



Department of Health

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MINUTES OF MEETING
HEALTH SERVICES COUNCIL

DATE: 13 May 2014

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		
Catherine E. Graziano, RN, PhD	X		
Robert Hamel, RN			X
Theresa Jeremiah	X		
Amy Lapierre	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: Michael K. Dexter, MPA, Sarah Mancone, Joseph G. Miller, Esq., Steve Morris, 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 2:33 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 29 April 2014 were amended and approved to include Dr. Feather's vote to approve the applications of MinuteClinic Diagnostic of Rhode Island, LLC [CVS Caremark Corporation] as "yes, with reluctance." A motion was made and passed by a vote of fifteen in favor with none opposed (15-0) that the availability of minutes for this meeting be extended beyond the time frame as provided for under the Open Meetings Act due to the increase in administrative burdens on staff. Those members voting in favor were: Almeida, Coia, DeToy, Donahue, Dowling, Feather, Gernt, Graziano, Jeremiah, Lapierre, Matrone, Panichas, Ricci, Sgouros, 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 applications of Prospect CharterCARE SJHSRI, LLC, Prospect CharterCARE RWMC, LLC, Prospect CharterCARE Elmhurst, LLC, Prospect CharterCARE, LLC, CharterCARE Health Partners, Prospect East Holdings, Inc. and Prospect Medical Holdings, Inc. for changes in effective control of Roger Williams Medical Center, Our Lady of Fatima Hospital, Elmhurst Extended Care Facilities, Inc., Roger Williams Sleep Disorders Center, and CharterCARE Home Health Services.* Reverend Shire, Vice-Chair, chaired the meeting on this matter as Ms. Almeida, Chair, recused. Staff summarized the application and deliberations of the Committee on this matter.

Representatives of the applicant responded to the Council's questions.

Oral and written comments were made regarding the application by A. Raphael Lombardi.

Comments were made in opposition of the application by legal counsel for Prime Healthcare Services, Inc.

A motion was made by Mr. Sgouros, seconded by Mr. DeToy, and passed by a vote of thirteen voting in favor, none opposed, and three recusals (13-0-3) to amend the report of Project Review Committee-I with the recommendations from the 5 May 2014 letter from Craig Stenning, Director of the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals and the 8 May 2014 letter from Steven Constantino, Secretary of Health and Human Services, as modified by the Council. Those members voting in favor were: Coia, DeToy, Donahue, Feather, Gernt, Graziano, Jeremiah, Lapierre, Matrone, Panichas, Ricci, Sgouros, Shire. Those members recused included: Almeida, Barry, Dowling.

A motion was made by Dr. Feather, seconded by Mr. Coia, and passed by a vote of thirteen voting in favor, none opposed, and three recusals (13-0-3) to recommend that this application be approved as conditioned in the Committee Report and as previously amended. Those members voting in favor were: Coia, DeToy, Donahue, Feather, Gernt, Graziano, Jeremiah, Lapierre, Matrone, Panichas, Ricci, Sgouros, Shire. Those members recused included: Almeida, Barry, Dowling.

As part of the vote, Mr. Coia stated, "*I'm satisfied that the totality of the record, the evidence presented to the Committee supports my decision to vote affirmative for the application and adopt the recommendation of PRC-1 and the amended motion with all the stipulations that were previously approved. So I vote yes for that reason.*"

Reverend Shire stated, *“I vote yes because of the information shared by Dr. Cooper and John Schibler and the additions added just a few moments ago is why. Those are the reasons why I’m voting yes. And the completion of the strategic agreement. That’s in the conditions, and because of all that, the answer for me is yes.”*

Dr. Feather stated, *“I’m going to vote yes, because of the need and because of the answer that was given to me whenever I asked the question that was future-oriented regarding handling the decrease in volume for inpatient. And I would add also I did not find many of the statements made by Prime to be correct.”*

Mr. DeToy stated, *“I also am voting yes, because I also did not find the objection credible. And I thought that the PRC had done their due diligence, and that the applicant had responded in an affirmative fashion on the specific concerns.”*

Mr. Donahue stated, *“I am voting yes, and my vote reflects the fact that I believe the applicant has satisfied all of the statutory, regulatory criteria of change in effective control, which these parties are making this recommendation.”*

Dr. Matrone stated, *“I vote yes, based on the record of the Subcommittee 1 and all of the information that’s been put forth today.”*

Ms. Jeremiah stated, *“I vote yes, because of the recommendations of my own Committee.”*

Ms. Lapierre stated, *“I vote yes as well. I believe the applicant has fully articulated how they satisfy the change in effective control review criteria as well as two consultants that were hired by the State who also reaffirmed that was met.”*

Mr. Gernt stated, *“I vote yes. I think that the preponderance of evidence is in support of the applicant’s favor. I actually would just say that the management of Roger Williams and Fatima – I’ve known many of them both from a professional standpoint and also personally over the years. And I think their character and their integrity is paramount to them, and they have demonstrated that throughout any dealings I’ve ever had with them. It’s okay to disagree. To challenge someone’s character and their integrity is very troubling to me. So I support the application. I support, and I vote yes for it.”*

Ms. Panichas stated, *“I vote yes, based on the recommendation of Project Review Committee-I as well as the special conditions that we just attached to this application.”*

3. Adjournment

There being no further business, the meeting was adjourned at 4:31 PM.

Respectfully submitted,

Michael K. Dexter

Michael K. Dexter
Chief
Office of Health Systems Development