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Senate Bill 440 (as introduced 5-12-21)
Sponsor: Senator Winnie Brinks
Committee: Health Policy and Human Services

Date Completed: 5-13-21

CONTENT

The bill would amend the Public Health Code to specify that a person could provide positron emission tomography (PET) scanner services without obtaining a certificate of need if certain requirements were met.

Specifically, a person could provide PET scanner services without obtaining a certificate of need under Part 222 (Certificates of Need) of the Code if all of the following requirements were met.

- The scanner services were provided by one or more of the following fixed scanners: a) a whole-body PET scanner with a long axial field-of-view of greater than 130 centimeters; b) a digital PET and computerized tomography hybrid scanner; or c) a PET and magnetic resonance image hybrid.
- The fixed scanner was located in a facility that was immediately adjacent to or in the same facility as a radiopharmacy that was equipped with a qualified fixed cyclotron; provided cyclotron-produced radiopharmaceuticals for use in diagnostic and medical applications to an appropriately equipped clinical facility; and was licensed under Part 177 (Pharmacy Practice and Drug Control) of the Code.
- Finished radiopharmaceuticals were able to be transported from the radiopharmacy to the fixed scanner in less than five minutes.

"Qualified fixed cyclotron" would mean a particle accelerator with a spiral beam path that is held in place by an electromagnetic field perpendicular to the spiral beam path that meets all of the following:

- Is capable of producing a proton beam of no fewer than 14 mega-electron volts on target.
- Has installed targets providing no fewer than three distinct positron-emitting isotopes.
- No fewer than one target installed must produce an isotope with a half-life of not more than 20 minutes.

MCL 333.22224b

BACKGROUND

Positron emission tomography is a medical imaging technique that allows for the production of three-dimensional scans of organs and tissues. The technique involves the use of a PET scanner and consumable (whether through injection, inhalation, or swallowing) metabolites or drugs that have been tagged with radionuclides (radioactive atoms), which are referred to as tracers or radiotracers. The scanner detects the uptake of tracer in a given organ or tissue, which indicates the level of organ or tissue function. A PET scan can be used to evaluate heart

or brain function, to detect cancer and evaluate its treatment, and to diagnose Alzheimer's or Parkinson's disease, among other things.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have a minimal fiscal impact on State and local units of government. While changes in certificate of need policy could lead to changes in demand for certain services, the bill would be limited to narrowly defined services and devices, so the impact on the State's Medicaid program and health insurance costs for State and local government employees would be limited.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.