



**State of Connecticut  
Department of Public Health  
Office of Health Care Access**

**Final Decision**

**Modification of a Previously  
Authorized Certificate of Need**

**Applicant:**

**The Waterbury Hospital  
64 Robbins Street, Waterbury CT 06708**

**Saint Mary's Hospital, Inc.  
56 Franklin Street, Waterbury, CT 06706**

**John Dempsey Hospital  
263 Farmington Avenue, MC 3801  
Farmington, CT 06030**

**Docket Number:**

**16-31202-MDF**

**Project Description:**

**Modification of Previous Certificates of Need  
Authorization Nos. 08-31202-CON**

**Procedural History:** On April 20, 2004, the Office of Health Care Access ("OHCA") granted a Certificate of Need ("CON") to The Waterbury Hospital ("TWH") and St Mary's Hospital Corporation d/b/a Waterbury Area Heart Center, Inc. ("SMH") and University of Connecticut Health Center/John Dempsey Hospital ("JDH"), by way of an Agreed Settlement issued under Docket Number 03-30167-CON, to establish primary and elective angioplasty and open heart surgery programs at SMH and TWH.

On January 21, 2009, OHCA granted a CON to TWH, SMH and JDH, by way of an Agreed Settlement issued under Docket Number 08-31202-CON, to establish *permanent* primary and elective angioplasty and open heart surgery programs at SMH and TWH, with no associated capital expenditure. (Emphasis Added.)

On July 20, 2016, OHCA received a Request for Modification from the Applicants seeking to vacate and modify certain facts and conditions arising from both CONS. Deputy Commissioner Addo has reviewed the entire record in this matter.

## Findings of Fact

1. On April 20, 2004, OHCA granted a CON to TWH, SMH and JDH (herein referred to as "Applicants") to establish *initial* primary and elective angioplasty and open heart surgery programs at SMH and TWH. (Emphasis Added.) The Applicants agreed to establish the Waterbury Heart Center, Inc. ("WAHC") to manage and coordinate both programs.
2. WAHC subsequently changed its name to the Heart Center of Greater Waterbury ("HCGW"). The HCGW provided initial support to the Applicants to ensure that both programs worked collaboratively, efficiently and effectively.
3. On January 21, 2009, OHCA issued a second CON to the Applicants under Docket No. 08-31202-CON. That CON permitted the Applicants to establish *permanent* primary and elective angioplasty and open heart surgery programs at SMH and TWH. (Emphasis Added.)
4. Pursuant to Condition 2(b) of the January 21, 2009 CON Agreed Settlement Order, changes in ownership and control of either, or both, SMH and TWH will nullify and void CON authorization.
5. TWH has entered into a Letter of Intent to sell substantially all of its assets to Prospect Medical Holdings, Inc.
6. SMH has entered into a Transfer Agreement to join Trinity Health.
7. The Applicants' programs currently operate with negligible support from HCGW. HCGW employs one employee who performs community wellness outreach and does not engage in program coordination, quality/training coordination or marketing coordination.
8. The Applicants seek to vacate Condition 2(b) of the Agreed Settlement Order in 08-31202-CON which voids and nullifies CON authorization if changes in ownership or control of SMH and TWH occur.
9. The Applicants further request that OHCA permit TWH and SMH to dissolve the entity known as the "Heart Center of Greater Waterbury, Inc." Upon dissolution of HCGW, TWH will employ HCGW's sole employee to perform community outreach.
10. The Applicants further request that all references to HCGW be removed from findings of fact Section No. 17, 29, 30 and 31 of the CON issued under Docket Number 08-31202-CON.

## Discussion

Connecticut General Statutes § 4-181a (b) provides in relevant part: "On a showing of changed conditions, the agency may reverse or modify the final decision, at any time, at the request of any person or on the agency's own motion." The Applicants have established a change in conditions resulting from the impending transfers of ownership of TWH and SMH and the ability for both cardiac programs to operate with only negligible support from HCGW. Furthermore, based upon the Applicants' representation that TWH will continue to employ HCGW's one remaining employee, community wellness outreach and heart health education will continue.

## Order

Based upon the foregoing, the request to vacate Condition 2(b) of the CON issued under Docket Number 08-31202-CON is hereby **APPROVED**. All other conditions remain in full force and effect.

The request to modify the Findings of Fact included in the CON issued under Docket Number 08-31202-CON to remove references to HCGW and to dissolve HCGW is hereby **APPROVED**.

TWH shall continue to employ an individual to perform community wellness outreach and heart health education.

9/2/2016

Date



Yvonne Addo, MBA  
Deputy Commissioner