



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

M. JODI RELL  
GOVERNOR

CRISTINE A. VOGEL  
COMMISSIONER

November 5, 2008

Alan Richman, M.D.  
Managing Partner  
NRC Equipment Associates & SWC Corp.  
d/b/a Norwalk Radiology & Mammography Center  
148 East Avenue  
Norwalk, CT 06851

RE: Docket Number 08-31009-MDF; A request to modify Docket Number 07-31009-CON  
The acquisition of a 16 slice CT scanner to replace a single slice CT scanner in Norwalk

Dear Dr. Richman:

On April 25, 2008, under Docket Number 07-31009-CON, the Office of Health Care Access ("OHCA") granted a Certificate of Need ("CON") to NRC Equipment Associates & SWC Corp. d/b/a Norwalk Radiology & Mammography Center ("Applicant") to acquire and operate a 16-slice Computed Tomography ("CT") Scanner to replace a single-slice CT scanner in Norwalk, at an estimated total capital cost of \$605,200.

Condition #1 of the CON authorization states the following:

*"1. This authorization shall expire on April 25, 2009. Should the Applicant's CT replacement project not be completed by that date, the Applicant must seek further approval from OHCA to complete the project beyond that date."*

On October 23, 2008, OHCA received your Form 2050 request to modify the CON authorized under Docket Number 07-31009-CON in order to grant an extension of the CON expiration date set forth in Condition #1, from April 25, 2009 to December 31, 2009. You state in your submission that the *"Project has not been started"* and that the requested time is needed because Norwalk Hospital and Norwalk Radiology & Mammography Center *"have submitted a LOI<sup>1</sup> for a fixed-site PET/CT at Norwalk Radiology & Mammography Center that will eliminate the need for the acquisition and installation of previously approved 16 slice CT scanner."* You further indicate that the extension is requested *"until the CON for a fixed-site PET/CT has been considered by OHCA."*

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<sup>1</sup> A Form 2030 Letter of Intent form has been filed by Norwalk Hospital and NRC Equipment Associates, LLC and SWC Corporation on October 22, 2008 for acquisition of a PET/CT scanner.

Modifications of OHCA's final decisions are allowed pursuant to Section 4-181a(b) of the Connecticut General Statutes, which states in part: (b) *On a showing of changed conditions, the agency may reverse or modify the final decision, at any time, at the request of any person or on the agency's own motion.*" Your October 23, 2008 request for modification does not provide any evidence that there has been an unforeseen change in conditions under which the CON was originally reviewed and granted. It appears that the Applicant has not moved forward in implementing the authorized project. The Applicant's plans are to implement a PET-CT scanning service rather than proceeding with the replacement of the existing CT scanner with another CT scanner which was the subject of OHCA's review under Docket Number 07-31009-CON. OHCA concludes that this does not constitute changed conditions. As such, the Final Decision and Conditions set forth in the CON issued under Docket Number 07-31009-CON stand as previously ordered by OHCA.

Please note that OHCA's determination not to consider modification of the final decision as requested by the Applicant on October 23, 2008 does not specifically preclude or prohibit further filings for modification of Docket Number 07-31009-CON. If you have any questions regarding this matter, please contact Karen Roberts, OHCA Compliance Officer at (860) 418-7001.

Sincerely,

***Signed by Commissioner Vogel on November 5, 2008***

Cristine A. Vogel  
Commissioner

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