

M. JODI RELL  
GOVERNOR

STATE OF CONNECTICUT  
OFFICE OF HEALTH CARE ACCESS

CRISTINE A. VOGEL  
COMMISSIONER

August 6, 2009

Via Facsimile Only

David Stahelski  
Vice President, Administration  
S.B.D.I. Holding, LLC, d/b/a Diagnostic Imaging of Milford  
c/o Milford Hospital  
300 Seaside Avenue  
Milford, CT 06460

RE: Certificate of Need Determination under Report Number 09-31403-DTR  
S.B.D.I. Holding, LLC, d/b/a Diagnostic Imaging of Milford  
Acquisition of an Open MRI Scanner in 2004

Dear Mr. Stahelski:

On July 17, 2009, the Office of Health Care Access ("OHCA") received your request seeking a waiver from Certificate of Need ("CON") requirements to replace equipment pursuant to Public Act 09-232. Please be advised that Public Act 09-232 provides that the applicant must have previously obtained a Certificate of Need or a Certificate of Need Determination with respect to the piece of equipment to be replaced before seeking a waiver from this office. Accordingly, OHCA is processing this request as a CON Determination pursuant to § 19a-639a (c) with respect to the acquisition of an open MRI scanner by S.B.D.I. Holding, LLC, d/b/a Diagnostic Imaging of Milford ("Applicant") in 2004. OHCA has reviewed this matter and makes the following findings:

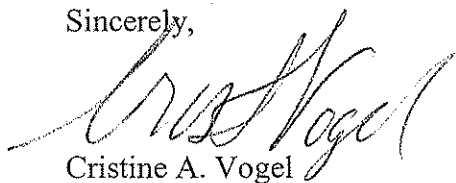
1. S.B.D.I. Holding, LLC, d/b/a Diagnostic Imaging of Milford ("Applicant") is a for-profit corporation, providing, in part, magnetic resonance imaging ("MRI") services at its office located at 30 Commerce Park in Milford, Connecticut.
2. The Applicant currently owns and operates a Picker Outlook, 0.23 tesla-strength, open MRI scanner at its Milford office location.
3. On April 30, 2003, the Applicant entered into an agreement with Phillips Imaging for the purchase of a Picker Outlook, 0.23 tesla-strength, open MRI scanner at a total equipment expenditure of \$268,400. The total capital expenditure of the project was \$350,327, which included the cost of equipment and installation.

4. The Applicant provided evidence demonstrating that a patient was scanned at its Milford office with the existing Picker Outlook, 0.23 tesla-strength, open MRI scanner on April 15, 2004.

Based on these findings, OHCA has determined that S.B.D.I. Holding, LLC, d/b/a Diagnostic Imaging of Milford is not required to file a Certificate of Need request for the purchase of its existing Picker Outlook 0.23 tesla-strength open MRI scanner because the Applicant purchased this equipment prior to the implementation of Public Act 05-93 and the equipment was in operation prior to July 1, 2006.

If you have any questions concerning this letter, please contact Jack A. Huber at (860) 418-7034.

Sincerely,



Cristine A. Vogel  
Commissioner

CAV:jah

Copy: Rose McLellan, License and Applications Supervisor, DPH