



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

September 4, 2008

William A. Aniskovich
Chief Executive Officer
Stonington Institute
234A Bank Street, 5th Floor
New London, CT 06320

RE: CON Determination 07-31040-DTR
Stonington Behavioral Health, Inc., d/b/a Stonington Institute
Proposal to:

1. Terminate the DPH License of the 10-bed Co-occurring Developmental and Behavioral Health Unit and maintain the DCF license;
2. Reduce the Licensed Bed Capacity of the 18-bed Residential Detoxification and Evaluation Unit from 18 beds to 13; and
3. Change the Service Classification of the 45-bed Intensive Treatment Unit to an Intermediate Treatment Unit.

Dear Mr. Aniskovich:

On September 18, 2007, the Office of Health Care Access (“OHCA”) received your letter concerning the proposal of Stonington Institute to: terminate the State of Connecticut Department of Public Health (“DPH”) license of the 10-bed co-occurring developmental and behavioral health unit and maintain the State of Connecticut Department of Children and Families (“DCF”) license; reduce the licensed bed capacity of the 18-bed residential detoxification and evaluation unit from 18 beds to 13; and change the service classification of the 45-bed intensive treatment unit to an intermediate treatment unit. On March 6, 2008, OHCA received your responses to OHCA’s completeness questions. OHCA has reviewed the CON Determination form pursuant to Section 19a-643-74 of OHCA’s Regulations and has made the following findings:

1. Stonington Behavioral Health, Inc. d/b/a Stonington Institute (“Stonington”) holds two licenses issued by DPH for its inpatient services provided at 75 Swantown Hill Road, North Stonington. The licenses, the proposed licenses, and the current and proposed number of beds involved are reported in the following table:

An Equal Opportunity Employer
410 Capitol Ave., MS#13HCA, P.O.Box 340308, Hartford, CT 06134-0308
Telephone: (860) 418-7001 Toll-Free: 1-800-797-9688
Fax: (860) 418-7053

Table 1: Current and Proposed DPH Licenses for Inpatient Services

License	Current Service Level	Number of DPH Beds	
		Current	Proposed
Hospital for Mentally Ill Persons	Acute, subacute, or crisis beds	4	4
Facility for Care or Treatment of Substance Abusive or Dependent Persons	Residential Detoxification and Evaluation Beds	18	13
	Intensive Treatment Beds	55	45
Total Number of DPH Beds		77	62

(September 18, 2007, CON Determination Form, page 6)

- Stonington also holds two licenses issued by DCF for its inpatient services in North Stonington. The licenses, treatment programs, and number of beds are reported in the following table. There are no proposed changes to the licenses and number of beds for the DCF programs.

Table 2: Current DCF Licenses Held for Inpatient Services

License	Treatment Program	Number of DCF Beds	
		Current	Proposed
Child Caring Facility, Residential Treatment Center	Program for adolescents with co-occurring substance abuse and mental health diagnoses (“RTC”)	45	45
	Program for adolescents with co-occurring developmental and behavioral health diagnoses (“RTC-DD”)	10	10*
Total Number of DCF Beds		55	55

* The DPH license for these 10 beds will be terminated under Stonington’s proposal.
(September 18, 2007, CON Determination Form, page 4)

- The 55 intensive treatment beds licensed by DPH as listed in Table 1 are the same 55 beds that are licensed by DCF for the two residential treatment center (“RTC”) programs listed in Table 2. *(September 18, 2007, CON Determination Form, page 4)*
- DCF is the state agency responsible for licensing those facilities that provide mental health treatment services to children and adolescents.

5. Stonington's RTC dual-diagnosis program for adolescents with co-occurring developmental and behavioral health diagnoses program is currently licensed by DPH and by DCF. As the primary diagnosis of the adolescents in this program is a mental health disorder, it is appropriately licensed by DCF. *(September 18, 2007, CON Determination Form, page 4)*
6. In the amended DPH violation letter dated July 26, 2007, DPH stated that Stonington violated Regulations of Connecticut State Agencies Section 19a-495-570(c)(4)(G)¹. The violation letter stated, in part:

“the Executive Director identified that the facility currently has a 10- bed developmental disability unit, which provides services to adolescents with developmental problems. These clients do not have a substance abuse problem for which they are being treated. These 10 beds are licensed for the Intensive Treatment for Substance Abusive or Dependent Persons. The facility failed to ensure that the licensed beds were utilized only for substance abuse treatment.”
7. Stonington proposes to remove the 10-bed DPH intensive treatment license from its RTC-DD program. The “Facility for Care or Treatment of Substance Abusive or Dependent Persons” license issued by DPH is not an appropriate license for the program, as the adolescents in the program do not have a primary substance abuse diagnosis. The program will continue to operate under the DCF license. *(September 18, 2007, CON Determination Form, page 4)*
8. On September 13, 2005, the Final Decision was rendered as the finding and order of OHCA under OHCA Docket 04-30362-CON. Stonington received CON authorization to add the ten-bed RTC program for the treatment of adolescents aged 12 to 18 who have a diagnosis of a significant developmental disability and a co-occurring substance abuse and/or psychiatric disability. Stonington was authorized to add the ten-bed program for the target population under its Hospital for Mentally Ill Persons license issued by DPH.
9. Stonington is requesting that the service classification for the 45-bed intensive residential treatment center for adolescents with co-occurring mental health and substance abuse diagnoses be changed to the intermediate residential treatment service level. *(September 18, 2007, CON Determination Form, page 11)*
10. The 45-bed residential treatment center program is for the care and treatment of adolescents with mental health disorders and co-occurring substance abuse diagnoses. This 45-bed program will continue to hold the “Facility for the Care or Treatment of Substance Abusive or Dependent Persons” license issued by DPH. *(September 18, 2007, CON Determination Form, page 10)*

¹ 19a-495-570 concerns the licensure of private freestanding facilities for the care of the treatment of substance abusive or dependent persons. Section 19a-495-570(c)(4)(G) states that “the licensee shall notify the Department in writing of any proposed change of location or services at least ninety days prior to the effective date of such proposed change.”

11. Change of service classification from the intensive treatment level to the intermediate treatment level will not affect the services provided to the children and adolescents at Stonington, nor change the DCF license currently in place. *(March 6, 2008, Response to Completeness Questions, page 4)*
12. Stonington will petition the Center for Medicare/Medicaid Services (“CMS”) to become a Medicare-certified Psychiatric Residential Treatment Facility (“PRTF”) in order to provide intermediate treatment level services to adolescents. *(July 7, 2008, Letter from William Aniskovich, page 2)*
13. Stonington is also requesting to decrease its licensed bed capacity in its residential detoxification and evaluation unit from 18 licensed beds to 13 licensed beds. *(September 18, 2007, CON Determination Form, page 10)*
14. According to Stonington, the proposed location of its 4-acute bed Hospital for Mentally Ill Persons was changed from the North Building to the Infirmary Building. The Infirmary Building also houses the detox unit. In order to accommodate the 4-bed acute care unit, Stonington reduced the number of staffed beds in the detox unit by five (5) beds. *(March 6, 2008, Response to Completeness Questions, page 2)*
15. Section 19a-638 (2) of the Connecticut General Statutes (“C.G.S.”), states that

“each health care facility or institution or state health care facility or institution, including any inpatient rehabilitation facility, which intends to introduce any additional function or service into its program of health care shall submit to the office, prior to the proposed date of the institution of such function or service, a request for permission to undertake such function or service.”

16. Section 19a-638 (3), C.G.S., states that

“each health care facility or institution or state health care facility or institution which intends to terminate a health service offered by such facility or institution or reduce substantially its total bed capacity, shall submit to the office, prior to the proposed date of such termination or decrease, a request to undertake such termination or decrease.”

The following table presents Stonington’s current programs and the proposed changes:

Agency and License	Program	Total Bed Capacity (Number of Beds)		
		Current	Proposed	Change
DPH - Hospital for Mentally Ill Persons	Acute, subacute, or crisis beds	4	4	0
DPH - Facility for Care or Treatment of Substance Abusive or Dependent Persons	Residential Detoxification and Evaluation Beds (“adult detox”)	18	13	-5
DPH - Facility for Care or Treatment of Substance Abusive or Dependent Persons <i>and</i> DCF - Child Caring Facility, Residential Treatment Center	Intensive Treatment	45 RTC 10 RTC-DD <hr/> 55	Change service level* of 55 RTC beds to Intermediate RTC Treatment Beds under DPH and DCF <i>and</i> License the 10 Intermediate Treatment RTC-DD beds under DCF	0
Total Number of Beds		77	72	-5

* The change in service level from intensive to intermediate will allow Stonington to petition Medicare for certification as a PRTF.

Based on the findings presented above and pursuant to Section 19a-638, C.G.S., OHCA has determined that:

1. Stonington received authorization from OHCA to establish the 10-bed RTC program for the treatment of adolescents who have a diagnosis of a significant developmental disability and a co-occurring substance abuse and/or psychiatric disability under OHCA Docket 04-30362-CON. The order within the Final Decision authorized Stonington to establish and operate the 10-bed program for the target population under its Hospital for Mentally Ill Persons license issued by DPH. Therefore, the change in the licensing for the 10-bed program will require modification of the original CON decision. OHCA has initiated the CON modification process under Docket Number 08-30362-MDF;
2. Certificate of Need authorization is not required for Stonington Institute to reduce its number of licensed beds from 77 beds to 72 beds with the change in the DPH license for the residential detoxification and evaluation beds from 18 to 13 beds; and
3. The reclassification of service for the 45-bed unit from intensive to intermediate represents an additional function or service. CON approval from OHCA is required for

Stonington to change the service level of its 45-bed intensive residential treatment center program for adolescents with co-occurring substance abuse and mental health diagnoses to the intermediate treatment service level and enabling Stonington to petition Medicare to become a certified PRTF (Psychiatric Residential Treatment Facility). To initiate the CON process, please file a Letter of Intent with OHCA.

If you have any questions concerning the above or the CON process, please feel free to contact Laurie Greci, Associate Research Analyst, or Alexis Fedorjaczenko, Health Care Analyst, at (860) 418-7001.

Sincerely,

Signed by Commissioner Vogel on September 4, 2008

Cristine A. Vogel
Commissioner

CAV:lkg

C: Jennifer Groves, Esquire, Updike & Kelly
Joan Leavitt, Section Chief, Facility Licensing and Investigations Section, DPH
Sandra Bauer, Health Processing Technician, DPH, DCBR