

M. JODI RELL  
GOVERNOR

STATE OF CONNECTICUT  
OFFICE OF HEALTH CARE ACCESS

CRISTINE A. VOGEL  
COMMISSIONER

July 16, 2009

Maryanne Volkringer  
Valley Imaging Partners, LLC  
c/o Waterbury Hospital  
64 Robbins Street  
Waterbury, CT 06721

RE: Certificate of Need Determination; Report Number: 09-31395-DTR  
Proposal by Valley Imaging Partners to Terminate CT Scanning Services in Naugatuck  
Request to Waive the Letter of Intent Requirement for the CON Application Filing Window

Dear Ms. Volkringer:

On June 24, 2009, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination request on behalf of Valley Imaging Partners, LLC ("Applicant"). The CON determination request seeks to waive the Letter of Intent requirement pertaining to the CON application filing window with regard to the above referenced CON proposal. OHCA has reviewed the request and makes the following findings:

1. On May 11, 2006, in a CON determination rendered under Report Number: 06-30696-DTR, OHCA determined that Valley Imaging Partners, LLC, was not required to file a CON request for the 2004 acquisition of a single-slice General Electric GS HighSpeed CTI computed tomography ("CT") scanner for its office located at 799 New Haven Road in Naugatuck, Connecticut.
2. On June 24, 2009, Valley Imaging Partners, LLC, submitted a Letter of Intent ("LOI") regarding a proposal to terminate CT scanning services at its Naugatuck office.
3. The Applicant's LOI included a request for OHCA to waive the LOI requirement pertaining to the CON application filing window, pursuant to Section 19a-638(b) of the Connecticut General Statutes ("C.G.S.").
4. The Applicant provides that its request for the LOI requirement waiver is attributable to financial losses the Naugatuck office has sustained in its CT scanning service during fiscal year 2009.

5. Section 19a-638(b), C.G.S. states the following...

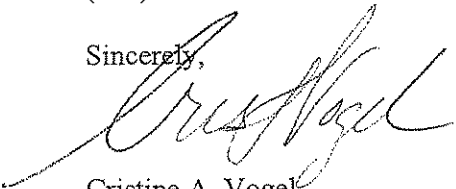
*“Upon a showing by such facility or institution that the need for such function, service or termination or change of ownership or control is of an emergency nature, in that the function, service or termination or change of ownership or control is necessary to maintain continued access to the health care services provided by the facility or institution, or to comply with requirements of any federal, state or local health, fire, building or life safety code, the commissioner may waive the letter of intent requirement, provided such request shall be submitted at least ten business days before the proposed date of institution of the function, service or termination or change of ownership or control.”*

6. OHCA finds that the Applicant’s proposal fails to show that this request is of an emergency nature, pursuant to Section 19a-638(b), C.G.S.

Based on the findings presented above, OHCA determines that the request of Valley Imaging Partners, LLC, to waive the LOI requirement pertaining to the CON application filing window cannot be granted in that the request has failed to provide satisfactory evidence to establish the emergency nature of the proposal, pursuant to the requirements contained in Section 19a-638(b) C.G.S.

The CON application will be faxed and emailed to the Applicant under a separate cover letter. If you have any questions regarding this letter, please feel free to contact either Jack Huber or Ron Ciesones at (860) 418-7001.

Sincerely,



Cristine A. Vogel  
Commissioner

CAV:jah

Copy: Rose McLellan License and Applications Supervisor, DPH, DHSR