



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

November 4, 2004

Jennifer L. Groves, Esquire
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street
New Haven, CT 06510-7002

Re: Certificate of Need Determination, Report Number 04-30381-DTR
Advanced Radiology Consultants, LLC
Acquisition of a Positron Emission Tomography scanner

Dear Attorney Groves:

On October 25, 2004, the Office of Health Care Access ("OHCA") received your responses to OHCA's inquiry into the acquisition of a Positron Emission Tomography ("PET") scanner by Advanced Radiology Consultants, LLC. Additional information was provided on November 3, 2004. The inquiry is reviewed by OHCA under Certificate of Need Determination Report Number 04-30381-DTR. After review of the information provided on October 25, 2004 and November 3, 2004, OHCA makes following findings:

1. Advanced Radiology Consultants, LLC ("ARC") is a private physician group specializing in the practice of various radiology modalities in Fairfield County.
2. ARC acquired a Siemens, Ecat Exact 47 PET scanner and ARC is operating the PET scanner at its radiology practice location at 15 Corporate Drive in Trumbull, Connecticut.
3. ARC commenced operation of the PET scanner on May 10, 2004.
4. The PET scanner was manufactured in 1998 and is a previously used piece of equipment.
5. The PET scanner is leased by ARC from Northern Virginia PET Partners, LLC.
6. ARC is the physician group reading the PET scans and billing for PET services.
7. PET scanning services are provided by several Board-certified ARC radiologists, under the overall direction of Scott Williams, M.D. Dr. Williams is a nationally recognized physician in nuclear medicine and Pet imaging.

An Equal Opportunity Employer
410 Capitol Ave., MS#13HCA, P.O.Box 340308, Hartford, CT 06134-0308
Telephone: (860) 418-7001 Toll-Free: 1-800-797-9688
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8. The total capital costs associated with acquisition of this PET scanner and commencement of PET scanning services, is as follows:

Capital Expenditure Item	Amount
PET Scanner (leased)	\$300,000
Renovations to Accommodate PET Scanner	79,552
Total Capital Expenditure	\$379,552

9. ARC meets all state and federal regulatory requirements for the safe handling and administration of the radiopharmaceuticals required for PET imaging.
10. ARC is neither generating nor producing any radiopharmaceutical at any of its sites related to the PET scanning services. ARC obtains radiopharmaceuticals via delivery from an outside supplier.
11. ARC has not incurred and will not incur, any capital cost or expenditure related to the acquisition or lease of a generator or any other equipment, leased or purchased, related to the generation or production of radiopharmaceuticals.
12. Section 19a-639 (c) of the Connecticut General Statutes requires that any person obtain CON approval for the acquisition of major imaging equipment or a linear accelerator costing over four hundred thousand dollars (\$400,000).

Based on the above findings, OHCA has determined that Certificate of Need approval is not required for Advanced Radiology Consultants, LLC to acquire and operate a position emission tomography scanner for its radiological practice located in Trumbull, Connecticut, at a total capital cost of \$379,552. The capital expenditure incurred for this project is below the statutory threshold of \$400,000. Please be advised, however, that if Advanced Radiology Consultants, LLC changes the scope of PET scanning services to be provided at this location or incurs a total capital cost equal to or greater than \$400,000 for the PET scanning services, OHCA should be notified as Certificate of Need approval from OHCA may then be required at that time.

Thank you for informing OHCA of your plans. If you have any questions concerning this letter, please contact Karen Roberts, Compliance Officer, at OHCA at (860) 418-7001.

Sincerely,

Signed by Cristine A. Vogel
Commissioner

Copy: Rose McLellan, Licensing Examination Assistant, DHSR, DPH

CAV: kr