

PARRETT, PORTO, PARESE & COLWELL

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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(203) 453-1007

March 10, 2016

**VIA E-MAIL TRANSMISSION (Kimberly.Martone@ct.gov)
AND FEDERAL EXPRESS**

Kimberly R. Martone
Director of the Office of Health Care Access
410 Capitol Avenue
MS#13HCA
Hartford, CT 06134-0308

**Re: Greenwich Radiological Group, P.C. and Greenwich Radiology Partners, LLC – Request
for Determination**

Dear Ms. Martone:

Attached to this letter is a Request for Determination Form 2020 (the “Request”), in which my clients, Greenwich Radiological Group, P.C. (“GRG”) and Greenwich Radiology Partners, LLC (“GRP”), as Petitioners, seek an Office of Health Care Access (“OHCA”) determination that a Certificate of Need (“CON”) is not required for the relocation of a Toshiba 32-slice CT Scanner from one location in Greenwich, CT to a potential new office location in the same town. In the interest of full and frank disclosure, I am writing this letter on behalf of Petitioners to inform OHCA that in preparing the attached Request, Petitioners discovered an oversight in relation to a previous Request for Determination and Order from 2009.

To be specific, the attached Request sets forth the factual background underlying this Request for relocation, and includes specific reference to an OHCA Order dated October 28, 2009 (Docket No. 09-31458-WVR) (the “2009 Waiver”). In that 2009 Waiver, OHCA granted Petitioners’ September 18, 2009 request to waive the CON process with respect to Petitioners’ acquisition of a then-contemplated 20-slice CT scanner. As part of the 2009 Waiver, Petitioners were ordered to notify OHCA of the initial date of operation of the 20-slice CT scanner.

In the course of preparing the attached Request, Petitioners realized that after receiving the 2009 Waiver, they did not inform OHCA that (i) instead of proceeding with the acquisition of the 20-slice scanner referenced in the 2009 Waiver, Petitioners, almost one year after the issuance of the 2009 Waiver, acquired the 32-slice Toshiba scanner that is described in more detail in the Request; and (ii) the initial date of operation of the 32-slice scanner was in September 2010.

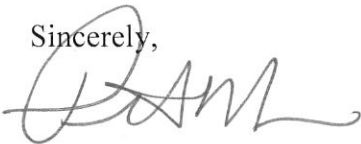
PARRETT, PORTO, PARESE & COLWELL
PROFESSIONAL CORPORATION

Kimberly R. Martone
Director of the Office of Health Care Access
410 Capitol Avenue
March 10, 2016
Page – 2 –

Petitioners have asked me to assure you, on their behalf, that there was absolutely no intent on their part to disregard the 2009 Waiver or its conditions. In hindsight, it appears that in the months that passed after receipt of the 2009 Waiver, Petitioners learned of quality deficiencies associated with the 20-slice and proceeded to acquire the higher quality 32-slice at more cost-efficient pricing. In the course of all this, it appears that Petitioners through oversight did not re-focus on the precise terms of the 2009 Waiver and thus did not approach OHCA about the change.

Petitioners respectfully apologize and are willing to discuss the matter further or answer any questions you may have about it or the pending Request.

Sincerely,

A handwritten signature in black ink, appearing to read 'PJM', written over the word 'Sincerely,'.

Patrick J. Monahan II



**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 | Greenwich Radiological Group, PC | Greenwich Radiology Partners, LLC |
| Doing Business As | Greenwich Radiology | Greenwich Radiology Partners, LLC |
| Name of Parent Corporation | | |
| Petitioner's Mailing Address, if Post Office (PO) Box, include a street mailing address for Certified Mail | 49 Lake Avenue Greenwich, CT 06830 | 49 Lake Avenue Greenwich, CT 06830 |
| What is the Petitioner's Status: P for profit and NP for Nonprofit | P | P |
| 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. | Scott J. Sullivan, MD, President | Scott J. Sullivan, MD, Managing Member |

| | | |
|--|--|--|
| Contact Person's Mailing Address, if PO Box, include a street mailing address for Certified Mail | 49 Lake Avenue Greenwich, CT 06830 | 49 Lake Avenue Greenwich, CT 06830 |
| Contact Person's Telephone Number | 203-861-2381 | 203-861-2381 |
| Contact Person's Fax Number | 203-983-3318 | 203-983-3318 |
| Contact Person's e-mail Address | SSullivan@greenwichradiology.com | SSullivan@greenwichradiology.com |

SECTION II. GENERAL PROPOSAL INFORMATION

- a. Proposal/Project Title:: Relocation of Toshiba Aquilion 32-slice CT Scanner within the Town of Greenwich
- b. Estimated Total Project Cost: Not known at this time
- c. Location of proposal, identifying Street Address, Town and Zip Code: at or near 581 West Putnam Avenue, Greenwich, CT
- d. List each town this project is intended to serve:
Greenwich, Stamford, Port Chester, Rye, Darien, New Canaan, Norwalk and Westport
- e. Estimated starting date for the project: Not known at this time

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 V. AFFIDAVIT

(Each Petitioner must submit a completed Affidavit.)

Petitioner: Greenwich Radiological Group, PC

Project Title: Relocation of Toshiba Aquilion 32-slice CT Scanner within the Town of Greenwich

I, Scott J. Sullivan, MD, President
(Name) (Position – CEO or CFO)

of Greenwich Radiological Group, PC being duly sworn, depose and state that the
(Organization Name)

information provided in this CON Determination form is true and accurate to the best of my knowledge.

[Signature] 3/4/16
Signature Date

Subscribed and sworn to before me on 3/4/16

Shaunta D. Veasley
Notary Public/Commissioner of Superior Court

My commission expires: _____

SHAUNTA D. VEASLEY
NOTARY PUBLIC
State of Connecticut
My Commission Expires Jan. 31, 2021

SECTION V. AFFIDAVIT

(Each Petitioner must submit a completed Affidavit.)

Petitioner: Greenwich Radiology Partners, LLC

Project Title: Relocation of Toshiba Aquilion 32-slice CT Scanner within the Town of Greenwich

I, Scott J. Sullivan, MD, Managing Member
(Name) (Position – CEO or CFO)

of Greenwich Radiology Partners, LLC being duly sworn, depose and state that the
(Organization Name)

information provided in this CON Determination form is true and accurate to the best of my knowledge.

Signature [Handwritten Signature] Date 3/4/16

Subscribed and sworn to before me on 3/4/16

[Handwritten Signature: Shaunta D. Veasley]
Notary Public/Commissioner of Superior Court

My commission expires: _____

SHAUNTA D. VEASLEY
NOTARY PUBLIC
State of Connecticut
My Commission Expires Jan. 31, 2021

Proposal Description

Greenwich Radiological Group, PC ("GRG") is a professional corporation, doing business as Greenwich Radiology, which has served the radiological needs of the greater Greenwich area since 1957 and is the exclusive provider of radiologic services to Greenwich Hospital. Comprised of 9 board certified radiologists, GRG provides general radiology, bone density, ultrasound and computed tomography services at its sole office located at 49 Lake Avenue in Greenwich, Connecticut (the "GRG Office").

The GRG Office is in a condominium medical building at 49 Lake Avenue ("Medical Building") that houses a number of other medical offices, unrelated to GRP and GRG, which provide various healthcare services. Various persons or entities own separate spaces within the Medical Building.

Greenwich Radiology Partners, LLC ("GRP") has been in existence since June 2004 and was formed for the purposes of acquiring, investing in and managing property, medical equipment, imaging devices and business equipment. The GRP members are also the GRG stockholders. GRP owns office space in the Medical Building and in turn leases such space and all of its contents to GRG.

Pursuant to Docket Number 09-31458-WVR, GRP leases and GRG operates a Toshiba Aquilion 32-slice computed tomography scanner ("CT scanner") at the GRG Office. Originally, Petitioners contemplated purchase of a Siemens 20-Slice CT. However, during lease negotiations, Petitioners discovered that Toshiba could provide a 32-slice CT at a lower cost. More significant, Petitioners also determined that the Siemens 20-Slice CT did not comply with the MITA Smart Dose Standards that have been adopted by CMS while the 32-Slice Toshiba does. The Toshiba CT scanner is accredited by the American College of Radiology (Exhibit A) and is the only computed tomography scanner at Greenwich Radiology.

GRG and GRP have been notified by the owners of Medical Building at 49 Lake Avenue that several offers to purchase the entire Medical Building have been received and are under consideration by the building owners. Tenants of the Medical Building, including Petitioners, have been notified that a number of the offers, if accepted, would require that all tenants vacate the property within certain timeframes following a purchase. Given that there are more offers that would require tenants to vacate than not, GRG is faced with the likely need to relocate its entire practice, including the CT scanner, to a new office to a to-be-constructed office park at or near 581 West Putnam Avenue, Greenwich, Connecticut.

Neither GRG nor GRP meet the statutory definition of "facility" as articulated in section 19a-630(11) of the Connecticut General Statutes. Further, Petitioners do not propose any change in ownership of the CT Scanner (i.e., the CT Scanner would continue to be leased to GRP by Toshiba, and from GRP to GRG), and the acquisition of no new device is being proposed.

Under these circumstances, Petitioners respectfully request that OHCA issue a determination that a Certificate of Need is not required to relocate the Toshiba Aquilion

32-slice CT scanner, presently leased and utilized by GRG, from 49 Lake Avenue to a yet-to-be constructed office park at or near 581 West Putnam Avenue in Greenwich.

EXHIBIT A: ACR ACCREDITATION



American College of Radiology

Computed Tomography Services of

Greenwich Radiological Group, PC

49 Lake Avenue
Greenwich, Connecticut 06830

were surveyed by the
Committee on Computed Tomography Accreditation of the
Commission on Quality and Safety

The following unit was approved

Toshiba ACQUILION 32 2010

For

**Adult and Pediatric Patients
Head/Neck, Chest, Abdomen**

Accredited from:

May 27, 2014 through June 23, 2017

A handwritten signature in cursive script, appearing to read "Mark Armstrong".

CHAIRMAN, COMMITTEE ON COMPUTED
TOMOGRAPHY ACCREDITATION

A handwritten signature in cursive script, appearing to read "Paul H. Ellenbogen, M.D.".

PRESIDENT, AMERICAN COLLEGE OF RADIOLOGY

CTAP# 03080-02



American College of Radiology

Computed Tomography Services of

Greenwich Radiological Group, PC

49 Lake Avenue
Greenwich, Connecticut 06830

were surveyed by the
Committee on Computed Tomography Accreditation of the
Commission on Quality and Safety

The following unit was approved

Toshiba ACQUILION 32 2010

For

Adult and Pediatric Patients

Head/Neck, Chest, Abdomen

Accredited from:

June 10, 2011 through June 23, 2014

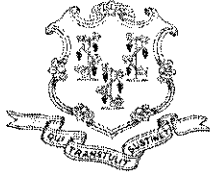
CHAIRMAN, COMMITTEE ON COMPUTED
TOMOGRAPHY ACCREDITATION

PRESIDENT, AMERICAN COLLEGE OF RADIOLOGY

CTAP# 03080-02

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Raul Pino, M.D., M.P.H.
Commissioner

Office of Health Care Access

March 18, 2016

Scott J. Sullivan, MD
Greenwich Radiological Group, PC
49 Lake Avenue
Greenwich, CT 06830

RE: Certificate of Need Determination Report Number 16-32073-DTR
Relocation of Imaging Equipment

Dear Dr. Sullivan:

On March 11, 2016, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination request on behalf of Greenwich Radiological Group, PC ("GRG") and Greenwich Radiological Partners, LLC ("GRP") with respect to the relocation of certain imaging equipment.

Pursuant to Docket Number 09-31458-WVR, GRP leases and GRG operates a computerized tomography scanner ("CT Scanner") located at 49 Lake Avenue, Greenwich, Connecticut ("Medical Building"). GRP and GRG have been advised by their landlord that the Medical Building is being sold and they must relocate. As a result, GRP and GRG intend to relocate their office, and the CT Scanner, to a to-be-constructed office park at or near 581 West Putnam Avenue, Greenwich, Connecticut. There will be no change in ownership of the CT Scanner.

Conn. Gen. Stat. § 19a-638(a)(10), requires CON authorization for the "acquisition of computed tomography scanners, magnetic resonance imaging scanners...by any person, physician, provider..." However, GRP and GRG are not acquiring the CT Scanner, they are simply relocating it. Currently, there is no CON requirement for the relocation of imaging equipment. Therefore, a *CON is not required* to relocate the CT Scanner.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Martone".

Kimberly R. Martone
Director of Operations

cc. Patrick J. Monahan II, Esq.



Phone: (860) 418-7001 • Fax: (860) 418-7053
410 Capitol Avenue, MS#13HCA
Hartford, Connecticut 06134-0308
www.ct.gov/dph

Affirmative Action/Equal Opportunity Employer

* * * COMMUNICATION RESULT REPORT (MAR. 18. 2016 10:34AM) * * *

FAX HEADER:

TRANSMITTED/STORED : MAR. 18. 2016 10:39AM
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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: SCOTT J. SULLIVAN MD
FAX: 203 983-3318
AGENCY: GREENWICH RADIOLOGICAL GROUP, PC
FROM: OHCA
DATE: 3/18/16 Time: _____
NUMBER OF PAGES: 2
(including transmittal sheet)

Comments:

Please see attached determination for Relocation of Imaging Equipment
Report Number: 16-32073-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

* * * COMMUNICATION RESULT REPORT (MAR. 18. 2016 10:35AM) * * *

FAX HEADER:

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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: PATRICK MONAHAN II

FAX: 203 281-0700

AGENCY: PARRETT, PORTOR, PARESE & COLWELL

FROM: OHCA

DATE: 3/18/16 **Time:** _____

NUMBER OF PAGES: 2
(including transmittal sheet)

Comments:

Please see attached determination for Relocation of Imaging Equipment
 Report Number: 16-32073-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**