



Office of Health Care Access

A Request for Modification of a Previously Authorized Certificate of Need

Applicant: Evergreen Endoscopy Center, LLC

Modification Docket Number: 09-30739-MDF

Modification Project Description: A request to modify a previous Certificate of Need authorization in order to extend the CON expiration date to February 7, 2009

Original Project Docket Numbers and Title Docket Number 06-30739-CON: The establishment of a single-specialty, outpatient endoscopy center to be located at Evergreen Walk in South Windsor

Statutory Reference: Sections 4-181a(b), Connecticut General Statutes

Filing Date: February 18, 2009

Decision Date: March 10, 2009

Staff Karen Roberts

Project Description: Evergreen Endoscopy Center, LLC requests a modification of the Certificate of Need ("CON") authorization issued under Docket Number 06-30739-CON in order to extend the CON expiration date to February 7, 2009. The CON under Docket Number 06-30739-CON authorized Evergreen Endoscopy Center, LLC to establish and operate a single-specialty, outpatient endoscopy center to be located at Evergreen Walk on Tamarack Avenue in South Windsor, Connecticut, at a total capital cost of \$2,583,065.

Findings of Fact

1. On January 9, 2007, under Docket Number 06-30739-CON, the Office of Health Care Access (“OHCA”) granted a Certificate of Need (“CON”) to Evergreen Endoscopy Center, LLC (“Applicant”) to establish and operate a single-specialty, outpatient endoscopy center at Evergreen Walk in South Windsor Connecticut at a total capital cost of \$2,583,065. Condition #1 of the CON Order states the following:

“1. This authorization expires on January 8, 2009. Should the Applicant’s project not be completed by that date, the Applicant must seek further approval from OHCA to complete the project beyond that date.”

2. On January 14, 2009, under Docket Number 08-30739-MDF, OHCA modified the Certificate of Need to vacate the requirement for submission of patient level utilization reporting.
3. On February 18, 2009¹, OHCA received a request from the Applicant to modify the CON Final Decision issued under Docket Number 06-30659-WVR in order to extend the CON expiration date to February 7, 2009.
4. The Applicant provides the following information regarding the timeframe for full implementation of this project:
 - a. The physical construction of the Evergreen Endoscopy Center was deemed materially complete on December 3, 2008 and a Certificate of Occupancy was issued by the Town of South Windsor on December 12, 2008.
 - b. A building and fire safety inspection was performed on December 16, 2008 by the State Department of Public Health (“DPH”). That inspection identified several minor items that required correction. On January 29, 2009, the Applicant informed DPH that they had successfully completed these minor corrections.
 - c. On February 4, 2009, DPH conducted its nursing licensure inspection and DPH found no items for correction. DPH then issued the facility license.
 - d. On February 6, 2009, Evergreen Endoscopy Center performed its first patient procedure.
5. This request for a modification does not alter the authorized capital expenditure for the project or the intended scope of the project.

¹ A copy of the modification form was sent from the Applicant to OHCA staff by electronic mail received after OHCA business hours on February 11, 2009.

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 06-30739-CON to Section 19a-637, C.G.S. is not altered by this request for a modification under Docket Number 09-30739-MDF. The Applicant proceeded with the construction and completion of the authorized facility in a timely manner. A minor delay in the opening of the facility occurred as a result of the facility's building and fire safety inspection and the time that was needed to correct these minor items resulted in the Applicant being unable to commence patient procedures by the CON expiration date. The requested modification of this CON Order appears to be the result of conditions unanticipated by the Applicant at the time of the initial CON filing. This request for a modification of Condition #1 of the CON to allow one additional month for full implementation of the project appears reasonable.

Order

Based on the above discussion and the reasons provided in the Applicant's modification request, OHCA hereby grants the request and allows a modification of the CON Order under Docket Number 06-30739-CON. Condition # 1 of the CON Order under Docket Number 06-30739-CON is modified as follows:

1. This authorization expires on February 7, 2009. Should the Applicant's project not be completed by that date, the Applicant 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 06-30739-CON, not further modified herein, will remain in full effect.

By Order of the
Office of Health Care Access

Signed by Commissioner Vogel on March 10, 2009

Date

Cristine A. Vogel
Commissioner

CAV/kr