



COMMONWEALTH of VIRGINIA

Department of Health

PO BOX 2448
RICHMOND, VA 23218

M. Norman Oliver, MD, MA
State Health Commissioner

TTY 7-1-1 OR
1-800-828-1120

October 13, 2020

Ms. Louise B. Edwards
Executive Director, Planning/Business Development
110 Kingsley Lane, Suite 511
Norfolk, Virginia 23505

RE: **COPN No. VA-04723**

**Bon Secours DePaul Medical Center, LLC &
Hampton Roads Radiation Oncology Center, LLC
Norfolk, Virginia**

**Establish a specialized center for the provision of radiation therapy services
including two linear accelerators, one CT scanner dedicated to treatment simulation
modeling, brachytherapy services, and mobile PET/CT services.**

Dear Ms. Edwards:

In accordance with Chapter 4, Article 1.1 of Title 32.1 of the Code of Virginia of 1950 (the Code), as amended, I reviewed the application and all supporting documents submitted by Bon Secours – DePaul Medical Center LLC and Hampton Roads Radiation Oncology Center LLC to establish a specialized center for the provision of radiation therapy services including two linear accelerators, one CT scanner dedicated to treatment simulation modeling, brachytherapy services, and mobile PET/CT services at Hampton Roads Radiation Oncology Center.

As required by Section 32.1-102.3B of the Code, I have considered all factors that must be taken into account in a determination of public need, and I have concluded that **conditional approval** of the request is warranted based on the following findings:

1. The proposal project is generally consistent with the applicable standards and criteria of the State Medical Facilities Plan and the Eight Required Considerations of the Code of Virginia.
2. The proposed project is inventory neutral.
3. The proposed project is more advantageous than the status quo.
4. There is no known opposition to the project.
5. The capital costs are reasonable for the type of project.

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This certificate is valid for the period October 13, 2020 through October 12, 2021.
The total authorized capital cost of the project is \$4,639,413.

Please file two copies of the application for a certificate extension with the Department no later than 30 days before the expiration date of the certificate. Part VIII of the Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations identifies the filing requirements and review procedure for certificate extension requests.

Sincerely,

A handwritten signature in blue ink that reads "M. Norman Oliver MD". The signature is fluid and cursive, with the "MD" at the end being more distinct.

M. Norman Oliver, MD, MA
State Health Commissioner

Enclosures

cc: Allyson Tysinger, Senior Assistant Attorney General, Commonwealth of Virginia
Erik Bodin, Director, Division of Certificate of Public Need
Deborah K. Waite, Operations Manager, Virginia Health Information
Demetria Lindsay, MD, District Director, Norfolk City Health District

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH
MEDICAL CARE FACILITIES CERTIFICATE OF PUBLIC NEED

THIS CERTIFIES THAT Bon Secours – DePaul Medical Center LLC and Hampton Roads Radiation Oncology Center LLC are authorized to initiate the proposal as described below.

NAME OF FACILITY: Hampton Roads Radiation Oncology Center

LOCATION: 155 Kingsley Lane Suite 100, Norfolk, Virginia 23505

OWNERSHIP AND CONTROL: Hampton Roads Radiation Oncology Center LLC

SCOPE OF PROJECT: Establish a specialized center for the provision of radiation therapy services including two linear accelerators, one CT scanner dedicated to treatment simulation modeling, brachytherapy services, and mobile PET/CT services at Hampton Roads Radiation Oncology Center. Capital costs associated with this project total \$4,639,413. The project is expected to be completed within 90 days within issuance of this certificate. This certificate is issued with the condition that appears on its reverse.



Pursuant to Chapter 4, Article 1:1 of Title 32.1, Sections 32.1-102.1 through 32.1-102.12 of the Code of Virginia (1950), as amended and the policies and procedures promulgated thereunder, this Medical Care Facilities Certificate of Public Need is issued contingent upon substantial and continuing progress towards implementation of the proposal within twelve (12) months from the date of issuance. A progress report shall be submitted to the State Health Commissioner within twelve (12) months from the date of issuance along with adequate assurance of completion within a reasonable time period. The Commissioner reserves the right not to renew this Certificate in the event the applicant fails to fulfill these conditions. This Certificate is non-transferable and is limited to the location, ownership, control and scope of the project shown herein.

Certificate Number: VA-04723

Date of Issuance: October 13, 2020

Expiration Date: October 12, 2021


M. Norman Oliver, MD, MA, State Health Commissioner

Hampton Roads Radiation Oncology Center LLC will provide radiation therapy, including CT simulation, and PET/CT imaging services to all persons in need of this service, regardless of their ability to pay, and will provide as charity care to all indigent persons free services or rate reductions in services and facilitate radiation therapy and PET/CT imaging services to medically underserved persons in an aggregate amount equal to at least 5.1% of Hampton Roads Radiation Oncology Center LLC's total patient services revenue derived from radiation therapy and PET/CT imaging services provided at Hampton Roads Radiation Oncology Center, as valued under the provider reimbursement methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. Compliance with this condition will be documented to the Division of Certificate of Public Need annually by providing audited or otherwise appropriately certified financial statements documenting compliance with the preceding requirement. Hampton Roads Radiation Oncology Center LLC will accept a revised percentage based on the regional average after such time regional charity care data valued under the provider reimbursement methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. is available from Virginia Health Information. The value of charity care provided to individuals pursuant to this condition shall be based on the provider reimbursement methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq.

Hampton Roads Radiation Oncology Center LLC will provide radiation therapy, including CT simulation, and PET/CT care to individuals who are eligible for benefits under Title XVIII of the Social Security Act (42 U.S.C. § 1395 et seq.), Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), and 10 U.S.C. § 1071 et seq. Additionally Hampton Roads Radiation Oncology Center LLC may also satisfy this condition by facilitating the development and operation of primary and specialty medical care services in designated medically underserved areas of the applicant's service area. To the extent Hampton Roads Radiation Oncology Center LLC expects its ability to meet this condition as valued under the provider reimbursement methodology utilized by the Centers for Medicare and Medicaid Services for reimbursement under Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. or any revised percentage to be impacted in material part by the expansion of Medicaid in the Commonwealth of Virginia or changes in reimbursement stemming from the response to the COVID-19 pandemic, it may petition the Commissioner for a modification to this condition.