

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

April 19, 2010

Mr. Patrick Charmel
President and Chief Executive Officer
Griffin Hospital
130 Division Street
Derby, CT 06418

RE: Docket Number 10-31023-MDF: An OHCA-initiated modification of a Certificate of Need issued under Docket Number 07-31023-CON, as modified by Docket Number 09-31023-MDF Establishment of an Outpatient Diagnostic Imaging Center in Shelton

Dear Mr. Charmel:

On October 3, 2008, under Docket Number 07-31023-CON, the Office of Health Care Access ("OHCA") granted a Certificate of Need to Griffin Hospital ("Hospital") pursuant to Section 19a-638 and 19a-639 of the Connecticut General Statutes for the establishment of an outpatient diagnostic imaging center in Shelton, at a total capital expenditure of \$4,319,023. The Griffin Imaging and Diagnostic Center at Ivy Brook opened in Shelton on June 1, 2009.

On April 27, 2009 under Docket Number 09-31023-MDF, OHCA issued a modification of Docket Number 07-31023-CON, in order to increase the authorized capital cost, by \$640,952 from \$4,319,023 to \$4,959,975.

On February 25, 2010, OHCA forwarded to you a Notice of Proposed Certificate of Need Modification, which initiated a process under Docket Number 10-31023-MDF to modify the Certificate of Need pursuant to Section 4-181a (b) of the Connecticut General Statutes ("C.G.S."). In the February 25, 2010 Notice, OHCA stated its intent to vacate Conditions #3 and #4 in order to discontinue the written report that focuses on the utilization of the MRI and the bi-annual meeting with OHCA to discuss the utilization results. In the February 25, 2010 Notice, OHCA provided a timeframe for the Hospital to provide any comments to OHCA regarding this matter. No comments from the Hospital had been provided to OHCA during the allotted timeframe.

Conditions #3 and #4 of the CON authorization as modified by Docket Number 09-31023-MDF currently state the following:

- "3. The Hospital shall submit a written report that focuses on the utilization of the MRI in general and specifically the sub-population targeted in this proposal on a bi-annual basis for the first*

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two full years of operation of the MRI unit. Each bi-annual utilization report shall be submitted to OHCA by no later than one month following the end of each bi-annual reporting period. The bi-annual period for this reporting shall be based on the service operational year and not on a calendar or fiscal year. Unless otherwise notified by OHCA, at each meeting the Hospital shall present a written report to OHCA including but not limited to the following information:

- *Number of MRI scan volume by diagnoses for the Center;*
- *MRI scan volume for the Center by town of origin;*
- *MRI scan volume for the Center for each sub-population (pediatric, bariatric, geriatric and claustrophobic);*
- *Significant findings regarding referral patterns and patient migration patterns that may assist OHCA in determining how to better quantify "un met need" in a given population;*
- *Significant findings regarding Breast MRI studies;*
- *Other data that is relevant to this proposal and/or when specifically requested by OHCA."*

"4. The Hospital shall schedule bi-annual meeting with OHCA to be held during the first two years of operation of the MRI services in order to discuss the utilization results reported in conjunction with condition # 3 above and any other pertinent matters related to the operation of this Center. Such meetings will be scheduled and held within 45 days subsequent to the filing of the bi-annual data required in condition # 3."

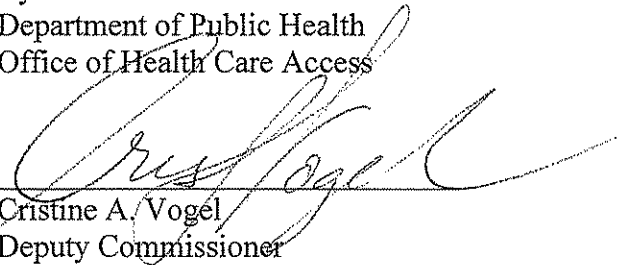
The CON authorization issued under Docket Number 07-31023-CON was a contested case, therefore, a modification under Docket Number 10-31023-MDF is also a contested case, requiring a public hearing unless a waiver is granted. Section 19a-643-45 of OHCA's Regulations allows for a waiver on the grounds that 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 Connecticut Post*. On April 15, 2010, OHCA waived the public hearing in this matter, having received no comments during the public comment period. OHCA has reviewed this modification to a previously authorized CON and finds that the relationship of the CON authorized under Docket Number 07-31023-CON to Section 19a-637, C.G.S. is not altered by this modification under Docket Number 10-31023-MDF.

Based on the reasons above, I find it appropriate to approve this modification of the CON authorized under Docket Number 07-31023-CON, as previously modified by Docket Number 09-31023-MDF. Therefore, the OHCA initiated modification under Docket Number 10-31023-MDF is **GRANTED**. Conditions #3 and #4 are hereby vacated. Griffin Hospital is no longer required to submit the written report that focuses on the utilization of the MRI and attend the bi-annual meeting with OHCA to discuss the utilization results.

All other conditions set forth in the CON authorization issued under Docket Number 07-31023-CON, as previously modified by Docket Numbers 09-31023-MDF, not modified herein, will remain in full effect.

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

4-19-10
Date



Cristine A. Vogel
Deputy Commissioner

CAV: kr: cc

Copy: Copy: Dr. Alan D. Kaye, Advanced Radiology Consultants, LLC (Intervenor to original CON)