

Greer, Leslie

From: Jennifer Groves Fusco <jfusco@uks.com>
Sent: Thursday, October 02, 2014 1:17 PM
To: User, OHCA
Cc: Martone, Kim
Subject: Advanced Radiology Consultants -- PET Replacement CON Determination
Attachments: ARC letter.pdf

Attached please find a CON Determination Form 2020 for replacement of the PET scanner at Advanced Radiology's Trumbull office. The original has been mailed to Kim's attention. Please confirm receipt and let me know if you need any additional information.

Thanks,
Jen

Jennifer Groves Fusco, Esq.
Principal
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street
New Haven, CT 06510
Office (203) 786.8316
Cell (203) 927.8122
Fax (203) 772.2037
www.uks.com



LEGAL NOTICE: Unless expressly stated otherwise, this message is confidential and may be privileged. It is intended for the addressee(s) only. If you are not an addressee, any disclosure, copying or use of the information in this e-mail is unauthorized and may be unlawful. If you are not an addressee, please inform the sender immediately and permanently delete and/or destroy the original and any copies or printouts of this message. Thank you. Updike, Kelly & Spellacy, P.C.



Jennifer Groves Fusco
(t) 203.786.8316
(f) 203.772.2037
jfusco@uks.com

October 2, 2014

VIA REGULAR & ELECTRONIC MAIL

Kimberly R. Martone, Director of Operations
Office of Health Care Access
410 Capital Avenue, MS #13HCA
P. O. Box 340308
Hartford, CT 06106

Re: Advanced Radiology Consultants
Replacement of Trumbull PET Scanner

Dear Ms. Martone,

This office represents Advanced Radiology Consultants, LLC (“Advanced Radiology”). Enclosed please find a CON Determination Form 2020 for replacement of the PET scanner operating at Advanced Radiology’s Trumbull office. This equipment is being replaced pursuant to Section 19a-638(b)(18) of the Connecticut General Statutes.

Should you have any questions or require additional information, please feel free to contact me at (203) 786-8316.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Jennifer G. Fusco', with a long, sweeping flourish extending to the right.

Jennifer G. Fusco

cc: Alan D. Kaye, M.D.



State of Connecticut Office of Health Care Access CON Determination Form Form 2020

All persons who are requesting a determination from OHCA as to whether a CON is required for their proposed project must complete this Form 2020. The completed form should be submitted to the Director of the Office of Health Care Access, 410 Capitol Avenue, MS#13HCA, P.O. Box 340308, Hartford, Connecticut 06134-0308.

SECTION I. PETITIONER INFORMATION

If this proposal has more than two Petitioners, please attach a separate sheet, supplying the same information for each Petitioner in the format presented in the following table.

	Petitioner	Petitioner
Full Legal Name	Advanced Radiology Consultants, LLC	
Doing Business As	Advanced Radiology Consultants	
Name of Parent Corporation	N/A	
Petitioner's Mailing Address, if Post Office (PO) Box, include a street mailing address for Certified Mail	3 Enterprise Dr. Suite 220 Shelton, CT 06484-4696	
What is the Petitioner's Status: P for profit and NP for Nonprofit	Profit	
Contact Person at Facility , including Title/Position: This Individual at the facility will be the Petitioner's Designee to receive all correspondence in this matter.	Alan D. Kaye, M.D. President	Jennifer G. Fusco Legal Counsel

Contact Person's Mailing Address, if PO Box, include a street mailing address for Certified Mail	3 Enterprise Dr. Suite 220 Shelton, CT 06484-4696	Updike, Kelly & Spellacy, P.C. 265 Church Street New Haven, CT 06510
Contact Person's Telephone Number	(203) 984-9729	(203) 786-8316
Contact Person's Fax Number	(203) 384-4363	(203) 772-2037
Contact Person's e-mail Address	<u>alan.kaye@adrad.com</u>	<u>jfusco@uks.com</u>

SECTION II. GENERAL PROPOSAL INFORMATION

- a. Proposal/Project Title: **Replacement of PET Scanner With PET-CT Scanner**
- b. Estimated Total Project Cost: **\$836,423**
- c. Location of proposal, identifying Street Address, Town and Zip Code: **15 Corporate Drive, Trumbull, CT 06611**
- d. List each town this project is intended to serve: **Trumbull, Monroe, Fairfield, and Easton**
- e. Estimated starting date for the project: **October 2014**

SECTION IV. PROPOSAL DESCRIPTION

Please provide a description of the proposed project, highlighting each of its important aspects, on at least one, but not more than two separate 8.5" X 11" sheets of paper. At a minimum each of the following elements need to be addressed, if applicable:

1. If applicable, identify the types of services currently provided and provide a copy of each Department of Public Health license held by the Petitioner.
2. Identify the types of services that are being proposed and what DPH licensure categories will be sought, if applicable.
3. Identify the current population served and the target population to be served.

SECTION IV. PROPOSAL DESCRIPTION

Advanced Radiology Consultants, LLC (“Advanced Radiology”) is a full-service private radiology practice with office locations in Stratford, Trumbull, Fairfield, Orange, Shelton, and Stamford. Highly skilled and experienced radiologists provide services including general radiology, fluoroscopy, mammography, ultrasound, MRI, CT, and nuclear medicine (PET) services. Advanced Radiology is a physician practice and is not separately licensed by the Department of Public Health.

Advanced Radiology is proposing to replace the PET scanner located at its Trumbull office with a state-of-the-art PET-CT scanner. The practice has provided PET services in Trumbull since May of 2004. These services are provided with a Siemens, ECAT Exact 47 PET scanner manufactured in 1998 (Docket No. 04-30381-DTR – copy attached as Exhibit A). The PET scanner has reached the end of its useful life and has become increasingly limited in its capability to deliver appropriate clinical care. Advanced Radiology was notified that as of December 31, 2012, Siemens would no longer support the ECAT Exact 47 unit (see Exhibit B attached). This means Siemens can no longer guarantee the availability of spare parts needed to repair the unit, there are fewer engineers able to maintain the unit, and Siemens cannot ensure that application services are available for the unit. Because of the above, and the deterioration of the ECAT, the list of examinations appropriate for the scanner has been significantly restricted by the radiologists.

Advanced Radiology intends to replace the PET scanner in accordance with Section 19a-638(b)(18) of the Connecticut General Statutes, which states in pertinent part:

A certificate of need shall not be required for: Replacement of imaging equipment if such equipment was acquired through certificate of need approval or a certificate of need determination, provided a health care facility, provider, physician or person notifies the office of the date on which the equipment is replaced and the disposition of the replaced equipment.

This statute does not qualify the type of equipment that can be acquired as a “replacement” for an existing piece of equipment previously authorized by OHCA. Advanced Radiology intends to replace its existing PET scanner with a GE Discovery 600 M PET-CT scanner because neither GE Healthcare (from whom the PET-CT scanner is being acquired) nor any other vendor still markets a standalone PET scanner (see Exhibit C attached). Advanced Radiology operates the last remaining PET-only scanner in the state. The intent of Section 19a-638(b)(18) is to allow providers to upgrade to state-of-the-art technology without the time and expense of a CON proceeding. Allowing Advanced Radiology to upgrade its PET scanner to a PET-CT unit, the only upgrade technology currently available, is consistent with the intent of the CON laws.

The PET-CT scanner can be used as both a PET-CT and a standalone CT scanner. Advanced Radiology intends to evaluate the unit for use as a standalone CT scanner and determine whether it has the proper functionality and image quality to meet the CT needs of the practice’s patients. For a short period of time after the acquisition of the PET-CT unit, Advanced Radiology will utilize it for CT scans (taking its existing Trumbull CT scanner out of service temporarily) and decide whether it is sufficient for standalone CT scanning. Assuming it is sufficient Advanced Radiology will immediately dispose of the existing CT scanner in Trumbull and file the appropriate replacement paperwork with OHCA. If the PET-CT scanner does not meet the practice’s standards for standalone CT scans, the existing Trumbull CT scanner will be reactivated and the standalone CT component of the PET-CT scanner will not be used. In either case, Advanced Radiology will not be using both the standalone CT function of the PET-CT scanner and its existing Trumbull CT scanner at the same time, either during the evaluation period or afterwards. Accordingly, this replacement will not result in the addition of any CT capacity to the market.

The PET-CT scanner is available immediately and will be installed in October of 2014. The existing PET scanner will be disposed of by Med Exchange International, Inc. once the PET-CT scanner is up and running and notice of replacement/disposition will be filed with OHCA (see Exhibit D attached). Similar disposal arrangements will be

made for the existing CT scanner in Trumbull if Advanced Radiology decides to use the PET-CT as a standalone CT scanner.

The population served by the Trumbull PET-CT scanner will be the same as the population served by the PET scanner and includes patients who reside primarily in the towns of Trumbull, Monroe, Fairfield, and Easton. PET-CT scanning services will be provided by the same technologists and other staff, and supervised and interpreted by the same subspecialist radiologists, as scans on the existing PET unit. Trumbull PET-CT services will be billed by the same entity – Advanced Radiology Consultants, LLC – that bills PET services currently.

Advanced Radiology has a tradition of inclusion of patients of all economic backgrounds. The practice is proud of its record of service to government payers and their patients, as well as to self-pay patients. Payers for the Trumbull PET-CT service will include private pay, Medicare, Tri-Care, traditional indemnity insurance, health maintenance organizations, and Medicaid. Note also that reimbursement by third-party payers for PET-CT scans is not substantially different than reimbursement for PET scans. This further supports the equivalency of a PET and PET-CT scanner for replacement purposes.


SECTION V. AFFIDAVIT

(Each Petitioner must submit a completed Affidavit.)

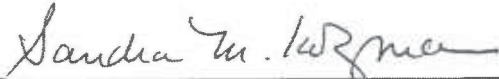
Petitioner: **Advanced Radiology Consultants, LLC**

Project Title: **Replacement of PET Scanner With PET-CT Scanner**

I, **Alan D. Kaye, M.D., Managing member of Advanced Radiology Consultants, LLC** being duly sworn, depose and state that the information provided in this CON Determination form is true and accurate to the best of my knowledge.

 _____ 9-30-14 _____
Signature Date

Subscribed and sworn to before me on 9/30/2014 _____

 _____
Notary Public/Commissioner of Superior Court

My commission expires: 4/30/2018 _____

**Sandra M Kozma
Notary Public-Connecticut
My Commission Expires
April 30, 2018**

EXHIBIT A



STATE OF CONNECTICUT

OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

November 4, 2004

Jennifer L. Groves, Esquire
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street
New Haven, CT 06510-7002

Re: Certificate of Need Determination, Report Number 04-30381-DTR
Advanced Radiology Consultants, LLC
Acquisition of a Positron Emission Tomography scanner

Dear Attorney Groves:

On October 25, 2004, the Office of Health Care Access ("OHCA") received your responses to OHCA's inquiry into the acquisition of a Positron Emission Tomography ("PET") scanner by Advanced Radiology Consultants, LLC. Additional information was provided on November 3, 2004. The inquiry is reviewed by OHCA under Certificate of Need Determination Report Number 04-30381-DTR. After review of the information provided on October 25, 2004 and November 3, 2004, OHCA makes following findings:

1. Advanced Radiology Consultants, LLC ("ARC") is a private physician group specializing in the practice of various radiology modalities in Fairfield County.
2. ARC acquired a Siemens, Ecat Exact 47 PET scanner and ARC is operating the PET scanner at its radiology practice location at 15 Corporate Drive in Trumbull, Connecticut.
3. ARC commenced operation of the PET scanner on May 10, 2004.
4. The PET scanner was manufactured in 1998 and is a previously used piece of equipment.
5. The PET scanner is leased by ARC from Northern Virginia PET Partners, LLC.
6. ARC is the physician group reading the PET scans and billing for PET services.
7. PET scanning services are provided by several Board-certified ARC radiologists, under the overall direction of Scott Williams, M.D. Dr. Williams is a nationally recognized physician in nuclear medicine and Pet imaging.

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

8. The total capital costs associated with acquisition of this PET scanner and commencement of PET scanning services, is as follows:

Capital Expenditure Item	Amount
PET Scanner (leased)	\$300,000
Renovations to Accommodate PET Scanner	79,552
Total Capital Expenditure	\$379,552

9. ARC meets all state and federal regulatory requirements for the safe handling and administration of the radiopharmaceuticals required for PET imaging.
10. ARC is neither generating nor producing any radiopharmaceutical at any of its sites related to the PET scanning services. ARC obtains radiopharmaceuticals via delivery from an outside supplier.
11. ARC has not incurred and will not incur, any capital cost or expenditure related to the acquisition or lease of a generator or any other equipment, leased or purchased, related to the generation or production of radiopharmaceuticals.
12. Section 19a-639 (c) of the Connecticut General Statutes requires that any person obtain CON approval for the acquisition of major imaging equipment or a linear accelerator costing over four hundred thousand dollars (\$400,000).

Based on the above findings, OHCA has determined that Certificate of Need approval is not required for Advanced Radiology Consultants, LLC to acquire and operate a position emission tomography scanner for its radiological practice located in Trumbull, Connecticut, at a total capital cost of \$379,552. The capital expenditure incurred for this project is below the statutory threshold of \$400,000. Please be advised, however, that if Advanced Radiology Consultants, LLC changes the scope of PET scanning services to be provided at this location or incurs a total capital cost equal to or greater than \$400,000 for the PET scanning services, OHCA should be notified as Certificate of Need approval from OHCA may then be required at that time.

Thank you for informing OHCA of your plans. If you have any questions concerning this letter, please contact Karen Roberts, Compliance Officer, at OHCA at (860) 418-7001.

Sincerely,

Signed by Cristine A. Vogel
Commissioner

Copy: Rose McLellan, Licensing Examination Assistant, DHSR, DPH

CAV: kr

EXHIBIT B

November 2013

Alan Kaye, MD
Medical Director
Advanced Radiology Consultants
56 Quarry Rd
Trumbull, CT 06611

Product End-of-Support (EOS) Notification

For additional information, please contact your local Siemens account executive or call 1-888-826-9702.

Dear Dr. Kaye:

As your solutions provider, we take a proactive approach in notifying you when particular Siemens equipment is approaching an end-of-support status, so you can manage your medical equipment requirements and maintain the highest level of healthcare services for your patients. Migration decisions take time, and we can assist you by providing the information you need to meet your long-term planning goals.

According to our records, the equipment, or one or more components of the equipment, listed in the attached document has reached or will reach end-of-support status as of the date(s) indicated.

What is the impact of a product reaching end-of-support status?

Siemens prides itself on providing customers with state-of-the-art technology with our highest levels of service and support. When a product has reached end-of-support status, several issues arise:

- Spare parts availability can no longer be guaranteed and therefore, Siemens may be unable to complete a required service repair due to the unavailability of needed parts.
- As the number of systems in use declines, there may be fewer Siemens engineers available to maintain and repair these products.
- Siemens cannot ensure that application training will be available on products for which support has ended.

Collectively, these factors greatly impact Siemens' ability to deliver the high level of service and support you have come to expect.

What options exist for replacing an end-of-support product?

Through Siemens' comprehensive customer care approach, we can help you migrate to the latest imaging technology. We offer trade-in programs with attractive incentives tailored exclusively for long-standing Siemens customers, as well as leasing plans to help you transition to the next product generation. For your convenience, we have enclosed information regarding Siemens products and services to assist you in planning your imaging equipment strategy. You may also visit www.usa.siemens.com/eos.

What if an end-of-support product currently has a service agreement?

If any of the equipment included in the attached table is currently covered by a Siemens service agreement, we may be able to continue to provide a limited level of service support without a guarantee of spare parts availability, although Siemens will no longer be able to deliver comprehensive service for these products or provide product enhancements, updates, or upgrades (other than safety updates).



If you have an IT product with a software Extended Support Agreement (ESA) and have not maintained the product at the most currently released version of software, you will be required to upgrade to the newest version of released software prior to the end-of-support date. If the upgrade is not performed by that date, Siemens will be required to cancel the ESA, as of the end-of-support date, per the terms of the ESA/software support agreement.

What if an end-of-support product listed is no longer installed?

If you no longer have some of the equipment included in this notification, please visit www.usa.siemens.com/systemremovalform. You will be asked to provide some basic information to keep our records up-to-date and ensure that our communications are tailored to your needs.

We greatly appreciate your business and welcome the opportunity to continue our relationship. To begin the transition to the latest Siemens technology, please feel free to contact your local Siemens account executive or call us at 1-888-826-9702.

Best regards,

Travis Holles
General Manager, Northeast Zone
Siemens Healthcare

For more information online, visit www.usa.siemens.com/eos.



November 2013

Advanced Radiology Consultants

Siemens Product End-of-Support (EOS) Notification

Facility	End-of-Support (EOS) Date	Equipment Type	Description	Functional Location #
ADVANCED RADIOLOGY	12/31/2012	Molecular Imaging PET	ECAT EXACT BASIC SYSTEM	400-181413

For more information online, visit www.usa.siemens.com/eos.

Mail ID: 403-26

EXHIBIT C



GE Healthcare

3000 N Grandview Blvd
Waukesha, WI 53188
USA

September 30, 2014

Mr. Dennis Condon
Chief Operating Officer
Advanced Radiology Consultants
3 Enterprise Drive, Suite 220
Shelton, CT 06484

Dear Dennis,

Thank you for your inquiry. GE Healthcare has a variety of PETCT scanners in its portfolio and no longer sells PET only scanners.

Please feel free to contact me if there are any questions.

Kind regards,

A handwritten signature in black ink that reads 'Richard L. Glass'.

Richard L. Glass
Zone Sales Leader- Oncology & PETCT
727-692-2373
Richard.Glass@med.ge.com

EXHIBIT D



INTERNATIONAL, Inc.®

127 Ramah Circle • Agawam, MA 01001

Tel: 413-733-4828

Fax: 413-736-6369

Toll Free: 800-338-1287

September 29, 2014

Advanced Radiology Consultants

Attn: Dennis Condon

Dear Dennis,

Med Exchange International, Inc. is pleased to remove the Siemens ECAT PET system from your Trumbull location for a fee of Two Thousand Dollars (\$2,000.00). This offer is good for 180 days.

Davyn McGuire

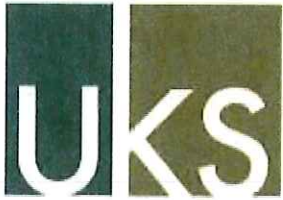
413-262-7037

Accepted by _____ (Name of Partner)

_____ (Signature)

_____ (Print Name)

_____ (Date)



MERITAS LAW FIRMS WORLDWIDE

Jennifer Groves Fusco
(t) 203.786.8316
(f) 203.772.2037
jfusco@uks.com

October 2, 2014

VIA REGULAR & ELECTRONIC MAIL

Kimberly R. Martone, Director of Operations
Office of Health Care Access
410 Capital Avenue, MS #13HCA
P. O. Box 340308
Hartford, CT 06106



Re: Advanced Radiology Consultants
Replacement of Trumbull PET Scanner

Dear Ms. Martone,

This office represents Advanced Radiology Consultants, LLC (“Advanced Radiology”). Enclosed please find a CON Determination Form 2020 for replacement of the PET scanner operating at Advanced Radiology’s Trumbull office. This equipment is being replaced pursuant to Section 19a-638(b)(18) of the Connecticut General Statutes.

Should you have any questions or require additional information, please feel free to contact me at (203) 786-8316.

Very Truly Yours,

Jennifer G. Fusco

cc: Alan D. Kaye, M.D.



State of Connecticut Office of Health Care Access CON Determination Form Form 2020

All persons who are requesting a determination from OHCA as to whether a CON is required for their proposed project must complete this Form 2020. The completed form should be submitted to the Director of the Office of Health Care Access, 410 Capitol Avenue, MS#13HCA, P.O. Box 340308, Hartford, Connecticut 06134-0308.

SECTION I. PETITIONER INFORMATION

If this proposal has more than two Petitioners, please attach a separate sheet, supplying the same information for each Petitioner in the format presented in the following table.

	Petitioner	Petitioner
Full Legal Name	Advanced Radiology Consultants, LLC	
Doing Business As	Advanced Radiology Consultants	
Name of Parent Corporation	N/A	
Petitioner's Mailing Address, if Post Office (PO) Box, include a street mailing address for Certified Mail	3 Enterprise Dr. Suite 220 Shelton, CT 06484-4696	
What is the Petitioner's Status: P for profit and NP for Nonprofit	Profit	
Contact Person at Facility , including Title/Position: This Individual at the facility will be the Petitioner's Designee to receive all correspondence in this matter.	Alan D. Kaye, M.D. President	Jennifer G. Fusco Legal Counsel

Contact Person's Mailing Address, if PO Box, include a street mailing address for Certified Mail	3 Enterprise Dr. Suite 220 Shelton, CT 06484-4696	Updike, Kelly & Spellacy, P.C. 265 Church Street New Haven, CT 06510
Contact Person's Telephone Number	(203) 984-9729	(203) 786-8316
Contact Person's Fax Number	(203) 384-4363	(203) 772-2037
Contact Person's e-mail Address	<u>alan.kaye@adrad.com</u>	<u>jfusco@uks.com</u>

SECTION II. GENERAL PROPOSAL INFORMATION

- a. Proposal/Project Title: **Replacement of PET Scanner With PET-CT Scanner**
- b. Estimated Total Project Cost: **\$836,423**
- c. Location of proposal, identifying Street Address, Town and Zip Code: **15 Corporate Drive, Trumbull, CT 06611**
- d. List each town this project is intended to serve: **Trumbull, Monroe, Fairfield, and Easton**
- e. Estimated starting date for the project: **October 2014**

SECTION IV. PROPOSAL DESCRIPTION

Please provide a description of the proposed project, highlighting each of its important aspects, on at least one, but not more than two separate 8.5" X 11" sheets of paper. At a minimum each of the following elements need to be addressed, if applicable:

1. If applicable, identify the types of services currently provided and provide a copy of each Department of Public Health license held by the Petitioner.
2. Identify the types of services that are being proposed and what DPH licensure categories will be sought, if applicable.
3. Identify the current population served and the target population to be served.

SECTION IV. PROPOSAL DESCRIPTION

Advanced Radiology Consultants, LLC (“Advanced Radiology”) is a full-service private radiology practice with office locations in Stratford, Trumbull, Fairfield, Orange, Shelton, and Stamford. Highly skilled and experienced radiologists provide services including general radiology, fluoroscopy, mammography, ultrasound, MRI, CT, and nuclear medicine (PET) services. Advanced Radiology is a physician practice and is not separately licensed by the Department of Public Health.

Advanced Radiology is proposing to replace the PET scanner located at its Trumbull office with a state-of-the-art PET-CT scanner. The practice has provided PET services in Trumbull since May of 2004. These services are provided with a Siemens, ECAT Exact 47 PET scanner manufactured in 1998 (Docket No. 04-30381-DTR – copy attached as Exhibit A). The PET scanner has reached the end of its useful life and has become increasingly limited in its capability to deliver appropriate clinical care. Advanced Radiology was notified that as of December 31, 2012, Siemens would no longer support the ECAT Exact 47 unit (see Exhibit B attached). This means Siemens can no longer guarantee the availability of spare parts needed to repair the unit, there are fewer engineers able to maintain the unit, and Siemens cannot ensure that application services are available for the unit. Because of the above, and the deterioration of the ECAT, the list of examinations appropriate for the scanner has been significantly restricted by the radiologists.

Advanced Radiology intends to replace the PET scanner in accordance with Section 19a-638(b)(18) of the Connecticut General Statutes, which states in pertinent part:

A certificate of need shall not be required for: Replacement of imaging equipment if such equipment was acquired through certificate of need approval or a certificate of need determination, provided a health care facility, provider, physician or person notifies the office of the date on which the equipment is replaced and the disposition of the replaced equipment.

This statute does not qualify the type of equipment that can be acquired as a “replacement” for an existing piece of equipment previously authorized by OHCA. Advanced Radiology intends to replace its existing PET scanner with a GE Discovery 600 M PET-CT scanner because neither GE Healthcare (from whom the PET-CT scanner is being acquired) nor any other vendor still markets a standalone PET scanner (see Exhibit C attached). Advanced Radiology operates the last remaining PET-only scanner in the state. The intent of Section 19a-638(b)(18) is to allow providers to upgrade to state-of-the-art technology without the time and expense of a CON proceeding. Allowing Advanced Radiology to upgrade its PET scanner to a PET-CT unit, the only upgrade technology currently available, is consistent with the intent of the CON laws.

The PET-CT scanner can be used as both a PET-CT and a standalone CT scanner. Advanced Radiology intends to evaluate the unit for use as a standalone CT scanner and determine whether it has the proper functionality and image quality to meet the CT needs of the practice’s patients. For a short period of time after the acquisition of the PET-CT unit, Advanced Radiology will utilize it for CT scans (taking its existing Trumbull CT scanner out of service temporarily) and decide whether it is sufficient for standalone CT scanning. Assuming it is sufficient Advanced Radiology will immediately dispose of the existing CT scanner in Trumbull and file the appropriate replacement paperwork with OHCA. If the PET-CT scanner does not meet the practice’s standards for standalone CT scans, the existing Trumbull CT scanner will be reactivated and the standalone CT component of the PET-CT scanner will not be used. In either case, Advanced Radiology will not be using both the standalone CT function of the PET-CT scanner and its existing Trumbull CT scanner at the same time, either during the evaluation period or afterwards. Accordingly, this replacement will not result in the addition of any CT capacity to the market.

The PET-CT scanner is available immediately and will be installed in October of 2014. The existing PET scanner will be disposed of by Med Exchange International, Inc. once the PET-CT scanner is up and running and notice of replacement/disposition will be filed with OHCA (see Exhibit D attached). Similar disposal arrangements will be

made for the existing CT scanner in Trumbull if Advanced Radiology decides to use the PET-CT as a standalone CT scanner.

The population served by the Trumbull PET-CT scanner will be the same as the population served by the PET scanner and includes patients who reside primarily in the towns of Trumbull, Monroe, Fairfield, and Easton. PET-CT scanning services will be provided by the same technologists and other staff, and supervised and interpreted by the same subspecialist radiologists, as scans on the existing PET unit. Trumbull PET-CT services will be billed by the same entity – Advanced Radiology Consultants, LLC – that bills PET services currently.

Advanced Radiology has a tradition of inclusion of patients of all economic backgrounds. The practice is proud of its record of service to government payers and their patients, as well as to self-pay patients. Payers for the Trumbull PET-CT service will include private pay, Medicare, Tri-Care, traditional indemnity insurance, health maintenance organizations, and Medicaid. Note also that reimbursement by third-party payers for PET-CT scans is not substantially different than reimbursement for PET scans. This further supports the equivalency of a PET and PET-CT scanner for replacement purposes.

EXHIBIT A



STATE OF CONNECTICUT

OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

November 4, 2004

Jennifer L. Groves, Esquire
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street
New Haven, CT 06510-7002

Re: Certificate of Need Determination, Report Number 04-30381-DTR
Advanced Radiology Consultants, LLC
Acquisition of a Positron Emission Tomography scanner

Dear Attorney Groves:

On October 25, 2004, the Office of Health Care Access ("OHCA") received your responses to OHCA's inquiry into the acquisition of a Positron Emission Tomography ("PET") scanner by Advanced Radiology Consultants, LLC. Additional information was provided on November 3, 2004. The inquiry is reviewed by OHCA under Certificate of Need Determination Report Number 04-30381-DTR. After review of the information provided on October 25, 2004 and November 3, 2004, OHCA makes following findings:

1. Advanced Radiology Consultants, LLC ("ARC") is a private physician group specializing in the practice of various radiology modalities in Fairfield County.
2. ARC acquired a Siemens, Ecat Exact 47 PET scanner and ARC is operating the PET scanner at its radiology practice location at 15 Corporate Drive in Trumbull, Connecticut.
3. ARC commenced operation of the PET scanner on May 10, 2004.
4. The PET scanner was manufactured in 1998 and is a previously used piece of equipment.
5. The PET scanner is leased by ARC from Northern Virginia PET Partners, LLC.
6. ARC is the physician group reading the PET scans and billing for PET services.
7. PET scanning services are provided by several Board-certified ARC radiologists, under the overall direction of Scott Williams, M.D. Dr. Williams is a nationally recognized physician in nuclear medicine and Pet imaging.

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

ARC000008
10/02/14

8. The total capital costs associated with acquisition of this PET scanner and commencement of PET scanning services, is as follows:

Capital Expenditure Item	Amount
PET Scanner (leased)	\$300,000
Renovations to Accommodate PET Scanner	79,552
Total Capital Expenditure	\$379,552

9. ARC meets all state and federal regulatory requirements for the safe handling and administration of the radiopharmaceuticals required for PET imaging.
10. ARC is neither generating nor producing any radiopharmaceutical at any of its sites related to the PET scanning services. ARC obtains radiopharmaceuticals via delivery from an outside supplier.
11. ARC has not incurred and will not incur, any capital cost or expenditure related to the acquisition or lease of a generator or any other equipment, leased or purchased, related to the generation or production of radiopharmaceuticals.
12. Section 19a-639 (c) of the Connecticut General Statutes requires that any person obtain CON approval for the acquisition of major imaging equipment or a linear accelerator costing over four hundred thousand dollars (\$400,000).

Based on the above findings, OHCA has determined that Certificate of Need approval is not required for Advanced Radiology Consultants, LLC to acquire and operate a positron emission tomography scanner for its radiological practice located in Trumbull, Connecticut, at a total capital cost of \$379,552. The capital expenditure incurred for this project is below the statutory threshold of \$400,000. Please be advised, however, that if Advanced Radiology Consultants, LLC changes the scope of PET scanning services to be provided at this location or incurs a total capital cost equal to or greater than \$400,000 for the PET scanning services, OHCA should be notified as Certificate of Need approval from OHCA may then be required at that time.

Thank you for informing OHCA of your plans. If you have any questions concerning this letter, please contact Karen Roberts, Compliance Officer, at OHCA at (860) 418-7001.

Sincerely,

Signed by Cristine A. Vogel
Commissioner

Copy: Rose McLellan, Licensing Examination Assistant, DHSR, DPH

CAV: kr

EXHIBIT B

November 2013

Alan Kaye, MD
Medical Director
Advanced Radiology Consultants
56 Quarry Rd
Trumbull, CT 06611

Product End-of-Support (EOS) Notification
For additional information, please contact your local
Siemens account executive or call 1-888-826-9702.

Dear Dr. Kaye:

As your solutions provider, we take a proactive approach in notifying you when particular Siemens equipment is approaching an end-of-support status, so you can manage your medical equipment requirements and maintain the highest level of healthcare services for your patients. Migration decisions take time, and we can assist you by providing the information you need to meet your long-term planning goals.

According to our records, the equipment, or one or more components of the equipment, listed in the attached document has reached or will reach end-of-support status as of the date(s) indicated.

What is the impact of a product reaching end-of-support status?

Siemens prides itself on providing customers with state-of-the-art technology with our highest levels of service and support. When a product has reached end-of-support status, several issues arise:

- Spare parts availability can no longer be guaranteed and therefore, Siemens may be unable to complete a required service repair due to the unavailability of needed parts.
- As the number of systems in use declines, there may be fewer Siemens engineers available to maintain and repair these products.
- Siemens cannot ensure that application training will be available on products for which support has ended.

Collectively, these factors greatly impact Siemens' ability to deliver the high level of service and support you have come to expect.

What options exist for replacing an end-of-support product?

Through Siemens' comprehensive customer care approach, we can help you migrate to the latest imaging technology. We offer trade-in programs with attractive incentives tailored exclusively for long-standing Siemens customers, as well as leasing plans to help you transition to the next product generation. For your convenience, we have enclosed information regarding Siemens products and services to assist you in planning your imaging equipment strategy. You may also visit www.usa.siemens.com/eos.

What if an end-of-support product currently has a service agreement?

If any of the equipment included in the attached table is currently covered by a Siemens service agreement, we may be able to continue to provide a limited level of service support without a guarantee of spare parts availability, although Siemens will no longer be able to deliver comprehensive service for these products or provide product enhancements, updates, or upgrades (other than safety updates).



If you have an IT product with a software Extended Support Agreement (ESA) and have not maintained the product at the most currently released version of software, you will be required to upgrade to the newest version of released software prior to the end-of-support date. If the upgrade is not performed by that date, Siemens will be required to cancel the ESA, as of the end-of-support date, per the terms of the ESA/software support agreement.

What if an end-of-support product listed is no longer installed?

If you no longer have some of the equipment included in this notification, please visit www.usa.siemens.com/systemremovalform. You will be asked to provide some basic information to keep our records up-to-date and ensure that our communications are tailored to your needs.

We greatly appreciate your business and welcome the opportunity to continue our relationship. To begin the transition to the latest Siemens technology, please feel free to contact your local Siemens account executive or call us at 1-888-826-9702.

Best regards,

A handwritten signature in black ink, appearing to read "THolles", written over a light blue horizontal line.

Travis Holles
General Manager, Northeast Zone
Siemens Healthcare

For more information online, visit www.usa.siemens.com/eos.



November 2013

Advanced Radiology Consultants

Siemens Product End-of-Support (EOS) Notification

Facility	End-of-Support (EOS) Date	Equipment Type	Description	Functional Location #
ADVANCED RADIOLOGY	12/31/2012	Molecular Imaging PET	ECAT EXACT BASIC SYSTEM	400-181413

For more information online, visit www.usa.siemens.com/eos.

Mail ID: 403-26

EXHIBIT C



GE Healthcare

3000 N Grandview Blvd
Waukesha, WI 53188
USA

September 30, 2014

Mr. Dennis Condon
Chief Operating Officer
Advanced Radiology Consultants
3 Enterprise Drive, Suite 220
Shelton, CT 06484

Dear Dennis,

Thank you for your inquiry. GE Healthcare has a variety of PETCT scanners in its portfolio and no longer sells PET only scanners.

Please feel free to contact me if there are any questions.

Kind regards,

A handwritten signature in black ink, appearing to read 'Richard L. Glass'.

Richard L. Glass
Zone Sales Leader- Oncology & PETCT
727-692-2373
Richard.Glass@med.ge.com

EXHIBIT D



INTERNATIONAL, Inc.®

127 Ramah Circle • Agawam, MA 01001

Tel: 413-733-4828

Fax: 413-736-6369

Toll Free: 800-338-1287

September 29, 2014

Advanced Radiology Consultants
Attn: Dennis Condon

Dear Dennis,

Med Exchange International, Inc. is pleased to remove the Siemens ECAT PET system from your Trumbull location for a fee of Two Thousand Dollars (\$2,000.00). This offer is good for 180 days.

Davyn McGuire
413-262-7037

Accepted by _____ (Name of Partner)

_____ (Signature)

_____ (Print Name)

_____ (Date)



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

October 14, 2014

VIA FACSIMILE ONLY

Alan D. Kaye, M.D.
President
Advanced Radiology Consultants, LLC
3 Enterprise Dr., Suite 220
Shelton, CT 06484

RE: Certificate of Need Determination Report Number 14-31951-DTR
Acquisition of PET-CT Scanner

Dear Dr. Kaye:

On October 2, 2014, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination request on behalf of Advanced Radiology Consultants, LLC ("Petitioner") with respect to the replacement of a PET scanner with a PET-CT scanner.

The Petitioner is a full-service private radiology practice with offices in Stratford, Trumbull, Fairfield, Orange, Shelton, and Stamford. The Petitioner currently operates a PET scanner at its Trumbull location. This PET scanner has reached the end of its useful life and has become limited in its capability to deliver appropriate clinical care. As a result, the Petitioner plans to replace the PET scanner with a PET-CT scanner. The PET-CT scanner can be used as both a PET-CT and a standalone CT scanner. For approximately six months after the acquisition of the PET-CT scanner, the Petitioner will utilize it for CT scans (taking the existing CT scanner in Trumbull out of service) and decide whether it is sufficient for standalone CT scanning. If it is sufficient, the Petitioner will dispose of the existing CT scanner in Trumbull. If it is not sufficient, the Petitioner will keep the existing CT scanner in Trumbull and will not use the CT component of the new PET-CT.

Pursuant to Conn. Gen. Stat. § 19a-638(a)(9), a certificate of need is required for the "acquisition of computed tomography scanners.. or positron emission tomography-computed tomography scanners..." The Petitioner is seeking to acquire a positron emission tomography-computed tomography scanner. The PET-CT that the Petitioner is seeking to acquire is not a direct replacement of the current PET scanner. Therefore, the Petitioner's proposal is an acquisition of imaging equipment rather than a replacement and a **CON is required**.

Sincerely,

Kimberly R. Martone
Director of Operations

C: Rose McLellan, License and Applications Supervisor, DPH, DHSR\
Jennifer G. Fusco, Esq.

An Equal Opportunity Provider

(If you require aid/accommodation to participate fully and fairly, contact us either by phone, fax or email)
410 Capitol Ave., MS#13HCA, P.O.Box 340308, Hartford, CT 06134-0308
Telephone: (860) 418-7001 Fax: (860) 418-7053 Email: OHCA@ct.gov

* * * COMMUNICATION RESULT REPORT (OCT. 14. 2014 3:50PM) * * *

FAX HEADER:

TRANSMITTED/STORED : FILE MODE	OCT. 14. 2014 3:49PM OPTION	ADDRESS	RESULT	PAGE
685	MEMORY TX	912033844363	OK	2/2

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION



**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH CARE ACCESS**

FAX SHEET

TO: DR. ALAN KAYE

FAX: 203 384-4363

AGENCY: ADVANCED RADIOLOGY CONSULTANTS

FROM: OHCA

DATE: 10/14/14 **Time:** _____

NUMBER OF PAGES: 2
(including transmittal sheet)

Comments: Determination for Acquisition of PET-CT Scanner. Docket Number 14-31951-DTR

PLEASE PHONE Barbara K. Otejarz IF THERE ARE ANY TRANSMISSION PROBLEMS.

Phone: (860) 418-7001

Fax: (860) 418-7053

410 Capitol Ave., MS#13HCA
P.O.Box 340308
Hartford, CT 06134

* * * COMMUNICATION RESULT REPORT (OCT. 14. 2014 3:53PM) * * *

FAX HEADER:

TRANSMITTED/STORED : OCT. 14. 2014 3:52PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

687 MEMORY TX

912037722037

OK

2/2

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH CARE ACCESS

FAX SHEET

TO: JENNIFER G. FUSCO

FAX: 203 772-8316 2-23 7

AGENCY: UPDIKE, KELLY AND SPELLACY

FROM: OHCA

DATE: 10/14/14 Time: _____

NUMBER OF PAGES: 2
(including transmittal sheet)

Comments:
Determination for Acquisiton of PET-CT Scanner. Docket Number 14-31951-DTR

PLEASE PHONE Barbara K. Olejarz IF THERE ARE ANY TRANSMISSION PROBLEMS.

Phone: (860) 418-7001

Fax: (860) 418-7053

410 Capitol Ave., MS#13HCA
P.O.Box 340308
Hartford, CT 06134