



COMMONWEALTH of VIRGINIA

Parham Jaber, MD, MPH
Acting State Health Commissioner

Department of Health
P O BOX 2448
RICHMOND, VA 23218

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

April 11, 2023

Mr. Chip Washienko
Executive Director, Planning and Development
Bon Secours Mercy Health
5818A Harbour View Blvd.
Suffolk, VA 23435

RE: **COPN No. VA-04839**
Maryview Hospital, LLC d/b/a Bon Secours Maryview Medical Center
Planning District 20
Add one SRS capable Linear Accelerator at Bon Secours Harbour View

Dear Mr. Washienko:

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 Maryview Hospital, LLC d/b/a Bon Secours Maryview Medical Center to add one SRS capable linear accelerator at Bon Secours Harbour View.

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 is generally consistent with the applicable standards and criteria of the State Medical Facilities Plan and the 8 Required Considerations of the Code of Virginia.
2. There does not appear to be any less costly or more efficient alternative to the proposed project.
3. The expansion would ultimately result in a reduction of linear accelerator capacity in the PD.
4. The capital costs of the proposed project are reasonable.
5. The proposed project is unlikely to have a significant negative impact upon the utilization, costs, or charges of other providers of radiation therapy services in PD 20.

6. The proposed project appears to be financially viable in the immediate and long-term.
7. There is no known opposition to the project.

This certificate is valid for the period April 11, 2023, through April 10, 2024. The total authorized capital cost of the project is \$3,282,607.

Please file two copies of the application for a certificate extension with the Department and one copy with the regional health planning agency 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,



Parham Jaberi, MD, MPH
Acting State Health Commissioner

Enclosure

cc: Allyson Tysinger, Senior Assistant Attorney General, Commonwealth of Virginia
Erik Bodin, Director, Division of Certificate of Public Need
Deborah K. Waite, Chief Operating Officer, Virginia Health Information
Nancy M. Welch, MD, MHA, MBA, Acting Western Tidewater Health District
Director

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

THIS CERTIFIES THAT Maryview Hospital, LLC d/b/a Bon Secours Maryview Medical Center is authorized to initiate the proposal as described below.

NAME OF FACILITY: Bon Secours Cancer Institute at Harbour View

LOCATION: 7185 Harbour Towne Parkway, Suffolk, Virginia 23435

OWNERSHIP AND CONTROL: Maryview Hospital, LLC d/b/a Bon Secours Maryview Medical Center

SCOPE OF PROJECT: Addition of one SRS capable Linear Accelerator by means of relocation for a complement of two units at Bon Secours Cancer Institute at Harbour View. Capital costs associated with this project total \$3,282,607. The project is expected to be completed by May 2025. 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-04839

Date of Issuance: April 11, 2023

Expiration Date: April 10, 2024

Parham Jaber, MD, MPH, Acting State Health Commissioner

This project shall be subject to the Bon Secours Hampton Roads Health System (BSHR) systemwide charity care condition attached to Certificate No. VA-04237, effective January 1, 2010. Provided that the charity care provided under the BSHR system-wide condition shall be 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. BSHR 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. are available from Virginia Health Information. In addition to any right of BSHR to seek modification or adjustment described in the BSHR system-wide condition, to the extent BSHR expects its BSHR system-wide 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 materially alter the value of its charity care commitment thereunder, it may petition the Commissioner for a modification of the BSHR system-wide condition to resolve the expected discrepancy.\

BSHR will provide radiation therapy services 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.