

August 20, 2001

Stephen M. Cowherd, Esq.
Levett Rockwood P.C.
Attorneys-at-Law
33 Riverside Avenue
Westport, CT 06880

RE: Docket Number 01-532R; A request for modification of the Certificate of Need issued under Docket Number 98-503, as subsequently modified by DNs 00-549R and 00-558R

Dear Attorney Cowherd:

On October 30, 1998, the Office of Health Care Access (OHCA) granted a Certificate of Need (CON) to The Stamford Hospital (TSH or Hospital), Stamford Health System, Inc. (SHS), Saint Joseph Medical Center, Inc. (SJMC), Saint Vincent's Medical Center (SVMC) and Saint Vincent's Health Service Corporation (SVHSC) under Docket Number 98-503 for the reconfiguration of health services in Stamford through the change of ownership and control of SJMC from SVHS and SHS entirely to SHS, the termination of acute care services at the SJMC campus, the new construction of an outpatient services center by SHS and TSH, renovations and new construction to TSH's main campus and the establishment of new rehabilitation services by TSH.

Conditions #17 and #18 of the CON authorization issued under Docket Number 98-503 state the following:

"17. TSH agrees that patients who are clinically appropriate to receive surgical services at the new outpatient services center's ambulatory surgery program, will be supplied with written information sufficient for the patient to make an informed choice between TSH's ambulatory program at its main campus and the program at the outpatient services center."

“18. TSH further agrees that it shall develop, in conjunction with its medical staff, literature containing information, including information on clinical appropriateness and cost/reimbursement issues including patient’s co-payment. This literature shall be supplied to all physicians with privileges at the ambulatory surgery program at the outpatient services center, with instructions to those physicians to distribute such literature to all patients needing surgery who are clinically appropriate for the outpatient services center. Presurgical consent forms will contain an acknowledgement by the patient that his/her physician has supplied the literature necessary for the patient to make an informed consent as to the chosen site for surgical services.”

On September 29, 2000, under Docket Number 00-549R, OHCA modified the CON authorization issued under Docket Number 98-503, to allow a decrease in The Stamford Hospital’s licensed bed capacity by seventeen beds, from 305 beds to 288 beds. That modification was requested and approved in order for the Hospital to meet a Federal requirement that a decrease in bed capacity must remain in effect for at least a full twelve month cost reporting period before an equal or lesser number of beds can be added to the hospital’s licensure and certification and considered “new”. Federal cost reporting periods commence on October 1st.

On October 25, 2000, under Docket Number 00-558R, OHCA further modified the CON authorization issued under Docket Number 98-503, as subsequently modified by Docket Number 00-549R, for the following:

- An increase in the authorized capital expenditure;
- The acquisition of a replacement CT scanner;
- The acquisition of a new MRI unit to be located in the outpatient services center (which was specifically prohibited in the CON authorization under Docket Number 98-503);
- An increase in the number of inpatient rehabilitation beds to be operated by and at the Hospital, by five, from twelve to seventeen;
- The permanent status of the provisional 20-bed Special Care Unit;
- An increase in the Hospital’s overall licensed bed capacity, by seventeen, from 288 beds back to the 305 bed level effective on October 1, 2001; and
- An extension of the project completion date to October 30, 2003.

Condition #25 of the CON modification authorization issued under Docket Number 00-558R states the following:

“25. Pursuant to the modification of the CON issued on September 29, 2000 under Docket Number 00-549R, The Stamford Hospital reduced its licensed bed capacity from 305 to 288 acute care hospital beds, not including normal newborn bassinets. The Stamford Hospital is authorized to increase its licensed bed capacity, by 17 beds, back to 305 beds, not including normal newborn bassinets, effective October 1, 2001. This is to accommodate the 17 rehabilitation beds when they become operational at that time.”

On July 3, 2001, OHCA received TSH's and SHS's request for a modification of the CON authorization under Docket Number 98-503, as subsequently modified by Docket Numbers 00-549R and 00-558R, to amend Condition #25 of the CON modification authorization under Docket Number 00-558R, to extend the date by which TSH will increase its licensed bed capacity by seventeen beds, back to the 305 bed level, from October 1, 2001 to October 1, 2002 in order to allow TSH to begin to operate the inpatient rehabilitation unit as an exempt unit for federal reimbursement purposes on October 1, 2002.

On July 19, 2001, OHCA received TSH's and SHS's request for a modification of the CON authorization under Docket Number 98-503, as subsequently modified by Docket Numbers 00-549R and 00-558R, to vacate Conditions #17 and #18 of the CON authorization under Docket Number 98-503, as the issues raised at the time of the original hearing in this matter which resulted in these two conditions being included in the CON authorization, are no longer valid or pertinent.

As the CON authorization issued under Docket Number 98-503, as modified by Docket Numbers 00-549R and 00-558R was reviewed under Section 19a-639, C.G.S., and was a contested case, TSH and SHS requested a waiver of public hearing pursuant to Section 19a-643-45 of OHCA's Regulations for the modification request under Docket Number 01-532R and has based its request on the grounds that the CON modification request is non-substantive, as defined in Section 19a-643-95(3) of OHCA's Regulations.

On July 26, 2001, OHCA informed you that the CON modification request is eligible for consideration of waiver of public hearing and a notice to the public was published in the *Advocate*, pursuant to Section 19a-643-45 of OHCA's Regulations. On August 17, 2001, after a public comment period, OHCA waived the hearing in this matter.

OHCA has reviewed the request for a modification to the previously authorized CON and finds that the relationship of the CON authorized under Docket Number 98-503, as subsequently modified by Docket Numbers 00-549R and 00-558R, to Section 19a-637, C.G.S. is not altered by this request for a modification under Docket Number 01-532R.

Based on the reasons provided in the modification requests of July 3, 2001 and July 19, 2001, I find it appropriate to approve the request for a modification of the CON authorized under Docket Number 98-503, as subsequently modified by Docket Numbers 00-549R and 00-558R. Therefore, the requested modification under Docket Number 01-532R is **GRANTED**.

Conditions #17 and #18 of the CON authorization issued under Docket Number 98-503 are hereby vacated.

Condition #25 of the CON modification authorization issued under Docket Number 00-558R is modified as follows:

“25. Pursuant to the modification of the CON issued on September 29, 2000 under Docket Number 00-549R, The Stamford Hospital reduced its licensed bed capacity from 305 to 288 acute care hospital beds, not including normal newborn bassinets. The Stamford Hospital is authorized to increase its licensed bed capacity, by 17 beds, back to 305 beds, not including normal newborn bassinets, effective October 1, 2002. This is to accommodate the 17 rehabilitation beds when they become operational at that time.”

Sincerely,

Signed by the Comr. on August 20, 2001

Raymond J. Gorman
Commissioner

RJG:kr

Copy: William J. Riordan, President/CEO, Saint Vincent's Medical Center

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