



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

November 7, 2006

Jennifer L. Groves, Esquire
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street
New Haven, CT 06510

RE: A Certificate of Need Determination under Report Number 06-30859-DTR
The acquisition of a replacement MRI unit for Southbury office location of HVRA

Dear Attorney Groves:

On October 5, 2005, under a previous Certificate of Need Determination identified as Report Number 05-30548-DTR, the Office of Health Care Access ("OHCA") issued a Certificate of Need Determination to Housatonic Valley Radiological Associates, P.C. ("HVRA" or "Applicant") that stated that HVRA was not required to file a Certificate of Need request for the purchase of a replacement mobile MRI unit for 800 Main Street South in Southbury, Connecticut as the Applicant made certain binding commitments related to this mobile MRI unit prior to the implementation of Public Act 05-93. Such CON Determination was issued by OHCA specific to the enactment of Public Act 05-93.

Pursuant to Section 3 of Public Act No. 06-28, *AN ACT CONCERNING CERTIFICATE OF NEED CAPITAL EXPENDITURE THRESHOLDS*, "Each ... provider that proposes to purchase, lease or accept donation of a CT scanner, PET scanner, PET/CT scanner, MRI scanner, cineangiography equipment or a linear accelerator shall be exempt from certificate of need review pursuant to sections 19a-638, as amended by this act, and 19a-639, as amended by this act, if such ... provider (1) provides to the office satisfactory evidence that it purchased or leased such equipment for under four hundred thousand dollars on or before July 1, 2005, **and such equipment was in operation on or before July 1, 2006**, or (2) obtained, on or before July 1, 2005, from the office, a certificate of need or a determination that a certificate of need was not required for the purchase, lease or donation acceptance of such equipment. This law was approved on May 8, 2006 and effective upon passage.

Pursuant to information provided by you to OHCA on behalf of your client, HVRA, on July 5, 2006 and September 29, 2006, HVRA indicates that "For various reasons, including but not limited to protracted planning and zoning proceedings before the Village of Southbury and ongoing lease negotiations with potential landlords, HVRA was unable to place the newly purchased MRI unit in operation prior to July 1, 2006."

Based on the information available to OHCA, OHCA herein determines that Housatonic Valley Radiological Associates, P.C. is not exempted from Certificate of Need under the provisions of Section 3 of Public Act No. 06-28 as HVRA did not provide evidence that the "equipment was in operation on or before July 1, 2006" as required by this law.

As such, OHCA determines that HVRA is required to file a Certificate of Need authorization pursuant to 19a-639 of the Connecticut General Statutes, as amended by Public Acts 05-93 and 06-28. OHCA considers the submission of information received on September 29, 2006 as the Letter of Intent for this matter; therefore, HVRA may file a completed CON application with OHCA between **November 28, 2006** and **January 27, 2006**. The CON application is being mailed to your attention separately.

If you have any questions regarding the above Certificate of Need Determination, please contact Karen Roberts, Compliance Officer at (860) 418-7041

Sincerely,

Signed by Commissioner Vogel on November 7, 2006

Cristine A. Vogel
Commissioner

CAV:kr