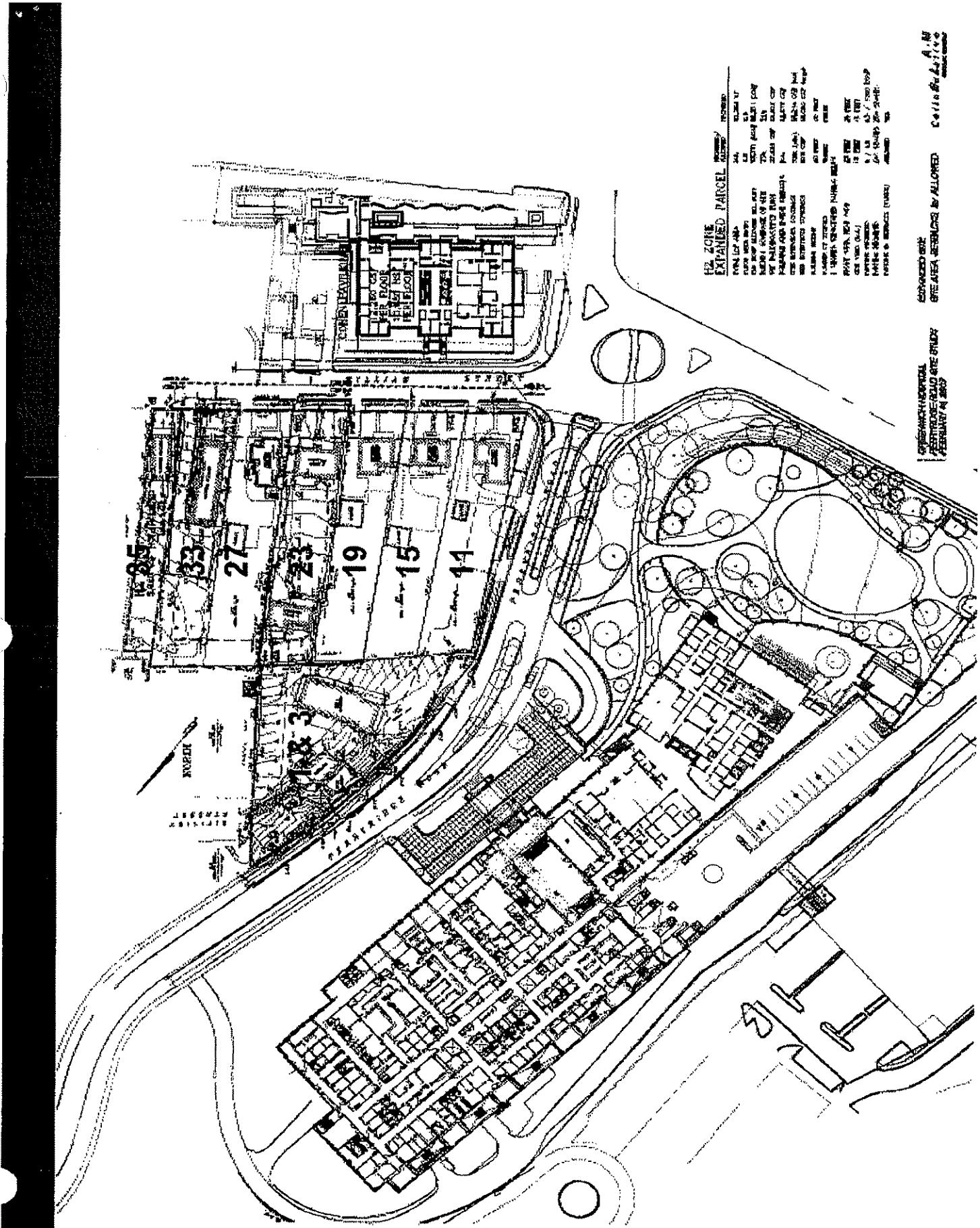


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P. B. RAY RICHARDSON No. 40

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## Facsimile Transmittal

Office of the President  
Greenwich Health Care System  
5 Perryridge Road  
Greenwich, CT 06830

Phone: (203) 863-3901 Fax#(203) 863-3921

To: Cristine Vogel Date: 3-8-07

Fax#: 860 418-7053 Pages 3

From: Frank A. Corvino

Subject: \_\_\_\_\_

Comments:

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RECORDED  
BY OFFICE OF  
HEALTH CARE ACCESS

2007 MAR - 8 AM 11: 28

RECORDED  
BY OFFICE OF  
HEALTH CARE ACCESS

FRANK A. CORVINO  
President &  
Chief Executive Officer



March 7, 2007

The Honorable Cristine A. Vogel  
Commissioner  
Office of Health Care Access  
410 Capitol Ave.  
MS#13HCA  
Hartford, CT 06134-3038

JULY 18 - 8 AM 11:28

APPROVED

Dear Commissioner Vogel:

Thank you for talking with me last week about the Hospital's opportunity to acquire several parcels of real estate across the street from the Hospital's main campus in Greenwich. As we discussed, I am writing to provide information about the contemplated purchase and to explain why the Hospital believes a Certificate of Need is not required.

As you know, the Hospital is located in a highly developed part of the Town of Greenwich and at present has no land in the neighborhood for future expansion. The Hospital now has the opportunity to purchase from one owner five small parcels of land that are across the street from the Hospital itself and adjacent to other parcels owned by the Hospital. If the Hospital is able to acquire these five parcels, the Hospital would own a large block of property on the corner of Perryridge Road and William Street. I am enclosing two site maps for your reference; one shows the five parcels in question and the other pieces already owned by the Hospital across the street, and the second shows the properties in question in relationship to the larger Hospital campus. This latter map reflects the fact that each of the five parcels in question has a house.

At present, the Hospital has no particular use for any of the five properties. Although it does contemplate using the properties for the foreseeable future to provide housing for hospital employees who need housing in Greenwich and the immediate vicinity, it has no plans to develop or use the properties for any health care service or project, and the acquisition would not relate to the delivery of health care services, whether offered by the Hospital or an affiliate. Instead, the Hospital wants to acquire and bank the parcels so they will be available for future needs of the Hospital. From the Hospital's perspective, this is a prudent course of action that will offer the Hospital some flexibility in the future. Because real estate in Greenwich is so expensive and its value has been appreciating so significantly over the past few years, the Hospital also views this as an excellent investment of the Hospital's financial resources.

The issue at hand is whether the Hospital must obtain a Certificate of Need to acquire the five parcels of land for a total purchase price of \$12,050,000 for all five. The Hospital respectfully submits that a Certificate of Need is not required.

5 Perryridge Road  
Greenwich, CT 06830-4697  
(203) 863-3000  
Fax (203) 863-3921

Honorable Christine A. Vogel  
March 7, 2007  
Page 2

First, as noted above, the Hospital views this as an investment rather than a capital expenditure for a health care-related project or service. The Hospital does not believe that the relevant statute and regulations directly address this situation, but the view I am expressing is consistent with the fact that OHCA has never purported to direct or control investments by a hospital, particularly those made with a hospital's endowment or other charitable assets, whether the investments are in equities, debt, other financial instruments, or real estate.

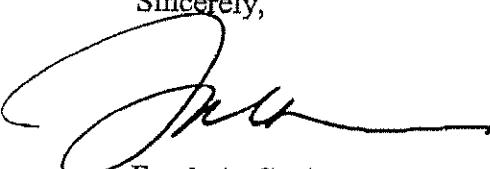
The principle codified in § 19a-637(c) is relevant. That section provides that, in any deliberations under § 19a-630 (concerning budget review), OHCA shall not direct or control the use of principal and all income from restricted and unrestricted grants, gifts, contributions, bequests and endowments of a hospital. We believe it continues to be good law generally that OHCA may not control the use of the Hospital's charitable funds. In this case, the Hospital plans to use board designated funds donated to the Hospital to buy the five properties. The Hospital believes that it should be able to direct the use and investment of those funds without a CON as long as they are not being used to acquire equipment or an asset that would be utilized in the Hospital's regulated activities.

In the alternative, although the total price for all the parcels is \$12,050,000, the average cost for each individual parcel is \$2,410,000, which is below the CON expenditure limit of \$3,000,000. If the acquisition is viewed as five individual expenditures, no CON would be required. The Hospital submits that this is the right characterization under the circumstances. The parcels are not being acquired for any contemplated health care activities, they are separate lots, and they are not being combined or incorporated into one project or service. We believe the total cost of all five parcels should not therefore be aggregated to determine whether a CON is required.

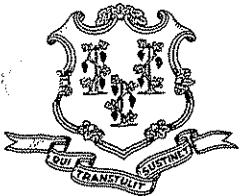
I appreciate any consideration you can give to this request. If you have any questions or need further information, please call me at your convenience.

Thank you once again for talking with me last week.

Sincerely,



Frank A. Corvino



**STATE OF CONNECTICUT**  
**OFFICE OF HEALTH CARE ACCESS**

M. JODI RELL  
GOVERNOR

CRISTINE A. VOGEL  
COMMISSIONER

March 21, 2007

Frank Corvino  
President and Chief Executive Officer  
Greenwich Hospital  
5 Perryridge Road  
Greenwich, CT 06830-4697

RE: Certificate of Need Application Forms; Docket Number: 07-30940-CON  
Greenwich Hospital  
Purchase of Five Parcels of Land Adjacent to Hospital Property

Dear Mr. Corvino:

Enclosed are the application forms for Greenwich Hospital's Certificate of Need ("CON") proposal for the Purchase of Five Parcels of Land Adjacent to the Hospital Property with an associated capital expenditure of \$12,050,000. According to the parameters stated in Section 19a-639 of the Connecticut General Statutes the CON application may be filed between May 7, 2007, and July 6, 2007.

When submitting your CON Application, please paginate and date each page contained in your submission. In addition, please submit one (1) original and five hard copies; as well as a scanned copy of the complete Application, including all attachments, on CD or Diskette. OHCA requests that the electronic copy be in Adobe or MS Word format and that the Financial Attachment and other data as appropriate be in MS Excel format.

The OHCA analyst assigned to the CON application is Jack A. Huber. Please feel free to contact him at (860) 418-7034, if you have any questions.

Sincerely,

Kimberly Martone  
Certificate of Need Supervisor

Enclosures