



Office of Health Care Access

A Modification of a Previously Authorized Certificate of Need

Applicant: Stonington Behavioral Health, Inc.
d/b/a Stonington Institute

Modification Docket Number: 08-30362-MDF

Modification Project Title: A modification process initiated by the Office of Health Care Access in order to revise the wording of Condition #2 of a previous Certificate of Need authorization and delete the reference to the Applicant adding the authorized ten bed residential treatment center program to the Applicant's Hospital for Mentally Ill Persons facility license.

Original Project Docket Number and Title: Docket Number 04-30362-CON;
Ten Bed Expansion of Adolescent Residential Treatment Center in North Stonington

Statutory Reference: Sections 4-181a(b), Connecticut General Statutes

Decision Date: September 26, 2008

Staff: Karen Roberts

Project Description: The Office of Health Care Access ("OHCA") has initiated a Certificate of Need ("CON") modification process under Docket Number 08-30362-MDF to revise Condition #2 of the previous CON Order in order to delete the reference to the Applicant adding the 10 bed unit to its Hospital for Mentally Ill Persons license.

Findings of Fact

1. On September 13, 2005, the Office of Health Care Access (“OHCA”) granted a Certificate of Need pursuant to Section 19a-638 of the Connecticut General Statutes to Stonington Behavioral Health, Inc. d/b/a Stonington Institute (“Stonington” or the “Applicant”) under Docket Number 04-30362-CON. Under that Docket Number, OHCA granted Stonington’s request for a ten-bed expansion of the adolescent residential treatment center located at 75 Swantown Road, North Stonington, Connecticut. Condition #2 of the Final Decision in that matter states the following:
 - “2. *Stonington is authorized to add the ten-bed residential treatment center program for the treatment of adolescents aged 12 to 18 who have a diagnosis of a significant developmental disability and a co-occurring substance abuse and/or psychiatric disability. Stonington is authorized to add the ten-bed program for the target population under its Hospital for Mentally Ill Persons license issued by the State of Connecticut Department of Public Health. Upon issuance of the license, Stonington shall forward a copy to the Office of Health Care Access.*”
2. Stonington sought and received licensure from the Department of Public Health for these beds under a Facility for the Care or Treatment of Substance Abusive or Dependent Persons. These ten beds are also licensed by the Department of Children and Families as RTC-DD. These services were not added to Stonington’s Hospital for Mentally Ill Persons license.
3. Stonington commenced operation of this 10 bed unit on April 11, 2007.
4. On September 4, 2008, OHCA issued a Certificate of Need Determination to Stonington under Report Number 07-31040-DTR regarding various inpatient service and bed classifications at Stonington. In that Determination Report, OHCA drew three separate conclusions, one of which is as follows:
 - “1. *Stonington received authorization from OHCA to establish the 10-bed RTC program for the treatment of adolescents who have a diagnosis of a significant developmental disability and a co-occurring substance abuse and/or psychiatric disability under OHCA Docket 04-30362-CON. The order within the Final Decision authorized Stonington to establish and operate the 10-bed program for the target population under its Hospital for Mentally Ill Persons license issued by DPH. Therefore, the change in the licensing for the 10-bed program will require modification of the original CON decision. OHCA has initiated the CON modification process under Docket Number 08-30362-MDF*”
5. OHCA has initiated this modification specifically to delete the following wording from Condition #2 of the CON Order under Docket Number 04-30362-CON: “*Stonington is authorized to add the ten-bed program for the target population under its Hospital for Mentally Ill Persons license issued by the State of Connecticut Department of Public Health. Upon issuance of the license, Stonington shall forward a copy to the Office of Health Care Access.*”

6. Natchaug Hospital, Hartford Hospital, and Rushford Center, Inc., (“Intervenor”), collectively were designated an Intervenor with limited rights of participation in the matter under Docket Number 04-30362-CON. With the issuance of the CON determination under Docket Number 07-31040-DTR, OHCA initiated a CON Modification Process under Docket Number 08-30362-MDF. On September 17, 2008, OHCA notified the Intervenor regarding OHCA’s initiation of such modification process.
7. The following are findings from the CON determination issued under Docket Number 07-31040-DTR which are directly related to the initiation of this modification process:
 1. Stonington Behavioral Health, Inc. d/b/a Stonington Institute (“Stonington”) holds two licenses issued by DPH for its inpatient services provided at 75 Swantown Hill Road, North Stonington. The licenses, the proposed licenses, and the current and proposed number of beds involved are reported in the following table:

Table 1: Current and Proposed DPH Licenses for Inpatient Services

| License | Current Service Level | Number of DPH Beds | |
|--|--|--------------------|-----------|
| | | Current | Proposed |
| Hospital for Mentally Ill Persons | Acute, subacute, or crisis beds | 4 | 4 |
| Facility for Care or Treatment of Substance Abusive or Dependent Persons | Residential Detoxification and Evaluation Beds | 18 | 13 |
| | Intensive Treatment Beds | 55 | 45 |
| Total Number of DPH Beds | | 77 | 62 |

2. Stonington also holds two licenses issued by DCF for its inpatient services in North Stonington. The licenses, treatment programs, and number of beds are reported in the following table. There are no proposed changes to the licenses and number of beds for the DCF programs.

Table 2: Current DCF Licenses Held for Inpatient Services

| License | Treatment Program | Number of DCF Beds | |
|---|--|--------------------|-----------|
| | | Current | Proposed |
| Child Caring Facility, Residential Treatment Center | Program for adolescents with co-occurring substance abuse and mental health diagnoses (“RTC”) | 45 | 45 |
| | Program for adolescents with co-occurring developmental and behavioral health diagnoses (“RTC-DD”) | 10 | 10* |
| Total Number of DCF Beds | | 55 | 55 |

* The DPH license for these 10 beds will be terminated under Stonington’s proposal.

3. The 55 intensive treatment beds licensed by DPH as listed in Table 1 are the same 55 beds that are licensed by DCF for the two residential treatment center (“RTC”) programs listed in Table 2.
4. DCF is the state agency responsible for licensing those facilities that provide mental health treatment services to children and adolescents.
5. Stonington’s RTC dual-diagnosis program for adolescents with co-occurring developmental and behavioral health diagnoses program is currently licensed by DPH and by DCF. As the primary diagnosis of the adolescents in this program is a mental health disorder, it is appropriately licensed by DCF.
6. In the amended DPH violation letter dated July 26, 2007, DPH stated that Stonington violated Regulations of Connecticut State Agencies Section 19a-495-570(c)(4)(G)¹. The violation letter stated, in part:

“the Executive Director identified that the facility currently has a 10- bed developmental disability unit, which provides services to adolescents with developmental problems. These clients do not have a substance abuse problem for which they are being treated. These 10 beds are licensed for the Intensive Treatment for Substance Abusive or Dependent Persons. The facility failed to ensure that the licensed beds were utilized only for substance abuse treatment.”

7. Stonington proposes to remove the 10-bed DPH intensive treatment license from its RTC-DD program. The “Facility for Care or Treatment of Substance Abusive or Dependent Persons” license issued by DPH is not an appropriate license for the program, as the adolescents in the program do not have a primary substance abuse diagnosis. The program will continue to operate under the DCF license.

Discussion

OHCA has reviewed this modification to a previously authorized CON and finds that the relationship of the CON authorized under Docket Number 04-30362-CON, to Section 19a-637, C.G.S., is not altered by this modification initiated by OHCA under Docket Number 08-30362-MDF. The Applicant, Stonington Behavioral Health, Inc. d/b/a Stonington Institute has fully implemented the authorized project and continues to provide the authorized services. The authorized services will continue to operate and to be appropriately licensed by the Department of Children and Families. OHCA considers this modification to be a non-substantive matter.

¹ 19a-495-570 concerns the licensure of private freestanding facilities for the care of the treatment of substance abusive or dependent persons. Section 19a-495-570(c)(4)(G) states that “the licensee shall notify the Department in writing of any proposed change of location or services at least ninety days prior to the effective date of such proposed change. “

Order

Based on the above discussion, OHCA hereby modifies the CON authorized under Docket Number 04-30362-CON. Condition #2 of the previous authorization under Docket Number 04-30362-CON is modified as follows:

2. Stonington is authorized to add the ten-bed residential treatment center program for the treatment of adolescents aged 12 to 18 who have a diagnosis of a significant developmental disability and a co-occurring substance abuse and/or psychiatric disability.

All other conditions set forth in the CON authorization issued under Docket Number 04-30362-CON, not modified herein, will remain in full effect.

By Order of the
Office of Health Care Access

Signed by Commissioner Vogel on September 26, 2008

Date

Cristine A. Vogel
Commissioner

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