

Minutes of Meeting
Health Services Council
Project Review Committee-I

DATE: 6 December 2011

TIME: 2:30 PM

LOCATION: Conference Room C
Department of Administration

ATTENDANCE:

| Name | Present | Absent | Excused |
|--------------------------------|---------|--------|---------|
| Committee-I | | | |
| Victoria Almeida, Esq. (Chair) | X | | |
| John X. Donahue | X | | |
| John W. Flynn | X | | |
| Wallace Gernt | X | | |
| Theresa Jeremiah | | | X |
| Amy Lapierre | X | | |
| Steven Lonardo | X | | |
| Thomas M. Madden, Esq. | X | | |
| Robert Ricci | | X | |
| Reverend Shire (Vice-Chair) | | | X |
| Robert Whiteside | | X | |

Staff: Valentina Adamova, MBA, Michael K. Dexter, MPA, Joseph G. Miller, Esq.

Public: (Attached)

1. Call to Order, Approval of Minutes, Conflict of Interest Forms and Extension for the Minutes Availability

The meeting was called to order at 2:30 PM. The Chair noted that conflict of interest forms are available to any member who may have a conflict. A motion was made and passed by a vote of five in favor with none opposed (5-0) that the availability of 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, Donahue, Flynn, Gernt, Madden.

2. General Order of Business

The next items on the agenda were the applications of **Home Care and Hospice of New England, Inc.** for change in effective control of Home and Hospice Care of Rhode Island, Inc. a hospice care provider and Visiting Nurse of Greater Rhode Island, Inc. a hospice care and home nursing care provider.

The applicant reviewed the responses to follow up questions.

A motion was made by Mr. Gernt, seconded by Mr. Donahue and passed by a vote of seven in favor and none opposed (7-0) to recommend that the applications be approved subject to the conditions of approval. Those members voting in favor included: Almeida, Donahue, Flynn, Gernt, Lapierre, Lonardo, Madden.

The next items on the agenda were the applications of: **Senior Lifestyle Sakonnet Bay, LP** [Brookdale Senior Living, Inc.] for change in effective control of Sakonnet Bay Retirement Living, a 30-bed nursing facility at 1215 Main Road in Tiverton; **Senior Lifestyle Emerald Bay, LP** [Brookdale Senior Living, Inc.] for change in effective control of Emerald Bay Retirement Living, a 30-bed nursing facility at 10 Old Diamond Hill Road in Cumberland; **Senior Lifestyle North Bay, LP** [Brookdale Senior Living, Inc.] for change in effective control of North Bay Retirement Living, a 60-bed nursing facility at 171 Pleasant Avenue in Smithfield; and **South Bay Manor, LLC** [Brookdale Senior Living, Inc.] for change in effective control of South Bay Retirement Living, a 57-bed nursing facility at 1959 Kingstown Road in South Kingstown.

The applicant summarized the applications. Mr. Flynn questioned the projections and requested that they be updated to reflect the benefits of the transaction.

No action was taken by the Committee.

The next item on the agenda was the application of **Innovative Senior Care Home Health of Rhode Island, LLC** d/b/a Innovative Senior Care Home Health [Brookdale Senior Living, Inc.] for change in effective control of Vital Care of Rhode Island, Inc. a Home Nursing Care Provider at 1525 Old Louisquisset Pike in Lincoln.

The applicant summarized the applicant and answered Committee's questions.

No action was taken by the Committee.

The next item on the agenda was the Change Order Request of **The Miriam Hospital** [Lifespan Corporation] to the 27 October 2004 approval of the Certificate of Need to Construct Three Floors to House Medical/Surgical Nursing Units, Upgrade the Emergency Department, and Consolidate and Upgrade Diagnostic and Patient Treatment Areas.

The applicant summarized the change order request and answered Committee's questions.

A motion was made by Mr. Gernt, seconded by Mr. Donahue and passed by a vote of seven in favor and none opposed (7-0) to recommend that the application be approved subject to the conditions of approval. Those members voting in favor included: Almeida, Donahue, Flynn, Gernt, Lapierre, Lonardo, Madden.

The next item on the agenda was the Change Order Request of **Radiation Oncology Associates, Inc.** to prior Certificate of Need applications to operate three linear accelerators.

The applicant reviewed responses to follow up questions.

Representatives of Radiation Therapy Services, Inc. d/b/a 21st Century Oncology (RTSI) noted that they believe that they were an affected party and had concerns which included comments regarding lack of financial benefits from the transaction to PRATT, that ROA is a competitor of RTSI including its CyberKnife technology, and that affordability to the healthcare system was an issue.

Dr. Wazer, President of Pratt Radiation Oncology Associates, Inc. (PRATT), discussed the clinical and academic collaboration between ROA and PRATT and noted that it will also expand the resource pool to support the development of undergraduate, graduate, and post graduate medical physics programs in collaboration with the University of Rhode Island and Brown University. He described research work being undertaken at Brown University supported by PRATT, and that the type of investment opportunity with ROA is not often offered. He noted that he is satisfied with the return on the investment. He noted that PRATT is not a party to RTSI's joint venture with Rhode Island Hospital and was not invited to be a party to that joint venture. He noted that he will continue to serve as the Medical Director of that facility. He said he would welcome RTSI's involvement in academic collaboration but this is the first time he has ever heard of such interest. He noted that ROA's facility has a long standing relationship with Brown University and ROA's physicians are on the faculty and that's an essential part. He noted that none of RTSI's physicians are on the faculty at Brown University except in adjunct positions. It was noted that other facilities in Rhode Island also offer some forms of services similar to that provided by the CyberKnife and that this proposal does not affect existing competition or services.

A motion was made by Mr. Flynn, seconded by Ms. Lapierre and passed by a vote of four in favor, none opposed and three abstentions (4-0-3) to recommend that the change order request be approved subject to the conditions of approval. Those members voting in favor included: Almeida, Flynn, Lapierre, Lonardo. Those members abstaining included: Donahue, Gernt, Madden.

There being no further business, the meeting was adjourned at 4:55 PM.

Respectfully submitted,

Valentina D. Adamova, MBA
Acting Chief Program Development