



Department of Health

Three Capitol Hill  
Providence, RI 02908-5097

TTY: 711  
[www.health.ri.gov](http://www.health.ri.gov)

**MINUTES OF MEETING**  
**HEALTH SERVICES COUNCIL**

**DATE:** 30 July 2013

**TIME:** 2:30 PM

**LOCATION:** Department Operations Center  
Rhode Island Department of Health

**ATTENDANCE:**

Name	Present	Absent	Excused
Victoria Almeida, Esq. (Chair)	X		
John J. Barry III	X		
Raymond C. Coia, Esq.			X
Steven R. DeToy	X		
John X. Donahue	X		
Joseph L. Dowling, MD			X
Roberta Feather, CNS, PhD, JD	X		
Wallace Gernt	X		
Maria R. Gil (Secretary)			X
Catherine E. Graziano, RN, PhD	X		
Robert Hamel, RN			X
Theresa Jeremiah	X		
Amy Lapierre	X		
Steven Lonardo	X		
Thomas M. Madden, Esq.	X		
Jeanette S. Matrone, RN, PhD	X		
Daniel Orgel, MPA	X		
Denise Panichas	X		
Robert Ricci		X	
Tom Sgouros			X
Reverend Shire (Vice-Chair)	X		
Robert Whiteside		X	

**Staff:** Valentina D. Adamova, MBA, Michael K. Dexter, MPA, Amy DiFilippo, Sarah Mancone (Intern), Darren J. McDonald, Joseph G. Miller, Esq., Steven Morris, Esq.

**Public:** (Attached)

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

The meeting was called to order at 2:35 PM. The Chair noted that conflict of interest forms are available to any member who may have a conflict. Minutes of the Health Services Council meeting of 25 June 2013 were adopted as submitted. A motion was made and passed by a vote of fourteen in favor and none opposed (14-0) 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, Barry, Donahue, Feather, Gernt, Graziano, Jeremiah, Lapierre, Lonardo, Madden, Matrone, Orgel, Panichas, and Shire.

## **2. General Order of Business**

The next item on the agenda was the *Report of the Committee of the Health Services Council on the Application of Athena Orchard View, LLC for Change in Effective Control of Orchard View Manor, Inc. in East Providence*. Staff summarized the application and deliberations of the Committee on this matter.

A motion was made by Ms. Matrone, seconded by Mr. Barry, and passed by a vote of fifteen in favor and none opposed (15-0) to recommend that the application be approved subject to the conditions of approval. Those members voting in favor included: Almeida, Barry, DeToy, Donahue, Feather, Gernt, Graziano, Jeremiah, Lapierre, Lonardo, Madden, Matrone, Orgel, Panichas, and Shire.

The next item on the agenda was the *Report of the Committee of the Health Services Council on the application of Endoscopy Associates, Inc. for a Certificate of Need to establish a freestanding ambulatory surgery center*. Reverend Shire, Vice-Chair, chaired the meeting on this matter as Ms. Almeida, Chair, recused. Mr. DeToy also noted his recusal. Staff summarized the application and deliberations of the Committee on this matter.

Comments in opposition to the proposal were made by Pat Rocha, legal counsel to Blackstone Valley Surgicare and Ann Dugan, Administrator, Blackstone Valley Surgicare.

A motion was made by Dr. Feather, seconded by Ms. Panichas, and passed by a vote of eight in favor, four opposed, one abstention, and two recusals (8-4-1-2) to recommend that the application be approved subject to the conditions of approval. Those members voting in favor included: Feather, Graziano, Lapierre, Lonardo, Madden, Matrone, Panichas, and Shire. Those members opposed included: Barry, Donahue, Gernt, and Jeremiah. Mr. Donahue stated that he opposes the motion because there was a failure to demonstrate public need as defined in the statute and regulations. Also, the absence of an independent needs assessment in order for this Council to make that determination as to the needs of this application. And third, because he is concerned in the absence of such an assessment, the precedent that could be evolving regarding ten others at this point, physician office operatories, that may also come before the Council. Ms. Jeremiah stated that she opposes the motion for the same reasons stated by Mr. Donahue. Those members abstained included: Orgel. Those members recused included: Almeida and DeToy.

## **3. Adjournment**

There being no further business, the meeting was adjourned at 4:11 PM.

Respectfully submitted,



Valentina D. Adamova, MBA  
(Acting) Chief Health Program Evaluator  
Office of Health Systems Development