



M. JODI RELL  
GOVERNOR

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

CRISTINE A. VOGEL  
COMMISSIONER

September 11, 2008

Mr. John Tobin  
President and  
Chief Executive Officer  
The Waterbury Hospital  
64 Robbins Street  
Waterbury, CT 06721

Mr. William Casey  
Interim President and  
Chief Executive Officer  
St. Mary's Hospital  
56 Franklin Street  
Waterbury, CT 06706

Mr. James Thornton  
Hospital Director  
John Dempsey Hospital  
263 Farmington Avenue  
Farmington, CT 06030

RE: **Docket Number 08-30167-MD2**; A modification of Docket Number 03-30167-CON  
Elective and Primary Angioplasty and Open Heart Surgery Services  
at St. Mary's Hospital and at Waterbury Hospital

Dear Mr. Tobin, Mr. Casey and Mr. Thornton:

On July 23, 2004, under Docket Number 03-30167-CON, the Office of Health Care Access ("OHCA") entered into an Agreed Settlement with The Waterbury Hospital, St. Mary's Hospital Corporation, and the University of Connecticut Health Center/John Dempsey Hospital which granted a Certificate of Need as a three year demonstration project for the establishment of a primary and elective angioplasty and open-heart surgery program at St. Mary's Hospital and The Waterbury Hospital, at a total capital expenditure of \$7,181,248. Docket Number 03-30167-CON was subsequently modified twice; under Docket Number 05-30167-MDF for an increase in the authorized capital expenditure and under Docket Number 06-30167-MDF for a change in the filing timeframe for patient level data to the Connecticut Cardiac Data Registry, from quarterly filings to annual filings.

Stipulations # 3 and #4 of the Agreed Settlement under Docket Number 03-30167-MDF state the following:

"3. As to PCI, OHCA and the Applicants agree that this CON is granted for and in effect for an initial period of three (3) years, starting on the date of the performance of the first elective or primary angioplasty procedure, but in no event later than July 23, 2005, in order for the Applicants to validate that the program can achieve the utilization that has been projected in the CON proposal. The Applicants agree that they must demonstrate that the service is achieving sufficient utilization for each of the three years of the authorized project period at St. Mary's Hospital and at the Waterbury Hospital. Sufficient utilization is defined as achieving 200 angioplasty procedures at each site for each of the first three years. The Applicants shall schedule quarterly meetings at and with OHCA, regarding the implementation and progress of the PCI program."

“4. As to OHS, OHCA and the Applicants agree that this CON is granted for and in effect for an initial period of three (3) years, starting on the date of the performance of the first open heart surgical procedure, but in no event later than July 23, 2005, in order for the Applicants to validate that the program can achieve sufficient utilization. The Applicants agree that they must demonstrate that the service is achieving sufficient utilization for each of the three years of the authorized project period at St. Mary's Hospital and at the Waterbury Hospital. Sufficient utilization is defined as achieving open-heart surgical procedures of 125, 150 and 200 at each site for the first three years, respectively. The Applicants shall schedule quarterly meetings at and with OHCA, regarding the implementation and progress of the OHS program.”

On July 10, 2008, the three Applicant Hospitals filed a request to modify Docket Number 03-30167-CON, in order to extend the initial period for the authorized demonstration project from three years to three and one-half years or until January 19, 2009. Pursuant to Section 4-180(c) of the Connecticut General Statutes, this letter represents the final decision of the Office of Health Care Access in this matter, which was originally rendered in an oral decision on the record at the proceeding on August 29, 2008.

**NOW, THEREFORE**, the Office of Health Care Access (“OHCA”), St. Mary's Hospital Corporation, The Waterbury Hospital and John Dempsey Hospital hereby stipulate and agree to the terms of settlement with respect to the modification request under Docket Number 08-30167-MD2, as follows:

1. The Office of Health Care Access, St. Mary's Hospital, The Waterbury Hospital, and John Dempsey Hospital agree that Conditions #3 and #4 are revised to the following wording to reflect the extension of the initial project period until January 19, 2009:
3. As to PCI, OHCA and the Applicants agree that this CON is granted for and in effect for an initial period of three and one-half (3 ½) years, starting on the date of the performance of the first elective or primary angioplasty procedure, but in no event later than July 23, 2005, in order for the Applicants to validate that the program can achieve the utilization that has been projected in the CON proposal. The Applicants agree that they must demonstrate that the service is achieving sufficient utilization for each of the three years of the authorized project period at St. Mary's Hospital and at the Waterbury Hospital. Sufficient utilization is defined as achieving 200 angioplasty procedures at each site for each of the first three years. The Applicants shall schedule quarterly meetings at and with OHCA, regarding the implementation and progress of the PCI program.
4. As to OHS, OHCA and the Applicants agree that this CON is granted for and in effect for an initial period of three and one-half (3 ½) years, starting on the date of the performance of the first open heart surgical procedure, but in no event later than July 23, 2005, in order for the Applicants to validate that the program can achieve sufficient utilization. The Applicants agree that they must demonstrate that the service is achieving sufficient utilization for each of the three years of the authorized project period at St. Mary's

Hospital and at the Waterbury Hospital. Sufficient utilization is defined as achieving open-heart surgical procedures of 125, 150 and 200 at each site for the first three years, respectively. The Applicants shall schedule quarterly meetings at and with OHCA, regarding the implementation and progress of the OHS program.”

2. St. Mary's Hospital, The Waterbury Hospital, and John Dempsey Hospital stipulate and agree that the Certificate of Need application for permanent status of the program will be filed with OHCA on or before September 15, 2008. It is OHCA's intent to schedule a public hearing on the new Certificate of Need application soon after the filing of the application materials. Such hearing is anticipated no later than the first week in November, 2008.
3. All other conditions set forth in the Agreed Settlement issued under Docket Number 03-30167-CON, previously modified by Docket Numbers 05-30167-MDF and 06-30167-MDF, not modified herein, will remain in full effect.
4. This Agreed Settlement is an order of the Office of Health Care Access with all the rights and obligations attendant thereto, and the Office of Health Care Access may enforce this Agreed Settlement pursuant to the provisions of Sections 19a-642 and 19a-653 of the Connecticut General Statutes at the Applicants' expense, if the Applicants fail to comply with its terms.

*Signed by William Casey on September 10, 2008*

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Date

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St. Mary's Hospital Corporation

*Signed by John Tobin on September 11, 2008*

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Date

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The Waterbury Hospital

*Signed by James Thornton on September 11, 2008*

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Date

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John Dempsey Hospital of the  
University of Connecticut Health Center

The above Agreed Settlement is hereby accepted and so ordered by the Office of Health Care Access on September 11, 2008.

*Signed by Commissioner Vogel on September 11, 2008*

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Date

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Cristine A. Vogel  
Commissioner

CAV:kr

Copy: Loraine Shea, Executive Director, Heart Center of Greater Waterbury  
John Newman, Esq., General Counsel, St. Vincent' Medical Center  
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