

Cowles Clinic Prevails Over Legal Roadblock

By Jenny Corsey

Cowles Clinic, a seven-acre multi-specialty medical campus in the Lake Oconee region, was granted the C.O.N. license to build a long-needed radiation and oncology center, following a lengthy and involved legal battle with regional competitors who sought to block construction.

Atlanta Oncology Associates, a new addition to the Cowles Clinic, received initial approval from the Georgia Department of Community Health this past summer. The state requires any health facility over a certain cost threshold to apply for a Certificate of Need (C.O.N.) in order to strategically plan where new care facilities are needed.

Once a group wins approval, however, the decision can be appealed during a 30-day waiting period. The Medical College of Georgia in Augusta and Oconee Regional Medical Center in Milledgeville each appealed the C.O.N. approval for construction of the radiation and oncology center. However, both organizations recently withdrew their appeals.

"I am pleased that the Medical College of Georgia and Oconee Regional Medical Center decided to withdraw their appeals and to allow progress in specialty healthcare to unfold for our community," says Dr. Robert S. Cowles III, urologist and founder of Cowles Clinic. "The Lake Oconee and surrounding community has won a lasting victory."

The 10,000 square-foot facility, scheduled for completion in approximately 12-18 months, will provide full time radiation and chemotherapy treatments as well as an amphitheater designed exclusively for patient and community education.

Cowles says the center is essential to maintaining the region's nationally recognized high quality of life, noting that cancer patients are currently forced to drive more than an hour one way to get adequate radiation treatment in the surrounding cities including Atlanta, Augusta and Athens.

"This cancer center is an integral part of the plan to bring the highest quality specialty care to the Lake

Oconee area. Access to this level and type of care has been very inconvenient for many in our community, and travel has been extremely difficult for cancer patients especially," says Cowles. "Having an excellent local facility is not just a matter of convenience; it is a fundamental step toward improving the quality of life for both patients and their families."

Dr. Cowles believes the state C.O.N. requirement is unconstitutional and sued the Georgia Department of Community Health this year.

"It's our belief that the C.O.N. law is clearly unconstitutional. The Georgia constitution is very restrictive on any law or measure that has even the potential of restricting competition or create monopolies," commented Mike Bowers, former State Attorney General for Georgia and lead attorney representing Dr. Cowles. "There can be no question but that the purpose of the C.O.N. law is to restrict competition to the healthcare market."

A study conducted by the U.S. Department of Justice and the Federal Trade Commission unanimously decided the law is anti-competitive and recommended it be abolished. The study's final report, released in July, recommended states consider steps to "decrease barriers to entry into provider markets," including to "reconsider whether Certificate of Need Programs best serve their citizens' health care needs."

"Healthy competition equals healthy consumers. Consumers want high-quality, affordable, accessible health care, and the challenge of providing it requires new strategies," said Federal Trade Commission (FTC) Chairman Timothy J. Muris. "Vigorous competition promotes the delivery of high-quality, cost-effective health care. This report provides guideposts for policy makers who want to ensure access to quality care and help consumers make informed choices."

The report noted that "on balance, the DOJ and the FTC believe that such programs are not

successful in containing health care costs, and they pose serious anticompetitive risks that usually outweigh their purported economic benefits."

Atlanta Oncology Associates is the largest radiation therapy group in the Southeast. It owns several specialty cancer centers throughout Georgia and Florida. "We have been watching the growth of the Lake Oconee area for the past several years," added Dr. Dale McCord, president of Atlanta Oncology Associates. "The age demographic of this locale makes a cancer center absolutely essential for quality community life."

Along with the Specialty Center on campus, Cowles Clinic also operates a laboratory, executive health center, and radiology facility. Full-time practices include cardiology, internal medicine, podiatry, and urology. The Specialty Center is now seeing patients for general surgery, oncology, plastic surgery, gynecology, pain management, and dermatology.

Saint Joseph's Hospital of Atlanta, recognized as one of the leading acute-care and specialty-referral hospitals in the Southeast, has also come on board with the Cowles Clinic. Saint Joseph's is well known for its specialty centers of care. Physicians in several of these fields—including vascular, orthopedics, cardio-thoracic surgery, gastroenterology, pulmonology, colorectal, and neurosurgery—are in the process of occupying a 2,700 square-foot multi-specialty medical suite in a 6,000 square-foot specialty facility at the Cowles Clinic.

"When Saint Joseph's Hospital joins a community, we work together with the local hospitals and local physicians to improve the quality of specialty healthcare available," explained Vickie Jenkins, director of physician services at Saint Joseph's Hospital of Atlanta.

For further information, contact Cowles Clinic at 706/454-0111.