



COMMONWEALTH of VIRGINIA

Department of Health
P O BOX 2448
RICHMOND, VA 23218

Karen Shelton, MD
State Health Commissioner

RECEIVED

SEP 25 2023

VDH/OLC

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

September 15, 2023

Paul Dreyer,
Senior Director, Strategy and Planning
Inova Health System
8095 Innovation Park Drive
Fairfax, Virginia 22031

RE: **COPN No. VA-04859**
Inova Health Care Services
Planning District 8
Add one linear accelerator at Inova Loudoun Hospital

Dear Mr. Dreyer:

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 Inova Health Care Services d/b/a Inova Loudoun Hospital to expand radiation therapy services through the addition of one linear accelerator.

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 Inova Loudoun project is consistent with COPN law, is in harmony with the SMFP or public policies, interests, and purposes to which the SMFP and COPN law are dedicated;
2. There are no less costly or more efficient alternatives to the project;
3. The project is feasible. Its capital costs are reasonable and would be covered without financing;
4. There is no known opposition to the project; and

5. The proposed project will not have a negative impact on the utilization, costs, or charges of other radiation therapy service providers in PD 8.

This certificate is valid for the period September 15, 2023 through September 14, 2024. The total authorized capital cost of the project is \$6,793,811.

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,



Karen Shelton, MD
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
David Goodfriend, MD, MPH, District Director, Loudoun Health District

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

THIS CERTIFIES THAT Inova Health Care Services d/b/a Inova Loudoun Hospital is authorized to initiate the proposal as described below.

NAME OF FACILITY: Inova Loudoun Radiation Oncology Center

LOCATION: 44035 Riverside Parkway, Suite 100, Leesburg, Virginia 20716

OWNERSHIP AND CONTROL: Inova Loudoun Hospital

SCOPE OF PROJECT: Expand radiation therapy services through the addition of one linear accelerator for a total complement of two linear accelerators at Inova Loudoun Radiation Oncology Center, located at Inova Loudoun Hospital. Capital costs associated with this project total \$6,793,811. The project is expected to be completed by April 1, 2024. 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-04859

Date of Issuance: September 15, 2023

Expiration Date: September 14, 2024

A handwritten signature in cursive script, appearing to read "Karen Shelton".

Karen Shelton, MD, State Health Commissioner

This project shall be subject to the system-wide charity care condition applicable to Inova Health Care Services d/b/a Inova Health System pursuant to COPN No. VA-04381 (issued April 2, 2013), as amended by the State Health Commissioner by letter dated January 4, 2016 (the Inova System-Wide Condition). Pursuant to the 2016 reconsideration, the Inova System-Wide Condition reset to 3.9% as of January 1, 2022. Provided, however, that charity care provided under the Inova 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.

Inova Health System 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. In addition to any right to petition the Commissioner contained in the Inova System-Wide condition, to the extent Inova Health System expects its Inova 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 to the Inova System-Wide condition to resolve the expected discrepancy.

**Recommended Case Decision
Certificate of Public Need (COPN)
Request Number VA-8684
Inova Health Care Services d/b/a Inova Loudoun Hospital
Woodbridge, Virginia
Planning District (PD) 8
Health Planning Region II
Expansion of Radiation Therapy Services Through the Addition of One Linear Accelerator
at Inova Loudoun Hospital**

I. Introduction

This document is a recommended case decision, submitted to the State Health Commissioner (hereinafter, “Commissioner”) for consideration. It follows full review of the administrative record pertaining to the above-captioned application, as well as the convening of an informal fact-finding conference (IFFC)¹ conducted in accordance with the Virginia Administrative Process Act² and Title 32.1 of the Code of Virginia.

II. Authority

Article 1.1 of Chapter 4 of Title 32.1 (§ 32.1-102.1 *et seq.*) of the Code of Virginia (the “COPN Law”) addresses medical care services and provides that “[n]o person shall undertake a project described in [this Article] or regulations of the [State] Board [of Health] at or on behalf of a medical care facility . . . without first obtaining a certificate [of public need] from the Commissioner.”³ The endeavor described and proposed in this application falls within the statutory definition of “project” contained in the COPN law, and thereby, requires a Certificate to be issued before the project may be undertaken.⁴

III. Statement of Facts

The factual basis underlying this recommendation consists of evidence in the administrative record, including, but not limited to, the application giving rise to this review, the testimony of witnesses presented and written documents prepared by the applicant at and following the IFFC, and the two governmental analyses, *i.e.*, staff reports on the proposed project – one prepared by the Division of Certificate of Public Need (“DCOPN”) and one prepared by the Health Systems Agency of Northern Virginia (“HSANV”).

¹ The IFFC was held on June 28, 2023. A certified reporter’s transcript (“Tr.”) of the IFFC is in the administrative record (“AR”).

² Va. Code § 2.2-4000 *et seq.*

³ Va. Code § 32.1-102.1:2 (A); (a “Certificate” or COPN).

⁴ Va. Code §§ 32.1-102.1 and 32.1-102.3.

Specific findings of fact are as follows:

1. Inova Health Care Services owns Inova Loudoun Hospital (together, "Inova Loudoun"). The Inova Health System Foundation is the sole corporate member of Inova Health Care Services; each are 501(c)(3) Virginia nonstock corporations.⁵
2. Inova Loudoun is a nonprofit 211-bed acute care hospital located in Loudoun County, in PD 8.
3. Inova Loudoun currently provides radiation therapy services on one linear accelerator. Inova Loudoun proposes to expand radiation therapy services through the addition of one linear accelerator at Inova Loudoun in existing space.⁶
4. The total capital cost of the proposed project is \$6,793,811, which would be paid from Inova Health System funds.⁷
5. DCOPN is comprised of the Virginia Department of Health's professional health facilities planning staff. On March 21, 2023, DCOPN issued its staff report recommending denial of this project.⁸
6. Virginia is divided into five Health Planning Regions. Each Health Planning Region may have a "regional health planning agency", as defined in Va. Code § 32.1-102.1. Inova's proposed project would be located in PD 8, coterminous with Health Planning Region II. HSAHV operates in PD 8 by reviewing projects and making recommendations on COPN applications. HSAHV's Board of Directors voted, eight to zero, recommending approval of this project.⁹
7. The administrative record on the proposed project closed on August 17, 2023.¹⁰

⁵ COPN Application at 4 (AR Exhibit 3).

⁶ *Id.* at 7.

⁷ *Id.* at 38.

⁸ AR Exhibit 12.

⁹ AR Exhibits 8, 11.

¹⁰ Tr. at 151.

A. The Proposed Project in Relation to the Eight Statutory Considerations

The eight statutory considerations provided by the COPN law appear in bold type below, with statements pertinent to Inova Loudoun's proposed project.

- 1. The extent to which the proposed project will provide or increase access to health care services for people in the area to be served and the effects that the proposed project will have on access to health care services in areas having distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to health care.**

Inova Loudoun is an existing radiation therapy services provider in PD 8, seeking to add a second linear accelerator. The Inova Loudoun project would be readily accessible by developed highways and roadways. Public transportation by bus is within a short walking distance.¹¹ Inova Loudoun is the westernmost provider of radiation therapy services in PD 8 and the sole provider of radiation therapy services in Loudoun County.¹²

Pursuant to 12 VAC 5-230-290(A)(1), no new radiation therapy services should be approved unless the "[e]xisting radiation therapy machines located in the planning district performed an average of 8,000 procedures per existing and approved linear accelerator in the relevant reporting period."¹³ There are a total of 19 linear accelerators in PD 8.¹⁴ The average PD 8 use of linear accelerators in 2021 was 5,081 treatment visits per linear accelerator, indicating no regional need for additional radiation therapy equipment. Most of the unused capacity within PD 8 is in programs that have added a second linear accelerator based on institutional need. All PD 8 programs permitted to expand based on institutional need have lower service volumes after the expansion than when they sought additional capacity.¹⁵ The proposed project is not necessary to meet regional demand but would assure ready access to radiation therapy services at Inova Loudoun.

Inova Loudoun currently provides radiation therapy services on one linear accelerator and seeks approval of the second linear accelerator by reason of an institutional need for expansion under 12 VAC 5-230-80.

Pursuant to 12 VAC 5-230-80(A), "Notwithstanding any other provisions of this chapter, the commissioner may grant approval for the expansion of services at an existing medical care facility in a health planning district with an excess supply of such services when the proposed expansion can be justified on the basis of a facility's need having exceeded its current service capacity to provide such service or on the geographic remoteness of the facility." Inova Loudoun's existing medical care facility in PD 8 has offered radiation therapy for over three decades. Inova argues it is a destination center for oncology, including radiation oncology, has a

¹¹ DCOPN Staff Report at 6-7 (AR Exhibit 12).

¹² DCOPN Staff Report at 16 (AR Exhibit 12); Inova Proposed Findings and Conclusions at 15.

¹³ The State Medical Facilities Plan, found in the Virginia Administrative Code (VAC) at 12 VAC 5-230-10 *et seq.*, includes provisions applicable to this project.

¹⁴ DCOPN Staff Report at 4-5 (AR Exhibit 12); HSNV Staff Report at 4 (AR Exhibit 11); HSNV Post-IFFC Comment at 2.

¹⁵ HSNV Post-IFFC Comment at 4.

large and growing treatment caseload, and has an institutional need for a second linear accelerator. Inova Loudoun's growth in linear accelerator treatment visits between 2010 and 2021 was 26.90%, while growth for the region averaged 9%.¹⁶ Inova Loudoun performed 7,866 treatments in 2021 and 9,009 in 2022, reflecting a growth rate of 14.53%.¹⁷ Furthermore, Inova Loudoun's 9,009 treatment visits on the existing linear accelerator in 2022 equates to nearly 112% of the 8,000-treatment regulatory threshold. Inova Loudoun satisfies the requirements for consideration under the institutional need for expansion in 12 VAC 5-230-80.

Pursuant to 12 VAC 5-230-80(B), "If a facility with an institutional need to expand is part of a health system, the underutilized services at other facilities within the health system should be reallocated, when appropriate, to the facility with the institutional need to expand before additional services are approved for the applicant. However, underutilized services located at a health system's geographically remote facility may be disregarded when determining institutional need for the proposed project." Most of the unused capacity within PD 8 is due to radiation therapy programs that have added a second linear accelerator as their respective institutions approached the service volume standard. Here, DCOPN argues that Inova Loudoun should relocate a linear accelerator from Inova's Alexandria Hospital to Inova Loudoun. Inova Alexandria Hospital has two linear accelerators, each of which was authorized for relocation to the Inova Landmark Hospital in 2022. Inova Landmark Hospital's anticipated completion date is in 2028. Requiring the relocation of a linear accelerator recently authorized for relocation by a separate, unrelated COPN decision while that COPN project is pending its timely and anticipated completion is not appropriate because it would frustrate the purpose of that COPN.

Further, these two linear accelerators are eight and eighteen years of age. Assuming the typical lifespan of a linear accelerator is 10 to 12 years, then the two Alexandria Hospital linear accelerators are each near the end of their useful life.¹⁸ If either linear accelerator were relocated, then decommissioned and replaced with a new linear accelerator, that could increase the cost for Inova Loudoun and create a service disruption for the community. Given this context, relocation of either of the two existing linear accelerators from Alexandria Hospital to Inova Loudoun is not a practical alternative to Inova Loudoun's proposed project.

Pursuant to 12 VAC 5-230-80(C), "This section is not applicable to nursing facilities pursuant to § 32.1-102.3:2 of the Code of Virginia." Inova Loudoun is an acute care hospital, not a nursing facility.

Pursuant to 12 VAC 5-230-80(D), "Applicants shall not use this section to justify a need to establish new services." Inova Loudoun seeks to expand its existing radiation therapy service through the addition of a second linear accelerator based on institution-specific need, not establish new services.

Pursuant to 12 VAC 5-230-300, "Proposals to expand radiation therapy services should be approved only when all existing radiation therapy services operated by the applicant in the health planning district have performed an average of 8,000 procedures for the relevant reporting

¹⁶ DCOPN Staff Report at 4-5 (AR Exhibit 12).

¹⁷ IFFC Exhibits 5, 10.

¹⁸ HSAHV Post-IFFC Comment at 5.

period and the proposed expansion would not significantly reduce the utilization of existing providers.” Inova Loudoun has an institution specific need for expansion of its radiation therapy services, as reflected by the 9,009 procedures performed in 2022.¹⁹ The proposed project is not likely to negatively or significantly affect other PD 8 providers.²⁰

I believe that the approval of Inova Loudoun’s project would increase access to radiation therapy services by adding capacity to a busy radiation therapy service. Denial of the project could be seen as creating a barrier to access to health care at a specific location, *i.e.*, a hospital at which many patients choose to receive cancer care services.

2. The extent to which the proposed project will meet the needs of the people in the area to be served, as demonstrated by each of the following:

(i) The level of community support for the proposed project demonstrated by people, businesses, and governmental leaders representing the area to be served;

HSANV’s Board of Directors unanimously voted in favor of the project.²¹ DCOPN received five physician letters of support.²² The Medical Executive Committee of Inova Loudoun’s Medical Staff supports the proposed project.²³ Potentially affected service providers have been notified and are aware of the proposal. There is no known opposition to this proposed project.

(ii) The availability of reasonable alternatives to the proposed project that would meet the needs of the people in the area to be served in a less costly, more efficient, or more effective manner;

No reasonable alternative to the Inova Loudoun project exists. Inova Loudoun’s expansion of radiation therapy services through the addition of a second linear accelerator addresses an institution-specific need for additional access to services of that hospital. Relocation of an Inova Alexandria Hospital linear accelerator is not a practical alternative to the Inova Loudoun project.

(iii) Any recommendation or report of the regional health planning agency regarding an application for a certificate that is required to be submitted to the Commissioner pursuant to subsection B of § 32.1-102.6;

On January 9, 2023, the HSANV Board of Directors reviewed and unanimously voted in favor of Inova Loudoun’s proposed project.²⁴ HSANV based its decision, in part, on the high and increasing demand for external beam radiation therapy; consistency with the regulatory

¹⁹ IFFC Exhibit 10.

²⁰ HSANV Staff Report at 12 (AR Exhibit 8); DCOPN Staff Report at 21-22 (AR Exhibit 12).

²¹ AR Exhibits 8, 11.

²² COPN Application at Attachment R (AR Exhibit 4).

²³ COPN Application at Attachment L (AR Exhibit 3).

²⁴ AR Exhibit 11.

institutional need provision; and belief that the project would not negatively impact other programs.

(iv) Any costs and benefits of the proposed project;

The capital costs of the proposed project are \$6,793,811, which would be funded through Inova Loudoun's reserves.²⁵ The total costs for the project are reasonable.²⁶

Inova Loudoun has extended radiation therapy hours to help address their patient oncology volumes; yet has encountered ongoing difficulty with timely access to radiation therapy for patients and with staff satisfaction. Recruitment and retention are hampered by the long shifts, which are unusual for radiation therapists. The benefits of the project include increasing timely access to radiation therapy services, providing patients with scheduling flexibility, and improving staff retention and recruitment.²⁷

While not determinative, I note that Inova Loudoun intends to purchase a Halcyon linear accelerator, which would allow for adaptive radiation therapy - a more precise radiation therapy treatment than any other offered in the community.²⁸ Patients would benefit from less toxicity and long-term complications from the radiation therapy offered by the adaptive radiotherapy, as well as an improvement in cure rates.²⁹

(v) The financial accessibility of the proposed project to people in the area to be served, including indigent people; and

Inova Loudoun states its radiation therapy services are financially accessible to all patients. Inova Loudoun has long standing charity care policies, including a system-wide charity care agreement with the Commissioner.³⁰ Inova Loudoun has demonstrated a willingness to serve all patients referred for radiation therapy, including the uninsured, the medically indigent, and Medicaid patients. Any Certificate issued to approve this project should include reference to the existing system-wide condition requiring Inova to provide a prescribed or derived level of charity care in PD 8.

(vi) At the discretion of the Commissioner, any other factors as may be relevant to the determination of public need for a proposed project.

No additional factors relating to the review of this project are remarkable or appear to call for the exercise of the Commissioner's discretion in identifying or evaluating them in relation to the proposed project.

²⁵ COPN Application at Sections V.C. and V.F. (AR at Exhibit 3).

²⁶ HSNV December 5, 2022 Video Conference Meeting Minutes at 4 (AR at Exhibit 8); HSNV Staff Report at 7 (AR at Exhibit 8).

²⁷ Tr. at 48-58, 78.

²⁸ Tr. at 79-80.

²⁹ Tr. at 100-105.

³⁰ AR at Exhibits 8, 11.

3. The extent to which the proposed project is consistent with the State Health Services Plan.

The COPN law requires that any decision to issue a Certificate must be consistent with the eight statutory factors enumerated in Virginia Code § 32.1-102.3(B) and consistency with the State Health Services Plan.³¹ Virginia Code § 32.1-102.2:1 calls for the State Health Services Plan Task Force to develop recommendations for a comprehensive State Health Services Plan. Because the State Health Services Plan is still in development, I am considering consistency of the proposed project with the current regulatory language provided in the State Medical Facilities Plan (SMFP). The SMFP, found at 12 VAC 5-230-10 *et seq.*, is the planning document adopted by the Board of Health, which includes methodologies for projecting need for medical facilities and services, as well as procedures, criteria, and standards of review of applications for projects for medical care facilities and services.

Inova Loudoun proposes to expand an existing radiation therapy service, not establish a new one. Inova's 9,009 treatment visits on the existing linear accelerator in 2022 equates to nearly 112% of the 8,000-treatment SMFP threshold. I believe Inova Loudoun satisfies the requirements for consideration under the institutional need for expansion and has demonstrated a need for a second linear accelerator.

Radiation therapy services are available within 60 minutes travel time standard specified by 12 VAC 5-230-280.³² Radiation therapy courses of treatment often involve scheduling patients for treatment five days per week, Monday through Friday, for multiple weeks and can go to as many as forty-eight days in a row, which can be grueling for patients.³³ Many of Inova Loudoun's cancer care patients have transportation issues and "one to two in 10 patients" prefer to delay their care to being redirected to other facilities.³⁴ The addition of a second linear accelerator would eliminate many of these issues for Inova Loudoun patients. Inova Loudoun's project would likely allow patients to remain in their local area at their preferred provider location, receive more timely radiation therapy services, improve patient flow, and overall patient satisfaction.

Inova Loudoun complies with provisions of the SMFP addressing staffing. Inova Loudoun's project is not opposed by any other health system or provider of radiation therapy services.

Sufficient and detailed information in the administrative record supports the conclusion that Inova Loudoun's project would serve the intents and purposes of this statutory consideration. The project is consistent with the SMFP, is in harmony with the SMFP or with the public policies, interests, and purposes to which the SMFP and COPN law are dedicated.

³¹ Va. Code § 32.1-102.3.

³² Pursuant to 12 VAC 5-230-280, "Radiation therapy services should be available within 60 minutes driving time one way under normal conditions of 95% of the population of the health planning district using a mapping software as determined by the commissioner."

³³ Inova Proposed Findings and Conclusions at 18; Tr. at 34.

³⁴ Tr. at 70, 85-86, 89-91.

4. The extent to which the proposed project fosters institutional competition that benefits the area to be served while improving access to essential health care services for all people in the area to be served.

Inova Loudoun is not a new competitor. Rather, it is an established provider. “[Inova Loudoun] is the most westward radiation therapy services provider [in PD 8] and its primary service area is Loudoun County, where it is the only radiation therapy services provider for that county.”³⁵ The Inova Loudoun project seeks to add a second linear accelerator to an existing radiation therapy service based on an institutional need for expansion. No evidence suggests that the project would adversely affect competition in PD 8.

The project is not proposed for the purpose of fostering institutional competition. Approval of the proposed project would improve access to radiation therapy services at Inova Loudoun. The proposed addition of a second linear accelerator at Inova Loudoun would meet current as well as the projected near-term demand for the people in the area to be served.

5. The relationship of the proposed project to the existing health care system of the area to be served, including the utilization and efficiency of existing services or facilities.

The proposed project does not entail a substantial change in the regional health care delivery system. The addition of a linear accelerator is not likely to negatively affect demand or caseloads at other service providers. Relocation of an existing linear accelerator within PD 8 is not a reasonable alternative to the proposed project. The Inova Loudoun project would address high utilization at Inova Loudoun, and an institution-specific expression of public need. It is reasonable to expect that radiation therapy volumes at Inova Loudoun will continue to grow in the future.

6. The feasibility of the proposed project, including the financial benefits of the proposed project to the applicant, the cost of construction, the availability of financial and human resources, and the cost of capital.

Review of Inova Loudoun's pro forma financial statement and testimony from Inova's Senior Director of Radiation Oncology indicates that the proposed project is financially feasible.³⁶ Financial resources are available. The capital costs of the proposed project are \$6,793,811, which would be funded through Inova Loudoun's reserves.³⁷ The cost for the project is not unreasonable.³⁸

Inova Loudoun does not anticipate any difficulty recruiting additional staff nor does it anticipate that their staffing needs will adversely impact other service providers.

The project would be financially beneficial to the applicant and the costs are reasonable.

³⁵ DCOPN Staff Report at 16 (AR Exhibit 12).

³⁶ COPN Application at Attachment V (AR Exhibit 3); Tr. at 74; IFFC Exhibit 11.

³⁷ COPN Application at Sections V.C. and V.F. (AR at Exhibit 3).

³⁸ HSANV December 5, 2022 Video Conference Meeting Minutes at 4 (AR Exhibit 8); HSANV Staff Report at 7 (AR Exhibit 8).

7. The extent to which the proposed project provides improvements or innovations in the financing and delivery of health services, as demonstrated by: (i) The introduction of new technology that promotes quality, cost effectiveness, or both in the delivery of health care services; (ii) The potential for provision of health care services on an outpatient basis; (iii) Any cooperative efforts to meet regional health care needs; and (iv) At the discretion of the Commissioner, any other factors as may be appropriate.

The new linear accelerator would be state-of-the-art technology, which could provide adaptive radiotherapy and enhance the quality of radiation therapy treatment services.³⁹

The proposed project would primarily provide services on an outpatient basis but would also provide radiation therapy services to inpatients, if required.⁴⁰

Whenever possible, Inova Loudoun offers patients the option to obtain radiation therapy treatment at other Inova facilities. But patients frequently choose to remain exclusively at Inova Loudoun for the full scope of their cancer treatment.

No additional factors relating to the review of this project are clearly remarkable or appear to call for the exercise of the Commissioner's discretion in identifying or evaluating them in relation to the proposed projects as gauged under this item under the seventh statutory consideration.

8. In the case of a project proposed by or affecting a teaching hospital associated with a public institution of higher education or a medical school in the area to be served (i) the unique research, training, and clinical mission of the teaching hospital or medical school, and (ii) any contribution the teaching hospital or medical school may provide in the delivery, innovation, and improvement of health care services for citizens of the Commonwealth, including indigent or underserved populations.

Inova partners closely with Northern Virginia Community College, which has a radiation therapy program.⁴¹ Inova Loudoun hosts radiation therapy students for clinical rounds in its radiation therapy department, and extends employment offers to new graduates.⁴²

B. Conclusion

Based on the administrative record and in light of the discussion above, I conclude that Inova Loudoun has demonstrated a public need for the proposed project.

³⁹ Tr. at 122-126.

⁴⁰ Tr. at 119-121.

⁴¹ Tr. at 50.

⁴² AR Exhibit 3 at Section III(G); Tr. at 50-51.

IV. Recommendation

Based on review of the evidence contained in the administrative record as a whole, the Inova Loudoun project merits approval under the COPN law. Inova Loudoun should receive a Certificate authorizing the project, issued with stated recognition of an existing charity care condition. The Inova Loudoun project would meet a public need.

In addition to the conclusions drawn throughout this document, specific reasons for my recommendation include:

- (1) The Inova Loudoun project is consistent with the COPN law, is in harmony with the SMFP or public policies, interests, and purposes to which the SMFP and COPN law are dedicated;
- (2) There are no less costly or more efficient alternatives to the project;
- (3) The project is feasible. Its capital costs are reasonable and would be covered without financing;
- (4) There is no known opposition to the proposed project; and
- (5) The proposed project will not have a negative impact on the utilization, costs, or charges of other radiation therapy service providers in PD 8.

Respectfully submitted,



Vanessa MacLeod, JD
Adjudication Officer

August 30, 2023