



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
Office of Health Care Access

December 31, 2009

Via Facsimile Only

David A. Whitehead
President & CEO
The William W. Backus Hospital
326 Washington Street, CT 06360
Norwich, CT 06360

Re: CON Determination Report Number 09-31504-DTR
The William W. Backus Hospital
Establishment of Outpatient Diagnostic Imaging Services at Montville Backus Health
Center in Uncasville Pursuant to Public Act 09-232, Connecticut General Statutes

Dear Mr. Whitehead:

On November 25, 2009, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination request on behalf of The William W. Backus Hospital ("Hospital or Applicant") for the establishment of Outpatient Imaging Services at Montville Backus Health Center ("MBHC") in Uncasville, Connecticut. OHCA has reviewed your request and makes the following findings:

1. The Applicant is an acute care hospital located at 326 Washington Street in Norwich, Connecticut.
2. The Applicant is proposing to relocate outpatient diagnostic imaging services from the Groton Backus Outpatient Care Center ("GBOCC") located at 85 Poheganut Drive, in Groton to MBHC at 88 Norwich-New London Turnpike in Uncasville, Connecticut.
3. The Applicant acquired GBOCC in September 2004, and has been providing ultrasound, bone densitometry, mammography and radiography at this same location for the last five years. These are the only services presently offered at the GBOCC.
4. MBHC is open five days per week (Monday-Friday) and offers ancillary services including laboratory and radiography.
5. The Applicant states that MBHC is located approximately ten miles south of Backus's Main Campus in Norwich and approximately nine miles north of the GBOCC.

6. The Applicant contends that the total capital expenditure associated with the proposal is \$10,000.

7. Pursuant to Section 19a-638 of the Connecticut General Statutes (“C.G.S.”):

“Each health care facility or institution or state health care facility or institution which intends to terminate a health service offered by such facility or institution or reduce substantially its total bed capacity, shall submit to the office, prior to the proposed date of such termination or decrease, a request to undertake such termination or decrease”.

8. Pursuant to Public Act 09-232 of the Connecticut General Statutes (“C.G.S.”):

“Each short-term acute care general or children’s hospital, chronic disease hospital or hospital for the mentally ill that on July 1, 2009, is providing outpatient services,that thereafter proposes to provide such services at an alternative location within the primary service area of the health care facility or institution, shall be exempt from the certificate of need requirements prescribed in subsection (a) of section 19a-638, as amended by this act, ...”

9. OHCA finds that the Hospital currently offers Outpatient Diagnostic Imaging Services and that the town of Montville/Uncasville appears to be within the Hospital’s primary service area.

Based on these findings, OHCA has determined that:

- a) The William W. Backus Hospital’s proposal for the establishment of outpatient imaging services in Uncasville, Connecticut meets the exemption requirements under Public Act 09-232 and therefore, a Certificate of Need is not required.
- b) The William W. Backus Hospital’s proposal to terminate outpatient imaging services in Groton, Connecticut does not meet the exemption requirements under Public Act 09-232 and therefore, a Certificate of Need is required pursuant to Section 19a-938 of the Connecticut General Statutes.

If you have any questions concerning this letter, please contact Carmen G. Cotto at (860) 418-7036.

Sincerely,



Cristine A. Vogel
Deputy Commissioner