



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

May 11, 2011

IN THE MATTER OF:

An Application for a Certificate of Need filed
Pursuant to Section 19a-639, C.G.S. by:

Notice of Final Decision
Office of Health Care Access
Docket Number: 11-31679-CON

Quinnipiac University

**Acquisition of Magnetic Resonance Imaging
Scanner and Computed Tomography Scanner**

To: Mr. Edward R. O'Connor, PhD, Dean
School of Health Sciences
Quinnipiac University
275 Mount Carmel Avenue
Hamden, CT 06518

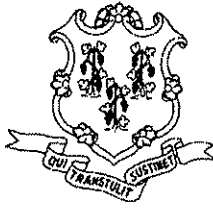
Dear Mr. O'Connor:

This letter will serve as notice of the Final Decision of the Office of Health Care Access in the above matter, as provided by Section 19a-639, C.G.S. On May 11, 2011, the Final Decision was rendered as the finding and order of the Office of Health Care Access. A copy of the Final Decision is attached hereto for your information.

A handwritten signature in black ink, appearing to read "Kimberly R. Martone".

Kimberly R. Martone
Director of Operations

Enclosure
KRM:swl



**Department of Public Health
Office of Health Care Access
Certificate of Need Application**

Final Decision

Applicant: Quinnipiac University
Docket Number: 11-31679-CON
Project Title: Acquisition of Magnetic Resonance Imaging
Scanner and Computed Tomography Scanner

Project Description: Quinnipiac University (“University”) seeks authorization to acquire a magnetic resonance imaging (“MRI”) scanner and a computed tomography (“CT”) scanner, located at the University’s North Haven campus.

Procedural History: On April 7, 2011, the Office of Health Care Access (“OHCA”) received a Certificate of Need (“CON”) application from the Applicant for the above-referenced project. The Applicant published notice of its intent to file the CON application in the *New Haven Register* on November 23, 24 and 25, 2010. OHCA received no responses from the public concerning the Applicant’s proposal and no hearing requests were received from the public per General Statutes § 19a-639a (e).

Findings of Fact

1. The University is a private institution of higher learning located at 275 Mount Carmel Avenue in Hamden. Ex. A, p. 7.
2. In August of 2009, the University opened an additional campus at 370 Bassett Road, in North Haven. Ex. A, p. 8.
3. The University’s School of Education and School of Health Sciences are located on the North Haven campus, where the University also plans to establish a new medical school. Ex. A, p. 8.

4. The University purchased a Toshiba Vantage 1.5 tesla-strength MRI scanner and a Toshiba Aquillion 64-slice CT scanner ("Scanners") in 2009. Faculty in the Department of Diagnostic Imaging ("DDI") and faculty from other disciplines within the University utilize the scanners for numerous research projects. Ex. A, p. 8.
5. The University offers a baccalaureate level program in radiography as well as a master's level program for radiologist assistants. As part of the curriculum for both programs, students receive training on the scanners as well as other imaging equipment owned by the University. Ex. A, p. 8.
6. The University seeks CON approval for the acquisition of the scanners, which will continue to be used for the education of students in the DDI and for research purposes. Additionally, the University intends to begin providing free CT and MRI scans to uninsured patients referred from Project Access-New Haven ("PA-NH") in the summer of 2011. Ex. A, pp. 8, 10.
7. PA-NH is a program designed to improve access to specialty health care for uninsured individuals in the greater New Haven region. Ex. C, p. 4.
8. PA-NH was incorporated in February 2009 and has been operating since August 2010. This program is made possible through physician and nursing caregivers, who donate medical care to uninsured, low-income patients. Ex. C, p. 8.
9. Currently, PA-NH patients are referred to Yale-New Haven Hospital ("YNHH") and Hospital of Saint Raphael ("HSR") for imaging services; however, available slots for imaging services from YNHH and HSR is limited, as not all radiologists at these hospitals offer pro-bono services. Ex. A; p. 10.
10. The University will expand access to imaging services for PA-NH patients by offering free imaging services when the scanners are not being utilized for academic or research purposes. Based upon the current academic and research schedules, the scanners will be available to PA-NH patients on Wednesdays. Ex. A, pp. 12-13; Ex. C, p. 4.
11. Based upon the availability of faculty to operate the equipment, there are 7 available patient slots for the scanners each Wednesday; therefore, the University anticipates serving 28 PA-NH patients per month. Ex. A, p. 13
12. Accordingly, the University is projecting 336 patient scans annually on each of the proposed Scanners for each of the next three fiscal years. Ex. A, p. 11.
13. The scanners are licensed by State of Connecticut and approved by Federal Drug Administration. To ensure the quality of the scans for PA-NH patients, the University will seek American College of Radiology accreditation for each of the units. Ex. C, p. 4.
14. The DDI is accredited by the Joint Review Committee on Education in Radiologic Technology ("JRCERT"). The program received an 8 year accreditation at its last review in 2007. Ex. C, p. 5.

15. The scanners will be operated by radiologic technologists registered with the American Registry of Radiologic Technologists (“ARRT”), the entity responsible for the certification of imaging professionals. Students specializing in MRI or CT imaging must also be registered with ARRT and will be directly supervised. Ex. C, p. 5.
16. ARRT practice standards for MRI and CT scanning will be followed and all imaging scans will be read by American Board of Radiology (“ABR”) certified radiologists. Ex. C, p. 5.
17. The project’s total capital expenditure is \$1,572,897, which represents the purchase cost of the two scanners currently owned by the University. Ex. C.

Discussion

CON applications are decided on a case by case basis and do not lend themselves to general applicability due to the uniqueness of the facts in each case. In rendering its decision, OHCA considers the factors set forth in General Statutes §19a-639 (a) and the Applicant bears the burden of proof in this matter by a preponderance of the evidence. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *Swiller v. Commissioner of Public Health*, No. CV 95-0705601 (Sup. Court, J.D. Hartford/New Britain at Hartford, October 10, 1995); *Bridgeport Ambulance Serv. v. Connecticut Dept. of Health Serv.*, No. CV 88-0349673-S (Sup. Court, J.D. Hartford/New Britain at Hartford, July 6, 1989); *Steadman v. SEC*, 450 U.S. 91, 101 S.Ct. 999, *reh'g den.*, 451 U.S. 933 (1981); *Bender v. Clark*, 744 F.2d 1424 (10th Cir. 1984); *Sea Island Broadcasting Corp. v. FCC*, 627 F.2d 240, 243 (D.C. Cir. 1980).

The University seeks CON authorization for the acquisition of an MRI scanner and CT scanner (“scanners”), which were originally purchased in 2009 for educational programs and research. FF4. The University currently offers degrees up to Master’s level for students in DDI and students enrolled in these programs receive training on the scanners. FF5. In addition to continuing to utilize the scanners for educational programs and research, the University intends to begin providing free imaging services for uninsured patients from PA-NH in the summer of 2011. FF6. PA-NH is a program designed to improve access to specialty health care for uninsured individuals from the greater New Haven region. FF7. These patients are currently referred to YNH and HSR for imaging services, but the available slots are limited as not all radiologists at these hospitals provide pro bono services. FF9. The University seeks to expand access for PA-NH patients by providing free imaging services when its scanners are not being utilized for academic or research purposes. FF10. Based upon the current academic and research schedules and the availability of faculty to operate the equipment, the University is projecting 336 patient scans per scanner for each of the next three fiscal years. FF10-11. OHCA finds that the scanners are necessary for the University to continue to offer baccalaureate programs in radiography and master’s level programs for radiologic assistants and to continue to provide research opportunities for its faculty. Additionally, the proposal will positively impact accessibility of imaging services for the uninsured patient population in the


Greater New Haven area by providing free imaging services to PA-NH patients. Moreover, the accreditation of scanners by the ACR will ensure the quality of the scans for these patients. Accordingly, OHCA finds that the University has satisfactorily demonstrated a need for the proposal.

Order

Based upon the foregoing Findings and Discussion, the Certificate of Need application of Quinnipiac University for the acquisition of a magnetic resonance imaging scanner and a computed tomography scanner, located at the University's New Haven campus is hereby **approved**.

By Order of the
Department of Public Health
Office of Health Care Access


Date


Jeannette B. DeJesus, MPA, MSW
Deputy Commissioner, OHCA

JBD:swl