



**STATE OF CONNECTICUT**  
DEPARTMENT OF PUBLIC HEALTH  
*Office of Health Care Access*

February 25, 2010

**IN THE MATTER OF:**

A Request for Waiver of Certificate of Need Requirements for Replacement Equipment filed pursuant to Section 19a-639c, C.G.S., as amended by P.A. 09-232, Section 96 by

Notice of Final Decision  
Office of Health Care Access  
Docket Number: 10-31523-WVR

**MidState Medical Center**

**Request to Waive CON Requirements for the Replacement of an Existing Mobile PET/CT Scanner with a New Fixed 16-Slice PET/CT Scanner in Meriden**

To: Barbara A. Durdy  
Director, Business Development  
MidState Medical Center  
435 Lewis Avenue  
Meriden, CT 06451

Dear Ms. Durdy:

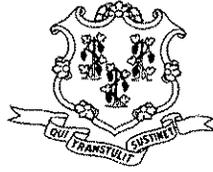
This letter will serve as notice of the Final Decision of the Office of Health Care Access in the above matter as provided by Section 19a-639c, C.G.S., as amended by P.A. 09-232, Section 96. On February 25, 2010, the Final Decision was rendered as the finding and order of the Office of Health Care Access. A copy of the Final Decision is attached hereto for your information.

By Order of the Division of  
Office of Health Care Access  
Department of Public Health

A handwritten signature in black ink, appearing to read "Cristine A. Vogel", written over a horizontal line.

Cristine A. Vogel  
Deputy Commissioner

CAV: jah



**Department of Public Health  
Office of Health Care Access  
Certificate of Need Application**

**Final Decision**

**Applicant:** MidState Medical Center

**Docket Number:** 10-31523-WVR

**Project Title:** Request to Waive CON Requirements for the Replacement of an Existing Mobile PET/CT Scanner with a New Fixed 16-Slice PET/CT Scanner in Meriden, Connecticut

**Statutory Reference:** Section 19a-639c of the Connecticut General Statutes as amended by P.A. 09-232, Section 96

**Filing Date:** January 14, 2010

**Decision Date:** February 25, 2010

**Staff:** Jack A. Huber

**Project Description:** MidState Medical Center requests a waiver of Certificate of Need requirements for replacement equipment for the purpose of replacing its existing mobile PET/CT scanner with a new fixed 16-slice PET/CT scanner to be located at the Hospital's main campus in Meriden, Connecticut. The total capital cost associated with the replacement equipment project is \$1,129,120.

**Nature of Proceedings:** On January 14, 2010, the Office of Health Care Access ("OHCA") received the completed waiver of Certificate of Need ("CON") request for replacement equipment from MidState Medical Center ("Hospital"). The Hospital proposes to replace its existing mobile PET/CT scanner with a new fixed 16-slice PET/CT scanner to be located at the Hospital's main campus in Meriden, Connecticut. The total capital cost associated with the replacement equipment project is \$1,129,120. The Hospital is a health care facility or institution as defined in Section 19a-630 of the Connecticut General Statutes ("C.G.S.").

OHCA's authority to review and approve, modify or deny the requested waiver of CON requirements for replacement equipment is established by Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96. The provisions of this section as well as the

principles and guidelines set forth in Section 19a-637, C.G.S., were fully considered by OHCA in its review.

## Findings of Fact

1. On February 5, 2001, under Docket Number: 00-541, MidState Medical Center ("Hospital") with other Connecticut acute care hospitals and InSight Health Services Corporation ("InSight") received Certificate of Need ("CON") authorization from the Office of Health Care Access ("OHCA") to establish a mobile positron emission tomography ("PET") scanning service at each hospital campus at a capital cost of \$2,176,501. *(January 14, 2010, Initial Submission of CON Waiver Form 2040, Attachment 1)*
2. On April 18, 2006, under Docket Number: 05-30562-CON, the Hospital with other Connecticut acute care hospitals and InSight received CON authorization from OHCA to establish a mobile positron emission tomography/computed tomography ("PET/CT") scanning service replacing the mobile PET scanning service at each hospital campus at a capital cost of \$1,509,678. *(January 14, 2010, Initial Submission of CON Waiver Form 2040, Attachment 1)*
3. Pursuant to Section 19a-639c of the Connecticut General Statutes ("C.G.S.") as amended by Public Act: 09-232, Section 96, a proposal may be eligible for a waiver of replacement equipment from the CON process when a provider previously received a CON for the equipment to be replaced, and the expenditure or value of the replacement equipment is less than \$3 million. *(Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96)*
4. The total capital cost for the replacement equipment proposal is \$1,129,120 and is attributable to the purchase of the proposed GE Discovery 16-slice PET/CT scanner. *(January 14, 2010, Initial Submission of CON Waiver Form 2040, page 4 and Attachment 2)*
5. The replacement equipment value is below the \$3 million threshold used to determine whether a request is eligible to receive a waiver of CON requirements for replacement equipment pursuant to Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96. *(Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96)*

## Rationale

MidState Medical Center ("Hospital") is requesting a waiver of Certificate of Need ("CON") requirements for replacement equipment pursuant to Section 19a-639c of the Connecticut General Statutes ("C.G.S.") as amended by Public Act: 09-232, Section 96. The Hospital is seeking to replace its existing mobile PET/CT scanner with a new fixed 16-slice PET/CT scanner to be located at the Hospital's main campus in Meriden, Connecticut.

On April 18, 2006, under Docket Number: 05-30562-CON, the Hospital received CON authorization from Office of Health Care Access to establish a mobile positron emission tomography/computed tomography ("PET/CT") scanning service replacing its mobile PET scanning service at the Hospital's campus at a capital cost of \$1,509,678.

The replacement equipment cost for the proposed fixed 16-slice PET/CT scanner is \$1,129,120, which is below the \$3 million threshold for determining eligibility for a waiver of CON requirements for replacement equipment pursuant to Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96.

## Order

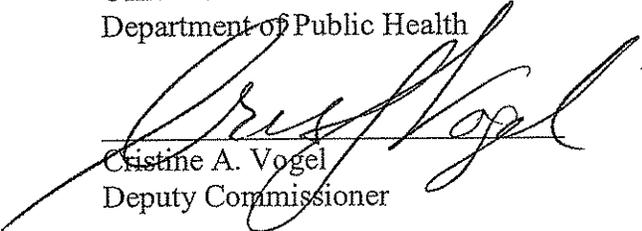
Based on the foregoing Findings and Rationale, the Office of Health Care Access ("OHCA") has determined that the request of MidState Medical Center ("Hospital") for a waiver of Certificate of Need ("CON") requirements in order to replace its existing mobile PET/CT scanner with a new fixed 16-slice PET/CT scanner to be located at the Hospital's main campus in Meriden, Connecticut, at a replacement equipment cost of \$1,129,120, meets the requirements for waiver of the CON process pursuant to Section 19a-639c of the Connecticut General Statutes as amended by Public Act: 09-232, Section 96, and is hereby **approved**, subject to the following condition.

1. This authorization requires the Hospital to terminate its service contract with its equipment vendor for the existing mobile PET/CT scanner by no later than six months after the replacement fixed 16-slice PET/CT scanner has become operational.

Should the Hospital fail to comply with the aforementioned condition, OHCA reserves the right to take additional action as authorized by law. All of the foregoing constitutes the final order of the Office of Health Care Access in this matter.

By Order of the Division of  
Office of Health Care Access  
Department of Public Health

2-25-10  
Date

  
Cristine A. Vogel  
Deputy Commissioner

CAV:jah