



## Office of Health Care Access

### A Modification of a Previously Authorized Certificate of Need

**Applicant:** Greenwich Hospital

**Modification Docket Number:** 08-30874-MDF

**Modification Project Title:** A request to modify a previous Certificate of Need authorization to extend the CON expiration date from October 10, 2008 to March 30, 2010

**Original Project Docket Number and Title:** Docket Number 06-30874-CON;  
The Acquisition and Operation of a New Radiation Oncology Linear Accelerator and the Construction of a New Vault to Accommodate the Equipment

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

**Filing Date:** September 8, 2008

**Decision Date:** September 16, 2008

**Staff:** Karen Roberts

**Project Description:** Greenwich Hospital requests a modification of the Certificate of Need authorization under Docket Number 06-30874-CON, in order to extend the CON expiration date from October 10, 2008 to March 30, 2010.

## Findings of Fact

1. On June 18, 2007, under Docket Number 06-30874-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 Greenwich Hospital (“Hospital”) to acquire and operate a new radiation oncology linear accelerator, construct a new vault to accommodate the new equipment, and retain the existing linear accelerator for back-up purposes, at a total capital expenditure of \$10,090,025. The location of this authorized project is the Hospital’s Bendheim Cancer Center at 77 LaFayette Place in Greenwich.
2. Condition #1 of the CON Order states the following:

*“1. This authorization shall expire October 10, 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.”*
3. On July 15, 2008, the Hospital filed a Form 2050 request for modification of this CON order in order to extend the CON expiration date set forth in Condition #1 by approximately seventeen months, from October 10, 2008 to March 30, 2010. Additional information was received on September 8, 2008 and the matter was deemed complete under Docket Number 08-30874-MDF.
4. As noted in Finding of Fact #20 of the CON Order, the Hospital had originally projected an eleven month project implementation timeframe, with commencement of operation projected to be November 21, 2008.
5. The Hospital now projects that construction will commence on March 16, 2009, will be completed on August 28, 2009 and operations will commence on March 12, 2010. The Hospital indicates that the *“sole cause of the project delay is the unanticipated delay in finalizing town approvals.”*
6. A change in the Zoning Regulations and interpretation of regulations pertaining to the way site calculations regarding Floor Area Ratio (FAR) are performed was discovered which rendered the site legally non-conforming with regard to FAR. The Hospital indicates that the building was conforming at the time of original design approval and construction. The Hospital then had to work with its legal team and design team to verify the existing and new site conditions and to subsequently modify the plans related to this issue. The Hospital further indicates that this has been accomplished and preliminarily reviewed by the town on an informal basis.
7. The Hospital also indicates that when the building was originally constructed, the adjacent roadway was redesigned at the request of the Town Traffic Department and that that redesign was requested after approval and after construction had started. The front curb was pulled back to modify the roadway traffic circle geometry. As a condition of the Certificate of

Occupancy (CO), the subject roadway land was to be conveyed to the town. The mechanism to do the land transfer was in dispute in 1993 and such transfer subsequently never occurred. This issue was then raised by the Town Zoning Commission when the Hospital approached them during the initial design phase for this pending project and the Hospital was told that no new site plan applications would be considered until the transfer of the land was completed and a CO was issued by the Town Building Department. The Hospital indicates that it has taken over 180 days to complete the necessary surveys, deeds and transfer agreements with the Town Zoning and Legal Departments. The Hospital further indicates that it is now in a position to file a site plan application and move forward with the proposed project and that *“Based on preliminary planning meetings with the Town planners, it appears that proposed plan will be supported by the Zoning Commissioner.”*

8. According to the Hospital’s updated project timeline, the following project implementation components have been completed:
  - Schematic Design
  - Equipment Selection
  - Design Development
  - Construction Documents
  - Civil Engineering
  - Traffic & Parking Study
  - Building Certificate of Occupancy issued
  - Planning & Zoning FAR Preparation
  
9. According to the Hospital’s updated project timeline, the following project implementation components remain to be completed:
  - Planning & Zoning Submission (from September 1, 2008 to February 13, 2009)
  - Bid/Permit (from February 16, 2009 to March 13, 2009)
  - Construction (from March 16, 2009 to September 25, 2009)
  - Equipment Installation (from September 28, 2009 to November 20, 2009)
  - Testing and Acceptance of Equipment (from November 23, 2009 to March 12, 2010)
  - Beneficial Use on March 12, 2010
  
10. This proposal will not result in an increase the authorized total capital expenditure nor a change in project scope as previously reviewed and authorized.

## Discussion

OHCA has reviewed this request for a modification to a previously authorized CON and finds that the relationship of the CON authorized under Docket Number 06-30874-CON, to Section 19a-637, C.G.S., is not altered by this request for a modification under Docket Number 08-30874-MDF. It is the Hospital's intent to complete the project as reviewed and authorized by OHCA and the Hospital indicates that the remaining project should be implemented by March 30, 2010. The additional time needed to complete the project will not result in a change to project scope or the authorized capital expenditure and the Hospital has sufficiently explained the barriers that have occurred which have prevented the Hospital from fully completing the authorized project in the timeframe previously authorized.

## Order

Based on the above discussion and the reasons provided in the Hospital's modification request, OHCA hereby grants the request and modifies the CON authorized under Docket Number 06-30874-CON.

Condition #1 of the previous authorization under Docket Number 06-30874-CON is modified as follows:

1. This authorization shall expire March 30, 2010. 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."

All other conditions set forth in the CON authorization issued under Docket Number 06-30874-CON, not modified herein, will remain in full effect.

By Order of the  
Office of Health Care Access

*Signed by Commissioner Vogel on September 16, 2008*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cristine A. Vogel  
Commissioner

CAV/kr