



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

November 24, 2008

Ms. Lisa Brady, Vice President
Planning and Business Development
Norwalk Hospital
34 Maple Street
Norwalk, CT 06856

RE: Docket Number 08-30395-MDF; A request to modify Docket Number 04-30395-CON
Sleep Center Program Renovation and Expansion Project

Dear Ms. Brady:

On May 5, 2005, under Docket Number 04-30395-CON, the Office of Health Care Access (“OHCA”) granted a Certificate of Need (“CON”) pursuant to Section 19a-639 of the Connecticut General Statutes to Norwalk Hospital (“Hospital”) to renovate and expand its Sleep Center program, at a total capital expenditure of \$3,600,000. On March 20, 2007, the Hospital had filed a modification request to permanently relocate six of its authorized sleep center program beds from the Hospital campus to the Hilton Garden Inn at 560 Main Avenue in Norwalk and to extend the CON expiration date to March 31, 2008. Three beds were to remain operational on the Hospital’s campus and be used for pediatric patients, bariatric patients and patients whose clinical condition warrants the performance of the sleep study within the Hospital setting. On April 13, 2007, under Docket Number 07-30395-MDF, OHCA denied that request for a modification of the CON stating that *“The Hospital has not demonstrated that specific conditions have changed since the initial CON authorization in May of 2005 which could or did create barriers to the Hospital implementing the project in a timely manner and in the scope reviewed and authorized by this agency.”*

On September 5, 2007, under Docket Number 07-30395-MD2, OHCA did grant a modification of the CON Order pursuant to Section 4-181a (b) of the Connecticut General Statutes for a project time extension and revised the wording of Condition #1 of the CON Order as follows:

“1. This authorization shall expire on November 30, 2008. Should the Hospital’s project not be completed by that date, the Hospital must seek further approval from OHCA to complete the project beyond (that) date.”

In its September 5, 2007 modification authorization under Docket Number 07-30395-MD2, OHCA states the following: *“It clearly is the Hospital’s intent to proceed with the project in the manner and scope originally reviewed by OHCA in 2005 despite the delays in project implementation. Therefore, this request for a modification of Condition #1 of the CON to allow additional time for implementation appears reasonable.”* OHCA’s statements were based on the Hospital’s assertions made on page 4 of the Hospital’s modification request under Docket Number 07-30395-MD2, as follows: *“Norwalk Hospital is submitting this request to extend the CON expiration date so that it can implement this project as outlined in the original CON approved on May 5, 2005. It is the intent of the Hospital to proceed with the renovations as described and authorized under Sleep Center Program Renovation & Expansion Project Docket # 04-30395-CON. It is the Hospital’s intent to implement the scope of this project as previously authorized by OHCA.”*

On October 21, 2008, OHCA received a request from Norwalk Hospital to further modify Docket Number 04-30395-CON, as modified by Docket Number 07-30395-MD2, in order to allow for a temporary relocation of the Norwalk Hospital Sleep Disorders Center from the Hospital to the Hilton Garden Inn at 560 Main Avenue in Norwalk. This modification request is reviewed by OHCA under Docket Number 08-30395-MDF. According to the Hospital *“This temporary relocation is necessitated by either the demolition or the renovation of the space currently occupied by the SDC Program. If the Hospital’s Master Facilities Proposal CON (Docket #08-31205-CON) is approved by OHCA, the Tracy Pavilion, where the Program is currently housed, will be razed and replaced by a newly constructed Outpatient Pavilion.”* If the Master Facilities Proposal is denied, than apparently the Hospital would go forward with the renovations previously approved by OHCA under Docket Number 04-30395-CON. According to the Hospital, those renovations would cause disruption to the operations of the Sleep Disorders Center and that would also necessitate a temporary relocation. The Hospital is not specifying a date that they want the project extended to, but rather say that the expiration date *“Cannot be determined until a decision has been received on Docket #08-31205-CON¹* The Hospital asks that the authorized capital costs for the renovation of the SDC facility space *“be preserved until a permanent location has been determined”*.

Please note that modifications of OHCA’s final decisions are allowed pursuant to Section 4-181a(b) of the Connecticut General Statutes, which states in part: (b) *On a showing of changed conditions, the agency may reverse or modify the final decision, at any time, at the request of any person or on the agency’s own motion.”* Your October 21, 2008 request for further modification does not provide any evidence that there has been an unforeseen change in conditions under which the CON was originally reviewed and granted. The Hospital’s plans have changed several times over the 3½ years that has past since the project was originally authorized and it is now the Hospital’s intent to pursue changes to the sleep center physical space through the newly filed Master Facility Project. OHCA concludes that this does not constitute changed conditions.

¹ The CON under Docket Number 08-31205-CON was received by OHCA on November 7, 2008.

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As such, the Final Decision and Conditions set forth in the CON issued under Docket Number 04-30395-CON, as modified by Docket Number 07-30395-MD2, stand as previously ordered by OHCA and the CON authorization expires on November 30, 2008.

Please note that the expiration of the CON Order under Docket Number 04-30395-CON does not preclude the Hospital from filing a CON determination or Letter of Intent form with OHCA related to the Sleep Center program.

Sincerely,

Signed by Commissioner Vogel on November 24, 2008

Cristine A. Vogel
Commissioner

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