kidney Center of Warwick, Fresenius Medical Care of Westerly, and Artificial Kidney Center of Woonsocket. Staff summarized discussions and deliberations on this matter. Staff reviewed the proposed conditions of approval.

Ms. Almeida stated for the record that she is recusing herself with respect to this matter.

Ms. Rocha noted that the FTC review of this proposal is ongoing and that the applicant, as per a condition of approval, will comply with any final order entered by a federal court at the behest of the Federal Trade Commission and shall provide a copy of such order to the state agency within 30 days thereof.

A motion was made, seconded and passed by a vote of fifteen in favor, none opposed and one recused (15-0-1) to recommend that the Health Services Council adopt the Report of the Committee of the Health Services Council on the Applications of Dialysis Center of Wakefield, LLC, Dialysis Center of Warwick, LLC, Dialysis Center of West Warwick, LLC, Dialysis Center of Westerly, LLC, and Dialysis Center of Woonsocket, LLC for Changes in Effective Control of Fresenius Medical Care of Wakefield, Fresenius Medical Care of Warwick, Artificial Kidney Center of Warwick, Fresenius Medical Care of Westerly, and Artificial Kidney Center of Woonsocket. Those members voting in favor of the motion were: Almon, Bernstein, Centofanti, Coia, Gil, Gernt, Graziano, Kiemig, Lepine, Panichas,

Quigley, Ricci, Ross, Shire, Whiteside. Almeida recused.

The next items on the agenda were the Report of the Committee of the Health Services Council on the Application of The Imaging Institute, Inc. for a Certificate of Need to acquire and operate a PET/CT scanner at 1301 Reservoir Avenue in Cranston and Report of the Committee of the Health Services Council on the Application of X-Ray Associates, Inc. for a Certificate of Need to acquire and operate a PET/CT scanner at 65 Sockanosset Crossroads in Cranston.

After considerable commentary by all parties and discussion, a motion was made and seconded to approve the application of The Imaging Institute, Inc. By a vote of nine in favor, five opposed and two recusals (9-5-2), with the Chairman voting, the Health Services Council voted to recommend approval of the application. Those members voting in favor of the motion were: Centofanti, Coia, Gernt, Gil, Graziano, Lepine, Panichas, Ricci, Whiteside. Those members voting against the motion were: Almon, Bernstein, Quigley, Ross, Shire. Almeida and Keimig recused. A roll call of the vote was taken.

A motion was made and seconded to approve the application of X-Ray Associates, Inc. By a vote of eight in favor, six opposed and two recusals (8-6-2), with the Chairman voting, the Health Services Council voted to recommend approval of the application. Those members voting in favor of the motion were: Centofanti, Coia, Gernt,

Gil, Graziano, Lepine, Panichas, Ricci. Those members voting against the motion were: Almon, Bernstein, Quigley, Ross, Shire, Whiteside. Almeida and Keimig recused. A roll call of the vote was taken.

Attached and incorporated in these minutes is a verbatim transcript of part of the meeting.

3. Adjournment

There being no further business the meeting was adjourned at 4:40 PM.

Respectfully submitted,

Valentina D. Adamova