

Campaign to Protect Physician Ownership Rights

**STATE CON PROGRAMS AFFECTING PHYSICIAN PRACTICE ACQUISITION OF MRI AND CT EQUIPMENT**

**CHART II**

<b>State</b>	<b>Health services to which CON is applicable, threshold, and application to physician offices</b>	<b>Acquisition of MME, particular items of diagnostic/treatment equipment, applicable thresholds</b>	<b>Application of CON requirements to MRI and/or CT</b>
AL	<p>(A) A health care facility (HCF) must apply for a CON prior to offering new health care services, which include cardiac catheterization, radiation therapy, and ultrasound.</p> <p>(B) There is no capital threshold for adding a new health service.</p> <p>(C) Because a physician office is not a HCF, CON does not apply to a physician practice proposing to offer a new health service.</p>	<p>(A) CON requirements apply if a person, e.g., a physician practice, seeks to acquire MME involving a capital expenditure of over \$2,125,890.</p>	<p>(A) CON applies to physician practice acquisition of MRI equipment and CT equipment as MME, provided that doing so involves a capital expenditure exceeding \$2,125,890.</p>
AS	<p>(A) Health services falling under the “category of health services” include: ambulatory surgery; cardiac catheterization., CT, gamma knives, lithotripsy, MRI, mobile high-tech, PET, and ultrasound.</p> <p>(B) The current expenditure threshold for health services is \$1,050,000.</p> <p>(C) Because health services are offered through a HCF, the applicability of CON to health services does not apply directly to private physician practices.</p>	<p>(A) There is no separate definition or threshold for MME. The cost of MME would, however, be figured into the calculation of the expenditure threshold of new health services or of a new HCF.</p>	<p>(A) Because CON only applies to a person’s construction of a HCF or development of health services provided by a HCF, a physician practice can acquire MRI or CT or other MME without being subject to CON.</p>
CT	<p>The Connecticut CON program is directed toward capital expenditures and the acquisition of MME and not the initiation or development of health services.</p>	<p>(A) The current capital threshold for MME is \$3,000,000, but CT scanners, PET scanners, PET/CT scanners, MRI scanners, cineangiography equipment, and linear accelerators are excluded from the threshold.</p>	<p>(A) If a physician practice seeks to acquire MRI or CT through any means, the practice must first obtain a CON, regardless of the cost of the MRI or CT due to the exclusion of CT and MRI from the MME threshold.</p>

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DE	There is no specific application of CON to "health care services."	<p>(A) "Major medical equipment" means a single unit of medical equipment that: (1) entails a capital expenditure which exceeds \$5,800,000; (2) represents medical technology which is not yet available in Delaware; or (3) represents medical technology which has been designated as being subject to review.</p> <p>(B) Because CON applies to any person purchasing MME, not simply a HCF, a physician practice would have to satisfy CON requirements if it purchased equipment that fell under either (1), (2), or (3) under the definition of MME.</p> <p>(C) "Medical technology" does not include either MRI or CT.</p>	(A) A physician practice seeking to acquire CT or MRI equipment would have to obtain a CON prior to doing so if the acquisition entailed a capital expenditure exceeding \$5,800,000.
DC	<p>(A) "Health service" includes CT, MRI, and ultrasound.</p> <p>(B) The definition of "health service" excludes, however, those services provided by physicians, and other individual providers in individual or group practice. Consequently, that aspect of CON applying to "health services" does not apply directly to physician practices.</p>	<p>(A) "MME" means:</p> <p>(1) equipment acquired (a) by or on behalf of a HCF, or (b) by or on behalf of any private group practice of diagnostic radiology or radiation therapy, and which has a fair market value in excess of \$1,500,000; or</p> <p>(2) a single piece of diagnostic or therapeutic equipment which is acquired by or on behalf of a physician or group of physicians (excluding those referenced in (1) above), for which the cost or value is in excess of \$250,000.</p> <p>(B) The cost of studies, surveys, designs, plans, working drawings, specifications, site preparation, construction, related equipment, and other activities essential to the acquisition of the equipment shall be included in the calculation of the MME thresholds.</p>	(A) Physician practice acquisition of CT and MRI is governed by CON, since MRI/CT constitute either "diagnostic radiology" or "diagnostic or therapeutic equipment." The applicable threshold depends on whether the physician practice seeking to acquire the CT or MRI specializes in diagnostic radiology, as more fully described in the preceding column.

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GA	<p>(A) "Clinical health services" means diagnostic, treatment, or rehabilitative services provided in a HCF, and includes, but is not limited to, the following: radiology and diagnostic imaging, such as MRI, PET; radiation therapy; biliary lithotripsy; and surgery.</p> <p>(B) There is no monetary threshold applicable to adding a new "clinical health service."</p> <p>(C) Physician practices seeking to offer a clinical health service, e.g., MRI, must first obtain a CON.</p>	<p>(A) The current CON threshold for the acquisition of diagnostic or therapeutic equipment is \$823,934.</p>	<p>(A) Because MRI is included within the definition of "clinical health service" a physician practice cannot acquire MRI equipment without first obtaining a CON, regardless of the cost of the MRI equipment.</p> <p>(B) A physician practice would have to obtain a CON prior to acquiring CT equipment costing in excess of \$823,934.</p>
HI	<p>(A) "Health care service" includes CT (stationary and mobile), ultrasound, and MRI (stationary and mobile), and diagnostic radiology.</p> <p>(B) The capital threshold for initiating, modifying, or increasing a "health care service" is \$1,000,000.</p> <p>(C) Physician practices are not subject to CON requirements that are applicable to "health care services," unless the practice purchase MME over the applicable threshold that results in a "health care service."</p>	<p>(A) If a physician practice wishes to acquire MME that will result in a "health care service" and involves a capital expenditure in excess of \$1,000,000, then the practice must first obtain a CON.</p>	<p>(A) A physician practice seeking to acquire MRI or CT equipment involving a capital expenditure exceeding \$1,000,000 would first have to obtain a CON prior to acquiring the CT or MRI equipment.</p>
IA	<p>(A) The "health services" subject to CON include radiation therapy and cardiac catheterization, provided the initiation of these services involves an expenditure in excess of \$500,000.</p> <p>(B) Because a "health service" subject to the \$500,000 expenditure threshold are provided in or through a HCF, this aspect of CON does not directly apply to physician practices.</p>	<p>(A) A physician practice seeking to acquire MME would first have to obtain a CON if the value of the MME exceeded \$1,500,000.</p>	<p>(A) A physician practice seeking to acquire MRI or CT would have to obtain a CON prior to doing so if the value of the CT or MRI exceeded \$1,500,000.</p>
IL	<p>(A) Because the application of CON to health services applies only to new services provided by HCFs, CON in terms of health services does not affect private physician practices directly.</p>	<p>(A) The Illinois law has a special exemption for MME that will not be located in a HCF--any person acquiring MME that (1) will not be owned by or located in a HCF and that (2) will not be used to provide services to inpatients of a HCF, is exempt from CON.</p>	<p>(A) If a physician practice satisfies the exemption for non-HCF ownership and use of MME, the physician practice's acquisition of MRI or CT is exempt from CON.</p>

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KY	<p>(A) A “health service” includes ambulatory surgery, cardiac catheterization., MRI, radiation therapy, and mobile high tech services.</p> <p>(B) There is no monetary threshold applicable to “health services.”</p>	<p>(A) A physician practice must obtain a CON prior to acquiring MME if the fair market value of the MME exceeds \$2,380,123.</p> <p>(B) In determining whether the value of the MME exceeds \$2,380,123, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of the equipment is included.</p>	<p>(A) Given the definition of “health service” and its \$0 capital expenditure threshold, a physician practice cannot acquire MRI equipment without a CON.</p> <p>(B) A physician practice seeking to acquire CT would have to first obtain a CON if the cost of the CT equipment exceeded \$2,380,123.</p>
ME	<p>(A) “Health service” includes ambulatory surgery, cardiac catheterization., CT, gamma knives, lithotripsy, MRI, mobile high-tech services, PET.</p> <p>(B) There are two thresholds applicable to health services:</p> <p>(1) obligating a capital expenditure of \$112,800 by or on behalf of a HCF in developing a new health service; and</p> <p>(2) a HCF’s adding a new health service that will result in annual operating costs of at least \$400,000.</p>	<p>(A) MME is generally defined as equipment costing \$1,333,099 or more.</p> <p>(B) If a private practice of a health care practitioner proposes to add a “new technology,” costing \$1,200,000 or more, then the practice must first obtain a CON. (The Maine Register and State Health Plan do not indicate that Maine has designated what constitutes “new technology”).</p>	<p>(A) Under the general MME requirement, a physician practice seeking to acquire MRI or CT costing in excess of \$1,333,099 must first obtain a CON.</p>
MA	<p>(A) The health services to which CON applies include ambulatory surgery, gamma knives, lithotripsy, MRI, PET, and radiation therapy.</p> <p>(B) There is no monetary threshold for adding a new health service.</p> <p>(C) Physician offices are not subject directly to CON under the “new health services” requirement, since that requirement only applies to HCFs wanting to add a health service.</p>	<p>(A) There is no separate definition for MME. Any person, including a physician practice, seeking to provide an “innovative service” or use “new technology” must first obtain a CON. “New technology” includes MRI.</p> <p>(B) There is no monetary threshold for the provision of an innovative service or the use of “new technology.”</p>	<p>(A) A physician practice seeking to acquire MRI would have to first obtain a CON prior to doing so, regardless of cost.</p> <p>(B) But CON does not extend to a physician practice’s proposed acquisition of CT.</p>

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MI	<p>(A) Covered clinical health services to which CON applies include cardiac catheterization., mobile and fixed CT, gamma knives, lithotripsy, mobile and fixed MRI, PET.</p> <p>(B) There is no monetary threshold for application of CON to a covered clinical health service.</p> <p>(C) Because CON applies to any <b>person</b> initiating or expanding a covered clinical health service, a physician practice must obtain a CON prior to offering such a service, e.g., acquiring an MRI.</p>	<p>(A) There are no specific provisions discussing MME, probably in part because the “covered clinical health services’ provision applies to all persons irrespective of cost.</p>	<p>(A) Based on the definition of “covered clinical health services,” a physician practice must obtain a CON prior to providing CT or MRI services, with no monetary threshold being applicable.</p>
MS	<p>(A) CON applies to any person offering new “health services.”</p> <p>(B) “Health services” includes MRI, PET, diagnostic imaging services of an invasive nature, cardiac catheterization., gamma knives, radiation therapy.</p> <p>(C) There is no monetary threshold for the application of CON to new health services.</p>	<p>(A) CON applies to any person proposing to acquire MME with a fair market value in excess of the applicable capital expenditure threshold of \$1,500,000.</p>	<p>(A) A physician practice seeking to acquire MRI would have to first obtain a CON since “health services” includes MRI, and no applicable capital threshold applies.</p> <p>(B) A physician practice seeking to acquire CT would need to first obtain a CON, provided that the acquisition cost of the CT equipment exceeded \$1,500,000.</p>
MO	<p>(A) “Health services” includes cardiac catheterization., CT, gamma knives, lithotripsy, MRI, mobile high-tech services, PET, radiation therapy.</p> <p>(B) No monetary threshold applies to the addition of a health service.</p> <p>(C) CON requirements applicable health services do not directly apply to physician offices, since health services by definition are offered by a HCF.</p>	<p>(A) MME means any piece of equipment and collection of functionally related devices acquired to operate the equipment and additional related costs such as software, shielding, and installation, acquired over a twelve (12)-month period with an aggregate cost exceeding \$1,000,000.</p> <p>(B) MME includes: cardiac catheterization; CT; Gamma Knife; lithotripsy; MRI, PET, Linear Accelerator; EBCT (Electron Beam Computed Tomography); PET/CT or Evolving Technology.</p>	<p>(A) Any physician practice proposing to purchase CT or MRI with a cost exceeding \$1,000,000 would first have to obtain a CON.</p>

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NH	CON requirements pertaining to “new health services” are not applicable to physician practices since “new health services” only applies to inpatient services.	<p>(A) "MME" means a single unit of medical equipment or a single system of components with related functions that is used to provide medical and other health services and which costs more than \$400,000.</p> <p>(B) In determining whether medical equipment costs more than \$400,000, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to acquiring the equipment shall be included.</p>	(A) A physician practice seeking to acquire CT or MRI valued in excess of \$400,000 would first have to obtain a CON.
NC	<p>(A) Any person, including a physician office, must obtain a CON prior to offering a “health service.”</p> <p>(B) “Health service” includes the acquisition of the following equipment: cardiac catheterization equipment; gamma knife, linear accelerator; lithotripter; MRI; PET; CT.</p> <p>(C) There is no monetary threshold applicable to a person’s offering a health service.</p>	<p>(A) Any person, including a physician practice, must obtain a CON prior to obtaining MME, if obtaining the MME involves a capital expenditure of over \$750,000.</p> <p>(B) In determining whether the cost of MME exceeds \$750,000, the costs of the equipment, studies, surveys, designs, plans, working drawings, specifications, construction, installation, and other activities essential to acquiring and making operational the major medical equipment shall be included.</p>	<p>(A) A physician practice seeking to acquire CT or MRI would have to obtain a CON if the acquisition involved a capital expenditure of over \$750,000.</p> <p>(B) The purchase of diagnostic equipment could transform a private physician practice into a “diagnostic center,” which is a HCF requiring a CON. (See Chart I).</p>
RI	<p>(A) “Health services” includes ambulatory surgery centers, cardiac catheterization., CT, gamma knives, MRI, mobile high-tech services, PET, radiation therapy.</p> <p>(B) Because “health services” are provided through a HCF, the application of CON to health services does not directly apply to physician practices.</p>	<p>(A) Any physician practice or HCF proposing to purchase “new health care equipment” must obtain a CON prior to doing so.</p> <p>(B) "New health care equipment" means any single piece of medical equipment the capital costs of which exceed \$1,000,000.</p>	(A) A physician practice seeking to acquire CT or MRI involving a capital cost exceeding \$1,000,000 must obtain a CON prior to acquisition.

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SC	<p>(A) “Health services” include ambulatory surgery, cardiac catheterization, gamma knives, lithotripsy, MRI, mobile high-tech services, PET, radiation therapy.</p> <p>(B) Because “health services” are provided through a HCF, the application of CON to health services does not directly apply to physician practices.</p>	<p>(A) Although physician practices are generally exempt from CON, a person, including a physician practice, must obtain a CON prior to acquiring medical equipment costing in excess of \$600,000.</p>	<p>(A) A physician practice seeking to acquire CT or MRI costing in excess of \$600,000 must obtain a CON prior to doing so.</p>
TN	<p>(A) “Health services” includes lithotripsy, MRI, cardiac catheterization, linear accelerator, PET.</p> <p>(B) There is no monetary threshold for CON applicable to the initiation of “health services.”</p> <p>(C) Because CON applies whenever a person initiates a “health service,” a physician practice would have to obtain a CON prior to offering MRI services.</p>	<p>(A) A physician practice would have to obtain a CON prior to acquiring MME, if the cost of the MME exceeded \$1,500,000.</p> <p>(B) The cost of MME includes all costs, reasonably necessary to put the equipment into use, including: maintenance agreements, taxes and other government assessments, and installation charges.</p> <p>(C) Any individual components of a piece of medical equipment which are purchased over a 12 month period shall be considered toward the cost of the MME.</p>	<p>(A) A physician practice seeking to acquire an MRI would have to obtain a CON to do so, since “health services,” which includes MRI, has no monetary threshold.</p> <p>(B) A physician practice seeking to acquire CT would first have to obtain a CON if the cost of the CT exceeded the MME threshold of \$1,500,000.</p>
VT	<p>(A) A “health service” includes ambulatory surgery, CT, lithotripsy, MRI, mobile high-tech services, and radiation therapy.</p> <p>(B) The monetary threshold triggering CON application to health services is \$500,000.</p> <p>(C) Because health service are provided in or through a HCF, CON’s applicability to the initiation of health services does not apply directly to physician practices.</p>	<p>(A) Any person, including a physician practice, must obtain a CON prior to purchasing a single piece of diagnostic or therapeutic equipment if the cost of that equipment exceeds \$1,000,000.</p> <p>(B) In terms of calculating the cost of the equipment, the purchase or lease of one or more articles of diagnostic or therapeutic equipment that are necessarily interdependent in the performance of their ordinary functions shall be included in calculating the amount of an expenditure.</p>	<p>(A) A physician practice seeking to acquire CT or MRI would first have to obtain a CON if the cost of the CT or MRI exceeded the equipment threshold of \$1,000,000.</p>

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VA	<p>(A) CON applies whenever a person, including a physician practice, introduces into an existing MCF any health services constituting cardiac catheterization, CT scanning, gamma knife surgery, lithotripsy, MRI, magnetic source imaging (MSI), PET, and nuclear medicine imaging, except for the purpose of nuclear cardiac imaging.</p> <p>(B) Given the definition of “MCF,” a physician practice cannot attempt to add these health services without first obtaining a CON.</p> <p>(C) The monetary threshold for health services is \$0.</p>	<p>(A) CON is triggered whenever a person seeks to add equipment providing CT or MRI services to an existing MCF.</p> <p>(B) Given the definition of “MCF,” a physician practice cannot attempt to add to acquire equipment providing MRI, or CT services without first obtaining a CON.</p> <p>(C) The monetary threshold is \$0 for the application of CON to MME acquisitions.</p>	<p>(A) A physician practice cannot acquire CT or MRI without first obtaining a CON, regardless of the cost of the CT or MRI equipment.</p>
WV	<p>(A) Physician practices seeking to acquire or purchase the following health services must obtain a CON prior to doing so: ambulatory surgery, lithotripsy, MRI, or radiation therapy.</p> <p>(B) There is no monetary threshold that must be met prior to CON’s application to the offering of one of the health services listed in (A).</p>	<p>(A) Physician practices seeking to acquire MME costing in excess of \$2,000,000 first have to obtain a CON.</p>	<p>(A) A physician practice seeking to acquire MRI equipment would first have to obtain a CON regardless of cost, since MRI is included in “health services.”</p> <p>(B) A physician practice seeking to acquire CT equipment would have to obtain a CON prior to doing so if the cost of the CT exceeded \$2,000,000.</p>