

STATE OF CONNECTICUT  
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL  
GOVERNOR

CRISTINE A. VOGEL  
COMMISSIONER

September 21, 2009

**IN THE MATTER OF:**

A modification of a previous Certificate of  
Need authorization as allowed by  
Section 4-181a(b), Connecticut General Statutes

Notice of Modification Final Decision  
Office of Health Care Access  
Docket Number 09-30410-MDF

**Yale-New Haven Hospital**

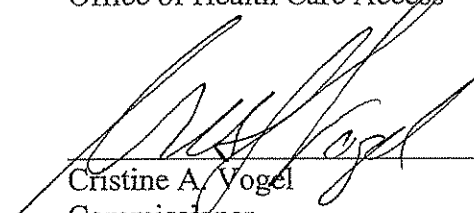
A request to modify Docket Number  
04-30410-CON, in order to acquire a  
3.0T Breast MRI scanner in place of the  
1.5T Breast MRI scanner that was  
previously approved in 2004

To: Jean Ahn  
System Director  
Planning and Business Development  
Yale-New Haven Hospital  
20 York Street  
New Haven, CT 06504

Dear Ms. Ahn:

This letter will serve as notice of the Final Decision of the Office of Health Care Access in the above matter as provided by Section 4-181a(b), C.G.S. On September 21, 2009, this Modification was rendered as the revised order of the Office of Health Care Access. A copy of the Final Decision is attached hereto for your information.

By Order of the  
Office of Health Care Access



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Cristine A. Vogel  
Commissioner

CAV:pf



## Office of Health Care Access

### Modification of a Previously Authorized Certificate of Need

**Petitioner for Modification** Yale-New Haven Hospital

**Modification Docket Number:** 09-30410-MDF

**Modification Project Title:** A request to modify a previous Certificate of Need authorization to acquire a 3.0T Breast Magnetic Resonance Imaging ("MRI") scanner in place of the 1.5T Breast MRI scanner that was previously approved in 2004.

**Original Project Docket Number and Title** Docket Number 04-30410-CON, as modified by Docket Number 06-30410-MDF, Docket Number 08-30410-MD2  
Yale-New Haven Cancer Hospital & North Pavilion.

**Statutory Reference:** Sections 4-181a(b), Connecticut General Statutes

**Filing Date:** August 11, 2009

**Decision Date:** September 21, 2009

**Staff** Paolo Fiducia

**Project Description:** Yale-New Haven Hospital proposes a modification of the Certificate of Need authorization under Docket Number 04-30410-CON, as subsequently modified by Docket Number 06-30410-MDF and Docket Number 08-30410-MD2, in order to acquire a 3.0T Breast MRI scanner in place of the 1.5T Breast MRI scanner that was previously approved in 2004, with no increase in capital expenditures.

## Findings of Fact

1. On September 7, 2005, under Docket Number 04-30410-CON and pursuant to Sections 19a-638 and 19a-639 of the Connecticut General Statutes, the Office of Health Care Access (“OHCA”) entered into an Agreed Settlement with Yale-New Haven Hospital (“Hospital”) which granted a Certificate of Need (“CON”) to the Hospital for the construction of the North Pavilion and the establishment of the Yale-New Haven Cancer Center at a total capital expenditure of \$369,810,000, which does not include the capitalized financing costs.
2. Stipulation #6 of the CON Order under Docket Number 04-30410-CON states the following:  
“6. *The Hospital is authorized to purchase, or lease, the following:*
  - *One multi-slice Computerized Tomography scanner;*
  - *One 3.0 Tesla Magnetic Resonance Imaging scanner;*
  - *One 1.5 Tesla breast Magnetic Resonance Imaging scanner;*
  - *One Positron Emission Tomography/Computerized Tomography scanner;*
  - *One Radiographic Fluoroscopy unit;*
  - *One fixed fluoroscopy unit;*
  - *One fixed C-arm unit;*
  - *One linear accelerator to replace an existing machine; and*
  - *One Computerized Tomography simulator to replace an existing simulator.*
3. On July 25, 2006, under Docket Number 06-30410-MDF, OHCA issued a modification of the CON Order under Docket Number 04-30410-CON, in order to increase the authorized capital expenditure by \$39,847,230, from \$369,810,000 to \$409,657,230.
4. On October 23, 2008, under Docket Number 08-30410-MD2, OHCA issued a further modification of the CON Order under Docket Number 04-30410-CON, in order to increase the authorized capital expenditure by \$25,617,560, from \$409,657,230 to \$435,274,790.
5. On August 11, 2009, OHCA received the Hospital’s request for a further modification of the CON authorization in order to acquire a 3.0T Breast MRI scanner in place of the 1.5T Breast MRI scanner that was previously approved in 2004. The Hospital provides the following reasons for the request to acquire the 3.0T Breast MRI scanner:
  - Improved spatial and temporal resolution;
  - Improved diffusion-weighted imaging
  - Enhanced in vivo-MR spectroscopy;
  - Improved perfusion assessment and lower doses of gadolinium-based contrast agents;
  - Greater blood oxygen level determination; and
  - Improved sodium imaging.
6. The Hospital indicates that this modification request does not alter the intended scope of the project, there is no increase in capital expenditures and no extension of time to complete the project.

## Discussion

OHCA has reviewed this request for a modification to a previously authorized CON and finds that the relationship of the CON authorized under Docket Number 04-30410-CON, as subsequently modified by Docket Number 06-30410-MDF and Docket Number 08-30410-MD2 to Section 19a-637, C.G.S., is not altered by this request for a modification under Docket Number 09-30410-MDF. The Hospital indicates that the proposed change is based on specific benefits that the 3.0T Breast MRI will confer, by providing improved sensitivity and specificity for the detection and management of breast cancer. The modification request does not alter the intended scope, capital expenditures or timeframe for the project originally reviewed and acted upon by OHCA. OHCA determines the Hospital's rationale for this requested modification to be satisfactory and the request for modification for the purchase of the 3.0T Breast MRI scanner in place of the 1.5T Breast MRI scanner appears to be reasonable.

## Order

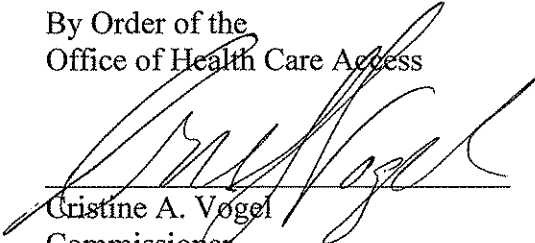
Based on the above discussion OHCA hereby modifies the CON authorized under Docket Number 04-30410-CON, as previously modified by Docket Number 06-30410-MDF and Docket Number 08-30410-MD2. OHCA allows the purchase of the 3.0T Breast MRI scanner in place of the 1.5T Breast MRI scanner that was previously approved in 2004. Condition #6 of the CON Order under Docket Number 04-30410-CON is modified as follows:

6. The Hospital is authorized to purchase, or lease, the following:
  - One multi-slice Computerized Tomography scanner;
  - One 3.0 Tesla Magnetic Resonance Imaging scanner;
  - One 3.0 Tesla breast Magnetic Resonance Imaging scanner;
  - One Positron Emission Tomography/Computerized Tomography scanner;
  - One Radiographic Fluoroscopy unit;
  - One fixed fluoroscopy unit;
  - One fixed C-arm unit;
  - One linear accelerator to replace an existing machine; and
  - One Computerized Tomography simulator to replace an existing simulator.

All other conditions set forth in the CON authorization issued under Docket Number 04-30410-CON, as modified by Docket Number 06-30410-MDF and Docket Number 08-30410MD2, not modified herein, will remain in full effect.

By Order of the  
Office of Health Care Access

9-21-09  
Date

  
Cristine A. Vogel  
Commissioner