



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

July 14, 2010

Ms. Jean Ahn  
Systems Director  
Yale-New Haven Hospital  
20 York Street, CB 1007  
New Haven, CT 06504

RE: **Docket Number 10-30410-MDF**: An OHCA-initiated modification of a Certificate of Need under DN 04-30410-CON, as modified by DNs 06-30410-MDF, 08-30410-MD2 and 09-30410-MDF Yale-New Haven Cancer Center and North Pavilion Project

Dear Ms. Ahn:

On September 7, 2005, under Docket Number 04-30410-CON, the Office of Health Care Access ("OHCA") entered into an Agreed Settlement with Yale-New Haven Hospital ("Hospital") which granted a Certificate of Need ("CON") pursuant to Sections 19a-638 and 19a-639 of the Connecticut General Statutes for the construction of the North Pavilion and the establishment of the Yale-New Haven Cancer Center at a total capital expenditure of \$369,810,000. This CON was subsequently modified under Docket Numbers 06-30410-MDF, 08-30410-MD2 and 09-30410-MDF for capital expenditure increases and a change to MRI equipment.

On May 13, 2010, OHCA notified the Hospital that it was initiating a modification process pursuant to Section 4-181a (b) of the Connecticut General Statutes ("C.G.S.") in order to vacate agreed upon Stipulation #11 requiring the submission of PET-CT utilization statistics. In the May 13, 2010 Notice, OHCA provide a timeframe for the Hospital to provide any comment to OHCA regarding this matter. No comments from the Hospital had been provided during the allotted timeframe. Stipulations #8, #9 and #11 of Docket Number 04-30410-CON state the following:

*"8. The Hospital shall request to meet with OHCA representatives to discuss the project's progress, starting in January 2006 and then every six months until one year after completion of the project."*

*"9. The Hospital shall provide to OHCA semi-annual written progress reports that shall include, but not be limited to, a summary of expenditures, temporary bed status, physician recruitment, imaging equipment procurement, status and copies of licenses and permits, and a report on the progress of the proposal. Such progress reports shall commence in January 2007 and be filed semi-annually thereafter until project completion."*

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“11. *The Hospital shall file with OHCA utilization statistics for each PET/CT scanner located on its campus in New Haven on a quarterly basis for two full years of operation. Each quarterly filing shall be submitted to OHCA by no later than one month following the end of each reporting period (e.g., January, April, July and October). The initial report shall list the date on which the fixed PET/CT scanner commenced operation. The quarterly reports shall include the following information:*

- *Total number of scans scheduled for the fixed PET/CT scanner;*
- *Total number of scans performed by the fixed PET/CT scanner;*
- *Average patient waiting time from the scheduling of the scan to the performance of the scan;*
- *Number of scans by patient zip code;*
- *Hours and days of operation for each week and in total; and*
- *Number of scans by Medicare diagnostic code.”*

The CON authorization issued under Docket Number 04-30410-CON was a contested case, therefore, a modification under Docket Number 10-30410-MDF is also a contested case, requiring a public hearing unless a waiver is granted. Section 19a-643-45 of OHCA's Regulations allows for a waiver on the grounds that the CON modification is non-substantive, as defined in Section 19a-643-95(3) of OHCA's Regulations. Notice to the public of a waiver of hearing was published in *The New Haven Register* and on July 13, 2010, OHCA waived the public hearing in this matter, having received no comments during the public comment period.

OHCA has reviewed this matter and finds that the relationship of the CON authorized under Docket Number 04-30410-CON to Section 19a-637, C.G.S. is not altered by this modification under Docket Number 10-30410-MDF. Based on the reasons above, I find it appropriate to approve this modification of the CON authorized under Docket Number 04-30410-CON. Therefore, the OHCA initiated modification under Docket Number 10-30410-MDF is **GRANTED** and Stipulation #11 is hereby vacated. Yale-New Haven Hospital is not required to provide quarterly PET/CT utilization reports to OHCA related to this CON authorization. Additionally, OHCA hereby confirms that the Hospital's requirement to schedule semi-annual meetings with OHCA and report on the status of the project has been fulfilled.

All other conditions set forth in the CON authorization issued under Docket Number 04-30410-CON, as previously modified by Docket Numbers 06-30410-MDF, 08-30410-MD2 and Docket Number 09-30410-MDF, not modified herein, will remain in full effect.

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

  
Cristine A. Vogel  
Deputy Commissioner

7-14-10  
Date

CAV: kr