

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Raul Pino, M.D., M.P.H.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Office of Health Care Access

Final Decision

Modification of a Previously Authorized Certificate of Need

Applicant: Northeast Regional Radiation Oncology Network
Community CancerCare
100 Haynes Street, Manchester, CT 06040

Docket Number: 17-31778-MDF

Project Description: Modification of previous Certificate of Need
authorization 12-31778-CON

Procedural History: On January 2, 2013, the Office of Health Care Access ("OHCA") granted a Certificate of Need ("CON") to Northeast Regional Radiation Oncology Network, Inc. d/b/a Community CancerCare ("NRRON") issued under Docket Number 12-31778-CON, for the acquisition of a CT simulator ("Final Decision").

On December 11, 2014, OHCA received a Request for Modification from NRRON seeking to modify the expiration date of the CON from January 2, 2015 to January 2, 2016. That request was granted under Docket Number 14-31778-MDF. On December 23, 2015, OHCA received a Request for Modification from NRRON seeking to modify the expiration date of the CON from January 2, 2016 to January 2, 2017. That request was granted under Docket Number 15-31778-MDF.

On March 15, 2017, OHCA received a Request for Modification from NRRON seeking to modify the expiration date of the CON from January 2, 2017 to January 2, 2018. As required by Conn. Gen. Stat. § 19a-639b(b), OHCA noticed this request on its website for 30 days. During the posting period, OHCA did not receive any written comments or requests for a public hearing. Deputy Commissioner Addo reviewed the entire record in this matter.



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Findings of Fact

1. The CON issued under Docket Number 12-31778-CON permitted NRRON to acquire a CT simulator.
2. The CON issued under Docket Number 12-31778-CON, as modified by Docket Numbers 14-31778-MDF and 15-31778-MDF, was valid until January 2, 2017.
3. During said time, a linear accelerator at NRRON's Enfield location required replacement and the planned replacement was delayed due to scheduling difficulties with the vendor (see Docket Number 15-32001-CON). Since it was most cost effective to install the CT Simulator and replace the Linear Accelerator both at the same time, the delay in scheduling the Linear Accelerator replacement also delayed the installation of the CT simulator.
4. In 2016, three of the four members of NRRON were involved in changes in operation and ownership (see Docket Numbers 15-32002-CON; 15-31979-CON; 15-32016-486; and 16-32058-CON). These changes, along with the uncertainty of NRRON's future, resulted in delays in acquiring and installing the CT simulator.
5. NRRON has confirmed with the original CT simulator vendor that the previous contract and price remains effective. Additionally, permits from the Town of Enfield have been obtained and construction plans have been prepared and submitted to the Department of Public Health ("DPH").
6. It is anticipated that the CT simulator will be operational within six months from the receipt of necessary construction permits from DPH.

Discussion

Connecticut General Statutes § 4-181a (b) provides in relevant part: "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." NRRON has sufficiently demonstrated a change in conditions brought upon by changes in ownership and unforeseen delays in the delivery of the CT simulator thereby leading to delays in the construction necessary to install the CT simulator.

Order

Based upon the foregoing, the request to modify the expiration date of the CON issued under Docket Number 12-31778-CON, as modified under Docket Numbers 14-31778-MDF and 15-31778-MDF, from January 2, 2017 to January 2, 2018 is hereby **APPROVED**.

4/25/2017

Date



Yvonne T. Addo, MBA
Deputy Commissioner