



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

February 19, 2009

John J. Capobianco
Vice President, Administration
The Charlotte Hungerford Hospital
540 Litchfield Street
Torrington, CT 06790-0988

RE: Certificate of Need Determination Number 08-31285-DTR
The Charlotte Hungerford Hospital
Use of PET Scanner at Connecticut Oncology & Hematology, LLP in Torrington

Dear Mr. Capobianco:

On December 5, 2008, the Office of Health Care Access ("OHCA") received The Charlotte Hungerford Hospital's ("Hospital") request for a Certificate of Need Determination regarding the use of the fixed position emission tomography ("PET") scanner located at 220 Kennedy Drive, Torrington, on an expedited and temporary basis. Upon review of the information contained in the request and additional information received from the Hospital on January 6 and January 7, 2009, OHCA finds the following:

1. The PET scanner that the Hospital is requesting to use is owned by Connecticut Oncology & Hematology LLP ("COH").
2. On May 22, 2006, under OHCA Docket Number 05-30510-CON, Northwestern Connecticut Oncology/Hematology Associates, LLP ("NCOHA") was authorized to establish PET scanning service at 200 Kennedy Drive, Torrington. The CON authorization requires that NCOHA provide the PET scanning service to its own patients and that only physicians who are partners of NCOHA may utilize the service for their patients.
3. On March 29, 2006, NCOHA filed a name change with the State of Connecticut Secretary of State. The new name is Connecticut Oncology & Hematology, LLP ("COH").

4. On November 20, 2001, under OHCA Docket Number 01-509, the Hospital was authorized by OHCA to provide mobile PET scanning service on its main campus in Torrington on an operating schedule to be determined between the Hospital and Alliance Imaging, Inc. (“Alliance”), the mobile PET service provider.
5. On January 23, 2004, under OHCA Docket Number 03-30189-CON, the Hospital was authorized by OHCA to provide mobile PET scanning service at the Hospital’s Winsted Health Center one day every two weeks. The mobile PET service was authorized to be provided on a schedule to be determined between the Hospital and Alliance.
6. Alliance notified the Hospital that it would no longer provide PET scanning services to patients of the Hospital after December 8, 2008.
7. The Hospital stated that the proposal to utilize the PET scanner operated and owned by COH is an alternative to the Hospital acquiring its own PET-CT scanner.
8. The Hospital is requesting to use COH’s PET scanner on an “expedited and temporary” basis. It is the only PET scanner located within the Hospital’s service area.
9. By letter dated January 6, 2009, the Hospital stated that COH and the Hospital propose to establish a contractual relationship allowing the Hospital to use the PET scanner at COH one day per week.

Based upon the above findings, OHCA has determined that the Hospital’s proposal to use COH’s PET scanner on an “expedited and temporary” basis does not require the Hospital to obtain Certificate of Need approval pursuant to General Statutes §§ 19a-638 or 19a-639. The Hospital previously obtained CON approval to provide PET scanning services under Docket Number 01-509; therefore, the Hospital is not proposing to provide an additional function or service pursuant to § 19a-638. Furthermore, the Hospital is not proposing to acquire a PET scanner pursuant to § 19a-639 (a).

Finally, although the Hospital is not required to obtain CON approval prior to utilizing the PET scanner at COH, only physicians who are partners of COH may utilize its PET Scanner pursuant to Docket Number 05-30510-CON. ***Accordingly, COH must seek authorization from OHCA prior to entering into any agreement that would allow the hospital or any other health care provider to utilize COH’s PET scanner.*** Utilization of this PET scanner by CHH without such authorization would be a violation of Conditions #3 and #4 of the Order under Docket Number 05-30510.

If you have any questions regarding the above, please contact Kimberly Martone, Certificate of Need Supervisor, at (860) 418-7029.

Sincerely,

Signed by Commissioner Vogel on February 19, 2009

Cristine A. Vogel
Commissioner

CAV:lkg

Copy:: Daniel J. McIntyre, Pres., The Charlotte Hungerford Hospital
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