

M. JODI RELL
GOVERNOR

STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

CRISTINE A. VOGEL
COMMISSIONER

July 28, 2009

IN THE MATTER OF:

A Request for Waiver of Certificate of Need Requirements for Replacement Equipment filed pursuant to Section 19a-639c, C.G.S., as amended by P.A.: 09-232, Section 96(1), by

Notice of Final Decision
Office of Health Care Access
Docket Number: 09-31400-WVR

Saint Francis Hospital and Medical Center

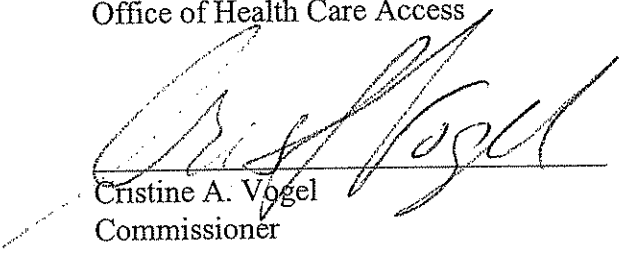
Request to Waive CON Requirements for the Replacement of an Existing Single-Slice CT Simulator with a New 16-Slice CT Simulator in Hartford

To: Chris Hartley
Senior Vice President, Planning and Facilities Development
Saint Francis Hospital and Medical Center
114 Woodland Street
Hartford, Connecticut 06105

Dear Mr. Hartley:

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 19a-639c, C.G.S., as amended by P.A.: 09-232, Section 96(1). On July 28, 2009, the Final Decision was rendered as the finding and 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



Cristine A. Vogel
Commissioner

CAV: jah



Office of Health Care Access Certificate of Need Application

Final Decision

Applicant: Saint Francis Hospital and Medical Center

Docket Number: 09-31400-WVR

Project Title: Request to Waive CON Requirements for the Replacement of an Existing Single-Slice CT Simulator with a New 16-Slice CT Simulator in Hartford

Statutory Reference: Section 19a-639c of the Connecticut General Statutes, as amended by P.A. 09-232, Section 96(1)

Filing Date: July 9, 2009

Decision Date: July 28, 2009

Staff: Jack A. Huber

Project Description: Saint Francis Hospital and Medical Center requests a waiver of Certificate of Need requirements for replacement equipment for the purpose of replacing its existing single-slice computed tomography ("CT") simulator with a new 16-slice CT simulator, at its Cancer Center, located at 114 Woodland Street in Hartford, Connecticut. The total capital expenditure of the replacement equipment project is \$1,425,488.

Nature of Proceedings: On July 9, 2009, the Office of Health Care Access ("OHCA") received the completed waiver of Certificate of Need ("CON") request for replacement equipment from Saint Francis Hospital and Medical Center ("Hospital"). The Hospital proposes to replace its existing single-slice computed tomography ("CT") simulator with new 16-slice CT simulator, at its Cancer Center located at 114 Woodland Street in Hartford, Connecticut. The total capital expenditure of the replacement equipment project is \$1,425,488. The Hospital is a health care facility or institution as defined in Section 19a-630 of the Connecticut General Statutes ("C.G.S.").

OHCA's authority to review and approve, modify or deny the requested waiver of CON requirements for replacement equipment is established by Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96(1). The provisions of this section as well as the principles and guidelines set forth in Section 19a-637, C.G.S., were fully considered by OHCA in its review.

Findings of Fact

1. On August 15, 1991, in an Agreed Settlement under Docket Number: 91-506, Saint Francis Hospital and Medical Center ("Hospital") received Certificate of Need ("CON") authorization from the Commission on Hospitals and Health Care, predecessor to the Office of Health Care Access ("OHCA") to acquire and operate a new oncology simulator in conjunction with OHCA's approval for the construction of the Saint Francis/Mount Sinai Regional Cancer Center. *(July 9, 2009, CON Waiver Form 2040, page 3 and Attachment II)*
2. On June 7, 2001, in a Final Decision rendered under Docket Number: 01-1502, the Hospital received CON authorization from OHCA to replace its existing oncology simulator with an Acquisim, single-slice computerized tomography ("CT") simulator. The replacement simulator met the requirements for waiver of CON requirements pursuant to Section 19a-639c of the Connecticut General Statutes ("C.G.S.") *(July 9, 2009, CON Waiver Form 2040, page 3 and Attachment II)*
3. Pursuant to Section 19a-639c, C.G.S, as amended by Public Act: 09-232, Section 96(1), a proposal may be eligible for a waiver of replacement equipment from the CON process when:
 - a. A provider previously received CON authorization or a determination that a CON was not required for the original acquisition of the equipment to be replaced; and
 - b. The expenditure or value of the replacement equipment is less than three million dollars. *(Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96(1))*
4. The total capital cost for the proposal is \$1,425,488 and is itemized as follows:
 - a. \$1,042,213 for the purchase of the replacement CT simulator;
 - b. \$350,000 for renovation work to install the new CT simulator;
 - c. \$29,975 for medical equipment purchases; and
 - d. \$3,300 for non-medical equipment purchases.
(July 9, 2009, CON Waiver Form 2040, page 4)
5. The replacement equipment expenditure is below the \$3 million threshold used to determine whether a request is eligible to receive a waiver of CON requirements for replacement equipment pursuant to Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96(1). *(Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96(1))*

Rationale

Saint Francis Hospital and Medical Center ("Hospital") is requesting a waiver of Certificate of Need ("CON") requirements for replacement equipment, pursuant to Section 19a-639c, of the Connecticut General Statutes ("C.G.S."), as amended by Public Act: 09-232, Section 96(1). The Hospital is seeking to replace its existing single-slice computed tomography ("CT") simulator with a new 16-slice CT simulator.

On June 7, 2001, in a Final Decision rendered under Docket Number: 01-1502, the Hospital received CON authorization from the Office of Health Care Access to replace its existing oncology simulator with an Acquism single-slice CT simulator. The replacement single-slice CT simulator, authorized under Docket Number: 01-1502, met the requirements for waiver of CON requirements pursuant to Section 19a-639c of the C.G.S.

The proposed 16-slice CT simulator replacement equipment will provide improved imaging capabilities for treatment planning simulations. The replacement equipment expenditure for the proposed 16-slice CT simulator is \$1,042,213, which is below the three million dollar threshold for determining eligibility for a waiver of CON requirements for replacement equipment, pursuant to Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96(1).

Order

Based on the foregoing Findings and Rationale, the Office of Health Care Access ("OHCA") has determined that the request of Saint Francis Hospital and Medical Center ("Hospital") for a waiver of Certificate of Need ("CON") requirements for replacement equipment in order to replace its existing single-slice computed tomography ("CT") simulator with a new 16-slice CT simulator, at a replacement equipment expenditure of \$1,042,213, meets the requirements for waiver of the CON process pursuant to Section 19a-639c of the Connecticut General Statutes, as amended by Public Act: 09-232, Section 96(1), and is hereby **approved**, subject to the following conditions.

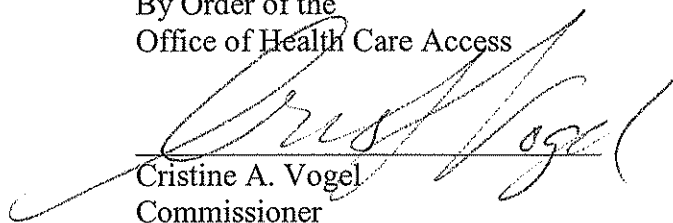
1. This authorization shall expire on August 1, 2010. Should the Hospital's replacement equipment project not be completed by that date, the Hospital must seek further approval from OHCA to complete the project beyond that date.
2. The Hospital shall not exceed three million dollars in replacement equipment costs for the new CT simulator. In the event that the Applicant learns of potential cost increases or expects the replacement equipment expenditure or value will exceed three million dollars, the Hospital shall notify OHCA in writing.
3. With respect to the acquisition of the new 16-slice CT scanner, the Hospital shall notify OHCA regarding the following information in writing prior to the August 1, 2010, CON expiration date:
 - a) The name of the 16-slice CT simulator manufacturer;
 - b) The model name and description of the 16-slice CT simulator; and
 - c) The initial date of the operation of the 16-slice CT simulator.

4. This authorization requires the removal of the Hospital's existing single-slice CT simulator for certain disposition, such as trade-in, sale or salvage, outside of and unrelated to the Hospital's Connecticut service locations. Furthermore, the Hospital shall provide evidence to OHCA of the disposition of the existing single-slice CT simulator to be replaced by no later than six months after the replacement CT simulator has become operational.
5. Should the Hospital propose any change in simulation service, the Hospital shall file with OHCA a Certificate of Need Determination Request regarding the proposed service change.

Should the Hospital fail to comply with any of the aforementioned conditions, OHCA reserves the right to take additional action as authorized by law. All of the foregoing constitutes the final order of the Office of Health Care Access in this matter.

7-28-09
Date

By Order of the
Office of Health Care Access


Cristine A. Vogel
Commissioner

CAV:jah