

M. JODI RELL
GOVERNOR

STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

CRISTINE A. VOGEL
COMMISSIONER

April 30, 2009

Sally Herlihy
Vice President, Regulatory Compliance
New Milford Hospital
21 Elm Street
New Milford, CT 06776-3029

Richard Gemming
Chief Operating Officer
Center for Interventional Vascular Therapy
New York-Presbyterian Healthcare System
161 Forth Washington Avenue
5th Floor
New York, NY 10032

RE: Certificate of Need Determination; Report Number 09-31365-DTR
New Milford Hospital and New York-Presbyterian Healthcare System
Request for a Waiver of Letter of Intent Period for the Certificate of Need Application for the
Termination of Diagnostic Cardiac Catheterization Service at New Milford Hospital

Dear Ms. Herlihy & Mr. Gemming:

On April 29, 2009, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination request on behalf of New Milford Hospital ("Hospital") and New York-Presbyterian Healthcare System ("NYPHS") (the Hospital and NYPHS together herein will be referred to as "Applicants") requesting OHCA to waive the Letter of Intent ("LOI") period for the CON for the termination of cardiac catheterization service at New Milford Hospital, with no associated capital expenditure.

Please be advised that OHCA has reviewed your request and makes the following findings:

1. OHCA finds that the proposed request is for OHCA to waive the LOI requirement under section 19a-638(b) for the CON for the Applicants to terminate diagnostic cardiac catheterization service at the Hospital.
2. OHCA finds that the Applicants on April 21, 2004, under Docket No.: 03-30089-CON, entered into an agreed settlement with OHCA to establish diagnostic and interventional cardiac catheterization services at the Hospital.
3. OHCA finds that the diagnostic cardiac catheterization services at the Hospital commenced on October 11, 2004.

4. OHCA finds that the Hospital did not achieve the recommended minimum number of annual emergency angioplasty procedures for two consecutive years, it expects the emergency angioplasty program will terminate at 12:01 am on May 4, 2009.
5. OHCA finds that the Hospital is requesting to close its catheterization laboratory, commensurate with the termination of the emergency angioplasty program.
6. OHCA finds that the Hospital is losing its staff related to the cardiac catheterization service since the physicians and staffs were recruited for both the emergency angioplasty and diagnostic cardiac catheterization.
7. 19a-638(b) C.G.S. states the following...

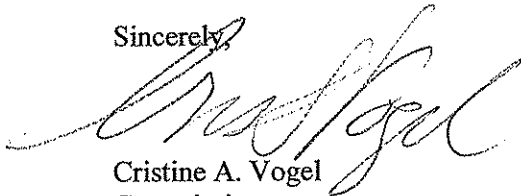
“Upon a showing by such facility or institution that the need for such function, service or termination or change of ownership or control is of an emergency nature, in that the function, service or termination or change of ownership or control is necessary to maintain continued access to the health care services provided by the facility or institution, or to comply with requirements of any federal, state or local health, fire, building or life safety code, the commissioner may waive the letter of intent requirement, provided such request shall be submitted at least ten business days before the proposed date of institution of the function, service or termination or change of ownership or control.”

OHCA makes the following determinations in this matter:

- a. Pursuant to 19a-638(b) C.G.S., OHCA deems it appropriate to waive the Letter of Intent (“LOI”) for the CON required of the Applicants for the termination of diagnostic cardiac catheterization at the Hospital.
- b. Pursuant to 19a-638, the 60-day period to file the Hospital’s CON application will be between April 29, 2009 and June 28, 2009.

The CON application will be faxed and emailed to the Applicants under a separate cover letter. Further, OHCA anticipates that since the LOI period has been waived by OHCA, the Applicants will file the completed CON application with OHCA no later than May 15, 2009. If the Applicants are unable to file the CON application by this date, please provide OHCA a written explanation for the reasons prior to May 15, 2009. If you have any questions regarding this letter, please feel free to contact Steven W. Lazarus, Associate Health Care Analyst, at (860) 418-7012.

Sincerely,



Cristine A. Vogel
Commissioner

CAV:swl

Copy: Rose McLellan License and Applications Supervisor, DPH, DHSR