



Department of Health and Human Services
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June 4, 2009

Richard Linehan
Maine Medical Center
22 Bramhall St
Portland, ME 04102-3175

Paul D. Gray
MaineHealth
465 Congress St; Ste 600
Portland, ME 04101-3537

RE: Subsequent Review for the Cancer Care Center of York County

Dear Mr. Linehan and Mr. Gray:

This letter will serve as notification that, on this date, I have decided to **grant with conditions** the Subsequent Review of your Certificate of Need (CON) that was approved on February 4, 2003 that authorizes Southern Maine Medical Center and Maine Medical Center to construct a Cancer Care Center in York County. The new approved capital expenditure associated with this project is \$5,500,000. Any costs exceeding \$5,500,000 will require another subsequent review.

My approval is conditioned on the following being implemented:

1. That the York County Cancer Care Center (SMMC/MMC) must allow all licensed physicians to refer patients to the program, regardless of the hospital or system affiliation of that physician.
2. That the York County Cancer Care Center (SMMC/MMC) must allow all qualified medical oncologists, regardless of current hospital affiliation, to lease space and practice at the Cancer Care Center.
3. That the York County Cancer Care Center (SMMS/MMC) must allow all qualified radiation oncologists choosing to practice at the Center to seek credentialing criteria regardless of their affiliation with other hospitals and facilities.
4. That the York County Cancer Care Center (SMMC/MMC) must secure the services of independent, outside evaluators, approved by the Maine Department of Human Services and fully knowledgeable regarding the best practices in modern cancer care, who shall evaluate the York County Center semi-annually, with particular focus on fullest access for York County residents and adherence to quality cancer care for residents of the area.
5. That the York County Cancer Care Center (SMMC/MMC) demonstrate ongoing promotion and public communication to residents of York County, assuring residents and patients welcome access to the Center, regardless of which physician or hospital they rely upon for medical services.

I am granting this CON with conditions because I have determined that the project meets the criteria set forth in the CON Act of 1978 Sec. 309 and the Department's regulations. The specific details of the project for which I have

granted this CON are contained in an application found to be subject to review in accordance with the provisions of the Maine Certificate of Need Act, and was certified complete by the applicant on April 16, 2002.

Please be aware that in accordance with Section 317-A of the Maine Certificate of Need Act of 1978 this Certificate, as modified herein, is valid only for the stated scope, premises and facility named in the above referenced application and is not transferable or assignable.

Furthermore, it should be clearly understood that our analysis and findings regarding the need for the proposed project as well as its financial and economic feasibility have been predicated on the application record as described in the Manual, Chapter 8, Subsection 5(C). Consequently, the proposal must be implemented consistent with the approval and conditions stated in this letter, as informed and clarified by the Department's analysis and findings as summarized in the following Department staff reports:

1. PRELIMINARY STAFF REPORT: Report from Bill Perfetto, Assistant Division Director, CONU, dated November 1, 2002.
2. FINAL REVIEW: Briefing Memo to Kevin W. Concannon, Commissioner, DHHS, dated January 8, 2003.
3. AMENDED REVIEW: Subsequent Review Briefing Memo to Brenda M. Harvey, Commissioner, DHHS, dated June 2, 2009.

No significant changes to the project, no variations from the projected operating costs, no modifications of the terms of financing the project, and no increase in the capital expenditures to be made are permitted without the prior written approval of the Department. Any such variances may result in either the disallowance of related expenses, financial penalties or the immediate revocation of the CON.

Please work closely with my staff in the CONU to assure this project is implemented in accordance with the provisions of this Certificate and applicable rules and regulations. As part of this requirement, you are reminded that, prior to construction, the appropriate licensing and certification and State Fire Marshal officials must approve all working drawings and construction specifications.

The law requires that a holder of a CON make a written report at the end of each six-month period following its issuance. Details regarding this and related requirements will be made the subject of a separate letter from the CONU.

My staff will work with you as necessary.

Sincerely,

Brenda M. Harvey
Commissioner, DHHS

PP/cg

cc: Catherine Cobb, Director
Phyllis Powell, CONU Manager
Anne Flanagan, Assistant Director
Herb Downs, Audit
Janine Raquet, AAG
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