



## Office of Health Care Access

### Modification of a Previously Authorized Certificate of Need

<b>Applicant:</b>	<b>The Danbury Hospital</b>
<b>Modification Docket Number:</b>	<b>07-30659-MDF</b>
<b>Modification Project Description:</b>	<b>A request to modify a previous Certificate of Need authorization in order to extend the CON expiration date from April 6, 2007 to April 30, 2008</b>
<b>Original Project Docket Numbers and Title</b>	<b>Docket Number 06-30659-WVR: Replacement of Two Existing Linear Accelerators</b>
<b>Statutory Reference:</b>	<b>Sections 4-181a(b), Connecticut General Statutes</b>
<b>Filing Date:</b>	<b>August 10, 2007</b>
<b>Decision Date:</b>	<b>August 15, 2007</b>
<b>Staff</b>	<b>Karen Roberts</b>

**Project Description:** The Danbury Hospital (“Hospital”), requests a modification of the Certificate of Need (“CON”) authorization issued under Docket Number 06-30659-WVR in order to extend the CON expiration date from April 6, 2007 to April 30, 2008. The CON under Docket Number 06-30659-WVR authorized the replacement of the Hospital’s two existing linear accelerators at a total capital expenditure of \$5,396,777.

### Findings of Fact

1. On April 6, 2006, under Docket Number 06-30659-WVR, the Office of Health Care Access (“OHCA”) granted a Certificate of Need (“CON”) pursuant to Section 19a-639c of the Connecticut General Statutes to The Danbury Hospital (“Hospital”) to replace two of its existing linear accelerators, at a total capital expenditure of \$5,396,777.  
*(Final Decision for DN 06-30659-WVR)*

2. Condition #1 of the CON Order states the following:

*“1. This authorization shall expire on April 6, 2007. Should the Hospital’s Linear Accelerator replacement project not be completed by that date, the Hospital must seek further approval from OHCA to complete the project beyond that date.”*  
(Final Decision for DN 06-30659-WVR)

3. On August 10, 2007, OHCA received a request from the Hospital to modify the CON Final Decision issued under Docket Number 06-30659-WVR in order to extend the CON expiration date from April 6, 2007 to April 30, 2008. The Hospital provides the following reasons for the request to extend the CON expiration date:

- a. The Hospital immediately commenced the replacement process subsequent to the approval of the CON waiver on April 6, 2006. As was described in the waiver request form filed on December 21, 2005, the Hospital proceeded with having one machine installed and operational prior to the installation of the second machine, in order to have continuous, uninterrupted patient care.<sup>1</sup>
- b. The first linear accelerator replacement was completed and the new unit operational for patients on February 8, 2007. The discarded Clinac 1800 unit was then removed by the vendor as part of the purchase agreement with Varian Medical Systems. This project component was completed in its entirety prior to the CON expiration date.
- c. The second linear accelerator was removed on March 10 – 11, 2007 by Oncology Services, Inc., prior to the CON expiration date<sup>2</sup>. The Hospital expects the second unit to be installed and operational by mid September of 2007.
- d. The Hospital indicates that the Stereotactic Radio Surgery (“SRS”) component was to be shipped by Varian in December of 2006 but that the vendor did not confirm a revised delivery date of the equipment until June of 2007. Upon installation of the second linear accelerator in July of 2007, the SRS component failed physics acceptance testing. The Hospital reached agreement with the vendor on August 1, 2007 to replace this with the appropriate and acceptable SRS system.  
(August 10, 2007 submission)

4. This request for a modification does not alter the authorized capital expenditure for the project or the intended scope of the project.

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<sup>1</sup> Danbury Hospital stated on page 10 of its initial waiver request form that *“The replacement plan entails full implementation of the first linear accelerator before installation of the second linear accelerator would commence.*

<sup>2</sup> As evidence of removal of the second unit, the Hospital submitted an offer by Oncology Services International to purchase the Hospital’s 1994 Varian 2100 linear accelerator, such offer accepted by the Hospital on January 17, 2007. This offer included the removal of this unit by March 31, 2007.

## Discussion

OHCA has reviewed this request for a modification to a previously authorized CON and finds that the relationship of the CON authorized under Docket Number 06-30659-WVR to Section 19a-637, C.G.S. is not altered by this request for a modification under Docket Number 07-30659-MDF. The requested modification of this CON Order appears to be the result of a change in conditions unanticipated by the Hospital at the time of the initial CON filing. It clearly is the Hospital's intent to proceed with the project in the manner and scope originally reviewed by OHCA in 2006 despite this delay in the last component of project implementation. This request for a further modification of Condition #1 of the CON to allow additional time for implementation appears reasonable.

## Order

Based on the above discussion and the reasons provided in the Hospital's modification request, OHCA hereby grants the request and allows a modification of the CON Order under Docket Number 06-30659-WVR. Condition # 1 of the CON Order under Docket Number 06-30659-WVR is modified as follows:

1. This authorization shall expire on April 30, 2008. Should the Hospital's Linear Accelerator replacement project not be completed in its entirety by that date, the Hospital must seek further approval from OHCA to complete the project beyond that date.

All other conditions set forth in the CON authorization issued under Docket Number 06-30659-WVR, not further modified herein, will remain in full effect.

By Order of the  
Office of Health Care Access

*Signed by Commissioner Vogel on August 15, 2007*

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Date

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Cristine A. Vogel  
Commissioner

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