



COMMONWEALTH of VIRGINIA

Department of Health

Office of Licensure and Certification

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In response to recent queries regarding the Division of Certificate of Public Need's (DCOPN) interpretation of the Code of Virginia § 32.1-102.2, DCOPN offers the following clarification.

§ 32.1-102.2.A reads, in part:

“The Board...Shall establish concise procedures for the prompt review of applications for certificates consistent with the provisions of this article which may include a structured batching process which incorporates, but is not limited to, authorization for the Commissioner to request proposals for certain projects. In any structured batching process established by the Board, applications, combined or separate, for computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, and proton beam therapy shall be considered in the radiation therapy batch. A single application may be filed for a combination of (i) radiation therapy, stereotactic radiotherapy other than radiotherapy performed using a linear accelerator or other medical equipment that uses concentrated doses of high-energy X-rays to perform external beam radiation therapy, and proton beam therapy and (ii) any or all of the computed tomographic (CT) scanning, magnetic resonance imaging (MRI), and positron emission tomographic (PET) scanning;”

As it pertains to batch cycle grouping, the DCOPN interprets the preceding paragraph to permit the filing of radiation therapy requests solely during the radiation therapy batch cycles beginning January 10 and July 10. However, diagnostic imaging requests, with or without an accompanying radiation therapy request, are permitted to file application requests during the radiation therapy batch cycles beginning January 10 and July 10. Additionally, diagnostic imaging requests will continue to be reviewed in the diagnostic imaging batch cycles beginning May 10 and November 10.

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