



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
Office of Health Care Access

October 22, 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 by

Danbury Hospital

Notice of Final Decision
Office of Health Care Access
Docket Number: 09-31472-WVR

Request to Waive CON Requirements for the Replacement of the Hospital's Existing 4-Slice CT Scanner with a 32-Slice CT Scanner at its Main Campus in Danbury

To: Andrea J. Rynn
Director Public and Government Relations
Danbury Hospital
24 Hospital Avenue
Danbury, CT 06810

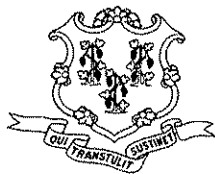
Dear Ms. Rynn:

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. On October 22, 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 Division of
Office of Health Care Access
Department of Public Health


Cristine A. Vogel
Deputy Commissioner

CAV: jah



**Department of Public Health
Office of Health Care Access
Certificate of Need Application**

Final Decision

Applicant: Danbury Hospital

Docket Number: 09-31472-WVR

Project Title: Request to Waive CON Requirements for the Replacement of the Hospital's Existing 4-Slice CT Scanner with a 32-Slice CT Scanner at its Main Campus in Danbury

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

Filing Date: October 16, 2009

Decision Date: October 22, 2009

Staff: Jack A. Huber

Project Description: Danbury Hospital requests a waiver of Certificate of Need requirements for replacement equipment for the purpose of replacing its existing 4-slice CT scanner with a General Electric Lightspeed, 32-slice CT scanner at its main campus located at 24 Hospital Avenue in Danbury, Connecticut. The total capital cost associated with the replacement equipment project is \$673,900.

Nature of Proceedings: On October 16, 2009, the Office of Health Care Access ("OHCA") received the completed waiver of Certificate of Need ("CON") request for replacement equipment from Danbury Hospital ("Hospital"). The Hospital proposes to replace its existing 4-slice CT scanner with a General Electric Lightspeed, 32-slice CT scanner at its main campus located at 24 Hospital Avenue in Danbury, Connecticut. The total capital cost associated with the replacement equipment project is \$673,900. 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. 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 April 11, 1990, in an Agreed Settlement rendered under Docket Number: 90-515, Danbury Hospital ("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 General Electric Lightspeed, 4-slice CT scanner. *(September 28, 2009, Initial Submission of CON Waiver Form 2040, page 3 and October 16, 2009, Completeness Responses, Exhibit A)*
2. Pursuant to Section 19a-639c of the Connecticut General Statutes ("C.G.S.") as amended by Public Act: 09-232, Section 96, a proposal may be eligible for a waiver of replacement equipment from the CON process when a provider previously received a CON for the equipment to be replaced, and the expenditure or value of the replacement equipment is less than \$3 million. *(Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96)*
3. The total capital cost for the replacement equipment proposal is \$673,900 and consists of \$590,399 for the acquisition of the replacement 32-slice CT scanner and \$83,501 for work associated with the installation of the replacement CT scanner. *(September 22, 2009, Initial Submission of CON Waiver Form 2040, pages 3 and 5)*
4. 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. *(Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96)*

Rationale

Danbury Hospital ("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. The Hospital is seeking to replace its existing General Electric Lightspeed, 4-slice CT scanner with a General Electric Lightspeed, 32-slice CT scanner at its main campus located at 24 Hospital Avenue in Danbury, Connecticut.

On April 11, 1990, in an Agreed Settlement rendered under Docket Number: 90-515, the Hospital received CON authorization from the Commission on Hospitals and Health Care, predecessor to the Office of Health Care Access, to acquire and operate a General Electric Lightspeed, 4-slice CT scanner.

The replacement equipment cost for the proposed 32-slice CT scanner is \$590,399, which is below the \$3 million 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.

Order

Based on the foregoing Findings and Rationale, the Office of Health Care Access ("OHCA") has determined that the request of Danbury Hospital ("Hospital") for a waiver of Certificate of Need ("CON") requirements in order to replace its existing 4-slice CT scanner with a 32-slice CT scanner at its main campus located at 24 Hospital Avenue in Danbury, Connecticut, at a replacement equipment cost of \$590,399, 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, and is hereby **approved**, subject to the following conditions.

1. The Hospital shall not exceed \$3 million in the replacement equipment expenditure or value for the proposed replacement equipment. In the event that the Hospital learns of potential cost increases or expects the replacement equipment expenditure or value will exceed \$3 million, the Hospital shall notify OHCA in writing.
2. The Hospital shall notify OHCA regarding the initial date of the operation of the 32-slice CT scanner.
3. This authorization requires the removal of the Hospital's existing 4-slice CT scanner for certain disposition, such as sale or salvage, outside of and unrelated to the Hospital's Connecticut service locations by no later than six months after the replacement 32-slice CT scanner has become operational.

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.

By Order of the Division of
Office of Health Care Access
Department of Public Health


Cristine A. Vogel
Deputy Commissioner

10-22-09
Date

CAV:jah