

**STATE OF CONNECTICUT
Office of the Attorney General
Department of Public Health, Office of Health Care Access**

SAINT MARY’S HEALTH SYSTEM, INC. and TENET HEALTHCARE CORPORATION :
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DOCKET AG No. 14-486-02 and OHCA Docket No. 14-31927-486 : **October 16, 2014**

APPLICANTS’ MOTION TO SUBMIT TESTIMONY OF VANGUARD HEALTH SYSTEMS, INC. AND GREATER WATERBURY HEALTH NETWORK, INC.

Tenet Healthcare Corporation (“Tenet”) and Saint Mary’s Health System, Inc. (“SMHS”) (together, the “Applicants”), hereby move the Office of Health Care Access (“OHCA”) and the Office of the Attorney General, pursuant to Conn. Gen. Stat. § 4-178, to accept as evidence in this proceeding the testimony of Vanguard Health Systems, Inc. and Greater Waterbury Health Network, Inc. (together, the “October 15 Applicants”) developed in a related and simultaneous Certificate of Need proceeding.

Specifically, the Applicants request that OHCA and the Office of the Attorney General receive the transcript of certain testimony provided by the October 15 Applicants at the hearing held on October 15, 2014, including direct testimony and cross examination in In re Certificate of Need Application by a Joint Venture of Greater Waterbury Health Network, Inc. and Vanguard Health Systems, Inc., OCHA Docket No. 13-31838-CON and Office of the Attorney General Docket No. 13-486-01.¹

¹ Tenet acquired Vanguard Health Systems, Inc. in October 2013 and testified in the proceeding.

The testimony provided by the October 15 Applicants is precisely the type of evidence encouraged under Conn. Gen. Stat. § 4-178 in contested cases to promote judicial economy and to develop a complete record for the agency. Importantly, Conn. Gen. Stat. § 4-178(1) allows an agency to receive “[a]ny oral or documentary evidence” in a contested case except for “irrelevant, immaterial or unduly repetitious evidence.” Further, “when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.” Conn. Gen. Stat. § 4-178(3).

Here, the testimony by the October 15 Applicants is relevant because it speaks directly to the issues under consideration in this proceeding, including Tenet’s “past and proposed provision of health care services to relevant patient populations and payer mix” and Tenet’s financial condition. See Conn. Gen. Stat. § 19a-639(4) and (6). Additionally, the testimony by the October 15 Applicants, submitted in the form of transcripts, will expedite this proceeding by reducing the amount of direct oral testimony and cross-examination. The Applicants and the agencies have both expended substantial resources in developing this testimony, and its admission in this proceeding will avoid duplication of that effort.

In summary, the testimony by the October 15 Applicants is relevant to this proceeding, and its admission will avoid the duplicative effort of developing essentially the identical record in this proceeding. The Applicants, therefore, respectfully request that OHCA and the Office of the Attorney General receive the related transcripts pursuant to Conn. Gen. Stat. § 4-178.

To the extent the Applicants are to be timely notified of evidence under Conn. Gen. Stat. § 4-178(7), the Applicants waive such requirement.

The Applicants request to be heard on this motion after the convening of the Hearing
on October 16, 2014, at 1:00 p.m.

Respectfully submitted,

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CERTIFICATION

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