



**STATE OF CONNECTICUT**  
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL  
GOVERNOR

CRISTINE A. VOGEL  
COMMISSIONER

June 18, 2007

Mr. Daniel J. McIntyre  
President and Executive Director  
The Charlotte Hungerford Hospital  
540 Litchfield Street  
P.O. Box 988  
Torrington, CT 06790-0988

RE: **Docket Number 07-30985-DTR**; An OHCA initiated Certificate of Need Determination  
Temporary suspension and reestablishment of PET scanning services at Winsted Campus  
The Charlotte Hungerford Hospital

Dear Mr. McIntyre:

On January 23, 2004, under Docket Number 03-30189-CON, the Office of Health Care Access (“OHCA”) authorized a Certificate of Need (“CON”) to The Charlotte Hungerford Hospital (“Hospital”) to provide mobile PET scanning services at its Winsted campus at 100 Spencer Street in Winsted. Pursuant to the CON under Docket Number 03-30189-CON, PET services began at the Winsted location on April 16, 2004 and continued until October 29, 2004 at which time the Hospital ceased the provision of these services at the Winsted campus.

In 2006, OHCA became aware that the Hospital discontinued providing the PET services at the Winsted location and OHCA informed the Hospital that any termination of services would require OHCA authorization pursuant to Section 19a-638 of the Connecticut General Statutes. As a result, the Hospital filed a Certificate of Need application under Docket Number 06-30770-CON. The currently pending CON application under Docket Number 06-30770-CON is a request for the discontinuance of the PET services by The Charlotte Hungerford Hospital (“Hospital”) for the Winsted Health Center service location.

On May 29, 2007, OHCA received a letter from the Hospital in which the Hospital requests to “*withdraw our application for Docket Number 06-30770-CON*” , as the Hospital plans to “*reinstitute this service in Winsted at the earliest possible date and therefore, continue to provide Mobile PET Services as soon as our Mobile PET Service vendor can make the arrangements.*”

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Regarding this matter, OHCA finds the following:

- OHCA reviewed and authorized the CON under Docket Number 03-30189-CON as a permanent service to be provided at the Winsted service location.<sup>1</sup> The CON did not discuss or envision that this was a temporary service location.
- The Hospital commenced the PET services at the Winsted location in a timely manner, but ceased providing them at the Winsted campus.
- The Hospital does not wish to continue its CON application for the permanent termination of the PET services at the Winsted location, but instead wishes to reinstitute such services.

Based on the above, OHCA hereby determines that the Hospital has temporarily suspended the previously authorized PET scanning services at the Winsted campus; however, in consideration of the Hospital's clear intent to reinstitute this temporarily suspended service, OHCA finds that the Hospital has not terminated a health care function or service on a permanent basis. Therefore, the Hospital is not required to proceed with the pending CON application under Docket Number 06-30770-CON.

Please note that OHCA's conclusion in this matter is entirely contingent upon the Hospital commencing the PET services at the Winsted location. Upon the filing of evidence that the PET services have been reestablished at the Winsted location, OHCA will then accept the May 29, 2007 withdrawal letter and, at that time, will consider pending Docket Number 06-30770-CON to be withdrawn before OHCA.

In consideration of the need for OHCA to be assured that the establishment of the PET services at the Winsted campus has proceeded and will continue, OHCA requires the following from the Hospital:

1. The PET scanning services at the Winsted location must be reinitiated by July 31, 2007. If the Hospital is not able to reinitiate services by July 31, 2007, the Hospital must provide sufficient evidence that it is working with a mobile vendor in an effort to reestablish the suspended service location and provide to OHCA the date that services will be reinitiated. This documentation must be provided to OHCA prior to the July 31, 2007 date.
2. The Hospital must file a copy of a patient bill (redacted for any and all patient identifiers) which clearly shows that the PET services are being offered at the Winsted location. The

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<sup>1</sup> In a January 30, 2004 letter from OHCA to the Hospital, OHCA clarified that "*The terms of both CON authorizations allow the Applicants the discretion to set an appropriate joint operating schedule for providing the service at each Hospital campus, in which the days and hours of operation can vary at each approved location.*" (Source: January 30, 2004 letter from OHCA to Hospital regarding Docket Numbers 01-509 and 03-30189)

Hospital may also file an insurance claims form or other evidence which sufficiently attests to the reestablishment of services at this location.

3. The Hospital must file quarterly utilization statistics for the Winsted location for two full years<sup>2</sup>, as follows:

The Hospital shall file utilization statistics for the PET scanning service on a quarterly calendar basis for two full years of operations **specific to the Winsted service location**. Each quarterly filing shall be submitted to OHCA by no later than one month following the end of each reporting period (e.g., January, April, July, and October). The initial report shall list the date on which the mobile PET scanning service commenced operation. The quarterly reports shall include the following:

- Total number of scans scheduled for the PET scanning service;
- Total number of scans performed by the PET scanning service;
- Average patient waiting time from the scheduling of the scan to the performance of the scan;
- Number of scans by patient zip code;
- Hours and days of operation for each week and in total; and
- Number of scans by Medicare diagnostic code.

This letter will be maintained in Docket Number 07-30985-DTR, as well as in Docket Number 03-30189-CON and Docket Number 06-30770-CON. Please contact Kimberly Martone, Supervisor of CON process or Karen Roberts, Compliance Officer at (860) 418-7001 if you have any questions regarding the above.

Sincerely,

*Signed by Commissioner Vogel on June 18, 2007*

Cristine A. Vogel  
Commissioner

CAV:kr

Copy: John J. Capobianco, Vice President, Administration, C. Hungerford Hospital  
Jeff Gould, President, Winsted Health Center Foundation,  
Rose McLellan, DPH  
Kimberly Martone, Supervisor of CON, OHCA  
Karen Roberts, Compliance Officer, OHCA  
Laurie Greci, Associate Research Analyst, OHCA

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<sup>2</sup> The quarterly utilization statistics were previously required under DN 03-30189-CON for a period of two full years. The Hospital only operated the service, initially for a period of six months and the reports filed in 2006 do not specifically identify patients seen at the Winsted location as opposed to the Hospital's main campus.

