



GEORGIA DEPARTMENT OF
COMMUNITY HEALTH

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Health Planning Review Board Members

OFFICE OF GENERAL COUNSEL

CERTIFICATE OF NEED

Tracking And Appeals Report

Week of April 25, 2005

Georgia Department of Community Health
Office of General Counsel
2 Peachtree Street
40th Floor
Atlanta, Georgia 30303-3159

(404) 656-0456

(404) 656-0442 Fax

www.communityhealth.state.ga.us

New Applications

2005-025 Emory University Hospital

To Relocate and Expand The Outpatient Transplant Clinic

Filed: 4/26/2005

Site: 1364 Clifton Road, NE, Atlanta, GA 30322 (DeKalb County)

Contact: Toni Wimby 404-686-2450 **Estimated Cost:** \$2,780,772

2005-026 Savannah Partners, LLC d/b/a ENT Surgical Center

To Request a Limited Purpose Ambulatory Surgery Center

Filed: 4/29/2005

Site: 13040 Abercorn Street, Suite 2, Savannah, GA 31419 (Chatham County)

Contact: Sharon D. Bowen, CASC, Administrator **Estimated Cost:** \$0
912-920-6911

2005-027 Heritage of Peachtree

The Addition of Twelve New Beds

Filed: 4/29/2005

Site: 1967 Highway 54 West, Fayetteville, GA 30214 (Fayette County)

Contact: Peggy Peters, Regional GM 770-845-6483 **Estimated Cost:** \$0

Pending Review/Incomplete Applications

2005-020 Saint Joseph's Hospital of Atlanta, Inc.

The Addition of an Eighth Cardiac Catheterization Lab

Filed: 4/1/2005 Deemed Incomplete: 4/14/2005

Site: 5665 Peachtree Dunwoody Road, N.E., Atlanta, GA 30342 (Fulton County)

Contact: Douglas J. Holbrook, Director, New Business **Estimated Cost:** \$2,908,418
404-851-5933

2005-021 Center for Reconstructive Surgery, Inc.

To Relocate to an Existing Facility

Filed: 4/8/2005 Deemed Incomplete: 4/21/2005

Site: 5335 Old National Hwy., College Park, GA 30349 (Fulton County)

Contact: Greg Alvarez, DPM 404-768-3668 **Estimated Cost:** \$775,083

2005-023 The Emory Clinic, Inc.

To Purchase a MRI Scanner

Filed: 4/13/2005 Deemed Incomplete: 4/27/2005

Site: 1365 Clifton Road, NE, Atlanta, GA 30322 (DeKalb County)

Contact: Mike Mason 404-778-5639 **Estimated Cost:** \$2,104,103

Pending Review/Complete Applications

2004-109 MCG Health, Inc

Separation and Relocation of Electrophysiology (EP) Laboratory

Filed: 12/3/2004 Deemed Incomplete: 12/16/2004 Deemed Complete: 2/14/2005

60th Day Deadline: 4/14/2005

Decision Deadline: 5/14/2005

Site: 1120 15th Street, Augusta, GA 30912 (Richmond County)

Contact: Sheila O'Neal 706-721-5709 **Estimated Cost:** \$4,371,640

2005-002 Emory Crawford Long Hospital

To Purchase a PET/CT Scanner

Filed: 1/4/2005 Deemed Incomplete: 1/18/2005 Deemed Complete: 2/14/2005

60th Day Deadline: 4/14/2005

Decision Deadline: 5/14/2005 Extended Deadline: 6/13/2005
Site: 550 Peachtree Street, NE, Atlanta, GA 30308 (Fulton County)
Contact: Toni Wimby 404-686-2450 **Estimated Cost:** \$2,977,782

2005-003 Canterbury Court
Expansion and Renovation of a Continuing Care Retirement Community
Filed: 1/6/2005 Deemed Incomplete: 1/19/2005 Deemed Complete: 2/8/2005
60th Day Deadline: 4/8/2005
Decision Deadline: 5/8/2005 Extended Deadline: 6/7/2005
Site: 3750 Peachtree Road., NE, Atlanta, GA 30319 (Fulton County)
Contact: Andrea Price 404 261-6611 **Estimated Cost:** \$27,765,000

2005-004 Alliance Imaging, Inc.
To offer mobile Positron Emission Tomography "PET" Services in Georgia
Filed: 1/12/2005 Deemed Complete: 1/26/2005
60th Day Deadline: 3/26/2005
Decision Deadline: 4/25/2005 Extended Deadline: 5/25/2005
Site: 3443 Ashford Dunwoody Rd., Suite 167, Atlanta, GA 30319 (DeKalb County)
Contact: Ryan H. Canavan 1-800-544-3215 **Estimated Cost:** \$12,000

2005-008 Northside Hospital - Forsyth
To Establish a Maternity/Newborn Service and Construct a Womens Center
Filed: 2/2/2005 Deemed Complete: 2/16/2005
60th Day Deadline: 4/16/2005
Decision Deadline: 5/16/2005
Site: 1200 Northside Forsyth Drive, Cumming, GA 30041 (Forsyth County)
Contact: Brian J. Toporek 404-851-6821 **Estimated Cost:** \$36,106,522

2005-009 Northside Hospital
To Expand and Renovate Northside Hospital
Filed: 2/2/2005 Deemed Complete: 2/16/2005
60th Day Deadline: 4/16/2005
Decision Deadline: 5/16/2005
Site: 1000 Johnson Ferry Road, Atlanta, GA 30342 (Fulton County)
Contact: Brian J. Toporek 404-851-6821 **Estimated Cost:** \$64,930,970

2005-010 Henry Medical Center
To Renovate and Purchase a CT Scan
Filed: 2/14/2005 Deemed Incomplete: 2/28/2005 Deemed Complete: 3/28/2005
60th Day Deadline: 5/27/2005
Decision Deadline: 6/26/2005
Site: 1133 Eagle's Landing Parkway, Stockbridge, GA 30281 (Henry County)
Contact: Michael P. Britain, CHE 404-847-0100 **Estimated Cost:** \$973,091

2005-011 Northeast Georgia Medical Center
Addition of a Fourth Cardiac Catheterization Laboratory
Filed: 2/24/2005 Deemed Incomplete: 3/10/2005 Deemed Complete: 3/28/2005
60th Day Deadline: 5/27/2005
Decision Deadline: 6/26/2005 Extended Deadline: 7/26/2005
Site: 743 Spring Street, Gainesville, GA 30501 (Hall County)
Contact: Tracy Vardeman 770-531-6292 **Estimated Cost:** \$5,782,503

2005-012 Northside Hospital
Relocate and Consolidate Existing Hospital Services Into Leased Space
Filed: 3/3/2005 Deemed Complete: 3/17/2005
60th Day Deadline: 5/16/2005
Decision Deadline: 6/15/2005 Extended Deadline: 7/15/2005
Site: 1000 Johnson Ferry Rd., Atlanta, GA 30342 (Fulton County)
Contact: Brian J. Toporek (404) 851-6821 **Estimated Cost:** \$9,710,668

2005-013 South Georgia Medical Center

To Consolidate Existing IT/IS Department into a Single Location

Filed: 3/7/2005 Deemed Incomplete: 3/21/2005 Deemed Complete: 4/4/2005

Decision Deadline: 5/19/2005

Site: 2501 N. Patterson Street, Valdosta, GA 31602 (Lowndes County)

Contact: Jack H. Edwards 229-259-4107 **Estimated Cost:** \$3,021,288

2005-014 Tift Regional Medical Center

The Expansion, Relocation and Addition of Six Beds to the ICU

Filed: 3/11/2005 Deemed Complete: 3/25/2005

60th Day Deadline: 5/24/2005

Decision Deadline: 6/23/2005

Site: 901 East 18th Street, Tifton, GA 31793 (Tift County)

Contact: Sarah Thompson 229-386-6102 **Estimated Cost:** \$15,143,629

2005-015 Satilla Regional Cancer Treatment Center

Relocation of Radiation Therapy Services

Filed: 3/14/2005 Deemed Incomplete: 3/28/2005 Deemed Complete: 4/11/2005

60th Day Deadline: 6/10/2005

Decision Deadline: 7/10/2005 Extended Deadline: 8/9/2005

Site: 2002 Pioneer Street, Waycross, GA 31501 (Ware County)

Contact: Michael Safer, M.D. 912-283-3087 **Estimated Cost:** \$3,462,721

2005-016 Select Specialty Hospital of Augusta

To Construct an 80-Bed Freestanding LTACH

Filed: 3/25/2005 Deemed Incomplete: 4/8/2005 Deemed Complete: 4/27/2005

60th Day Deadline: 6/26/2005

Decision Deadline: 7/26/2005

Site: Walton Way/Wrights Ave, Augusta, GA 30904 (Richmond County)

Contact: Gregory H. Sassman 615-284-6716 **Estimated Cost:** \$21,977,081

2005-017 Kennestone Hospital, Inc. d/b/a WellStar Kennestone Hospital

To Renovate and Expand the Central Energy Plant

Filed: 3/29/2005 Deemed Complete: 4/12/2005 Deemed Complete: 4/12/2005

Decision Deadline: 5/27/2005

Site: 677 Church Street, Marietta, GA 30060 (Cobb County)

Contact: Debbie Jefferson, Strategic Planning **Estimated Cost:** \$9,350,000
Coordinator 770-792-5264

2005-018 Memorial Health University Medical Center

To Construct a New Educational Facility

Filed: 3/30/2005 Deemed Complete: 4/12/2005 Deemed Complete: 4/12/2005

Decision Deadline: 5/27/2005

Site: 4700 Waters Ave., Savannah, GA 31404 (Chatham County)

Contact: Joseph R. Ross, Esq. 912-350-5159 **Estimated Cost:** \$20,884,389

2005-019 Phoebe Putney Memorial Hospital, Inc.

To Renovate an Existing Building to Develop a Laundry Facility

Filed: 3/30/2005 Deemed Complete: 4/12/2005 Deemed Complete: 4/12/2005

Decision Deadline: 5/27/2005

Site: 417 Third Avenue, Albany, GA 31701 (Dougherty County)

Contact: Lori Jenkins, Manager of Planning **Estimated Cost:** \$3,600,761
229-312-14732

2005-022 Habersham County Medical Center

To Construct a Free-Standing 2-Level Annex Building

Filed: 4/13/2005 Deemed Complete: 4/28/2005

60th Day Deadline: 6/27/2005

Decision Deadline: 7/27/2005

Site: 541 Historic Highway 441 North, Demorest, GA 30535 (Habersham County)

Contact: James A. Peterson, Senior V.P. Finance
706-754-3113, ext. 1103

Estimated Cost: \$4,310,264

2005-024 Coffee Regional Medical Center

Expansion & Renovation of an Existing Facility

Filed: 4/14/2005 **Deemed Complete:** 4/28/2005

60th Day Deadline: 6/27/2005

Decision Deadline: 7/27/2005

Site: 1101 Ocilla Road, Douglas, GA 31533 (Coffee County)

Contact: George L. Heck, III, Pres.& CEO

Estimated Cost: \$8,524,250

Pending Review/Complete/Joined Applications

none

Recently Approved Applications

2004-090 Medical Center of Central Georgia

Relocation and Consolidation of Cardiovascular Services

Filed: 9/30/2004 **Deemed Incomplete:** 10/14/2004 **Deemed Complete:** 12/27/2004

60th Day Deadline: 2/24/2005

Decision Deadline: 4/25/2005

APPROVED: 4/19/2005

Site: 77 Hemlock Street, Macon, GA 31201 (Bibb County)

Contact: Marvin Noles 478-633-6960

Estimated Cost: \$80,000,000

2004-113 Macon Cardio-Vascular Institute, LLC

Acquisition of a CT Scanner

Filed: 12/17/2004 **Deemed Incomplete:** 1/4/2004 **Deemed Complete:** 1/24/2005

60th Day Deadline: 3/24/2005

Decision Deadline: 4/23/2005

APPROVED: 4/21/2005

Site: 575 First Street, Macon, GA 31201 (Bibb County)

Contact: Joe H. Johnson 478 743-9762

Estimated Cost: \$1,490,975

2004-116 University Hospital

Expansion and Renovation of Existing Hospital Facility

Filed: 12/27/2004 **Deemed Complete:** 1/10/2005

60th Day Deadline: 3/10/2005

Decision Deadline: 4/9/2005

APPROVED: 4/7/2005

Site: 1350 Walton Way, Augusta, GA 30901 (Richmond County)

Contact: David Henderson 706-828-2454

Estimated Cost: \$84,500,000

2004-117 Gwinnett Bone & Joint Specialists

To install a Magnetic Resonance Imaging (MRI) System

Filed: 12/30/2004 **Deemed Incomplete:** 1/13/2004 **Deemed Complete:** 1/26/2005

60th Day Deadline: 3/26/2005

Decision Deadline: 4/25/2005

APPROVED: 4/22/2005

Site: 2400-1 Wisteria Drive, SW, Snellville, GA 30078 (Gwinnett County)

Contact: Meg Fitton 770 985-9330

Estimated Cost: \$1,090,394

2005-001 Piedmont Fayette Hospital

To Develop a Five-Story Medical Office Building

Filed: 1/4/2005 **Deemed Incomplete:** 1/18/2005 **Deemed Complete:** 3/7/2005

Decision Deadline: 4/21/2005

APPROVED: 4/20/2005

Site: 1255 Highway 54 West, Fayetteville, GA 30214 (Fayette County)

Contact: Michael Burnett 770-719-7000

Estimated Cost: \$6,782,459

2005-005 Athens Regional Medical Center

To Expand the Existing Emergency Department

Filed: 1/18/2005 Deemed Complete: 1/31/2005

60th Day Deadline: 3/31/2005

Decision Deadline: 4/30/2005

APPROVED: 4/29/2005

Site: 1199 Prince Avenue, Athens, GA 30606 (Clarke County)

Contact: W. Larry Webb 706-475-3334

Estimated Cost: \$44,000,000

2005-006 Henry Medical Center

Expansion of Outpatient Atrium

Filed: 1/21/2005 Deemed Complete: 2/3/2005

60th Day Deadline: 4/3/2005

Decision Deadline: 5/3/2005

APPROVED: 4/29/2005

Site: 1133 Eagle's Landing Parkway, Stockbridge, GA 30281 (Henry County)

Contact: Michael P. Britain 404-847-0138

Estimated Cost: \$3,289,000

Recently Denied Applications

2004-106 Gordon Hospital

Establish Adult Diagnostic Cardiac Catherization Service

Filed: 11/22/2004 Deemed Incomplete: 12/7/2004 Deemed Complete: 12/20/2004

60th Day Deadline: 2/17/2005

Decision Deadline: 3/19/2005 Extended Deadline: 4/18/2005

DENIED: 4/18/2005

Site: 1035 Red Bud Road, Calhoun, GA 30701 (Gordon County)

Contact: Carlene Jamerson 706-602-7800

Estimated Cost: \$1,275,020

Applications Withdrawn by Applicant

none

Appealed CON Projects

2002-029 Sunbelt Home Care (Gordon)

2002-030 Healthfield Home Health, Inc.

2002-032 Amedysis Home Health of Ft. Oglethorpe

Home Health Services Expansion in HPA 1 (HHA)

Agency Decision: Approved 2002-029 and 2002-032, 8/30/02. Denied 2002-030, 8/30/02.

Appealed By: Appealed by 2002-030, 9/18/02.

Hearing Officer: Ellwood F. Oakley, III

Hearing Date: Hearing held on 1/14/03 and 01/15/03;

Hearing Decision: Hearing Officer decision pending, 2/10/03; Hearing Officer Decision affirmed Department decision, 3/29/03. Healthfield filed objections to hearing officer's decision and requested Review Board hearing 04-29-03. Review Board hearing to be held on 7-14-03.

Review Board Decision: Review Board affirmed award of CON to Amedysis Home Health of Ft. Oglethorpe on 08/12/03.

Appealed to Superior Court: Healthfield Home Health, Inc. filed Petition for Judicial Review in Superior Court of Fulton County on 9/11/03. Oral argument held on 8/4/2004.

2003-007 Cancer Treatment Center at Henry County (Henry)

Construction of Oncology Treatment Center

Agency Decision: Approved 6/16/03

Appealed By: Institute for Radiation Therapy, Inc.(IRT), Griffin Regional Radiation Therapy Center (Griffin) and Radiotherapy Clinics of Georgia (RCG) requested administrative hearing in opposition to Cancer Treatment Center at Henry County (CTC) on June 27, 2003.

Hearing Officer: Jordan E. Lubin

Hearing Date: Hearing scheduled 3-2-04 thru 3-4-04;

Hearing Decision: Hearing Officer issued Decision on 5/24/2004 and ordered the decision awarding a CON to CTC be reversed. On 6/9/2004, Hearing Officer issued Order on Motion for Reconsideration modifying his Final Decision issued on 5/24/2004 to add a footnote. Decision remains unchanged in all other respects; On 6/23/2004, CTC and the Department each filed objections to Hearing Officer's final decision. Notice of extension for Review Board meeting issued on 7/2/2004.

Review Board Decision: Review Board meeting held 8/27/2004 at 10:00. Review Board issued decision on 9/8/2004 affirming Hearing Officer's decision of 5/24/2004 and ordered the Department not issue a CON to CTC for radiation therapy service at Henry County.

Appealed to Superior Court: CTC filed Petition for Judicial Review in the Fulton County Superior Court on 10/11/2004. IRT and Griffin filed Cross Petition for Judicial Review on 10/8/2004.

Additional Information: RCG withdrew its appeal of CTC's project and on 2/24/04 the hearing officer ordered that the CON granted by the Department to RCG is deemed unopposed. Hearing shall proceed with CTC, IRT, and Griffin.

2003-070 Open MRI & Imaging of Albany, LLC (Dougherty)

Addition of Fixed-Based MRI Unit

Agency Decision: Approved January 30, 2004

Appealed By: Phoebe Putney Memorial Hospital, Inc. filed an appeal in opposition on 2/26/04; Motion to Intervene filed by Palmyra Medical Centers; motion denied by Hearing Officer on 6/10/04.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 8/25/2004 at 9:30am. Hearing date set for 9:30 am was postponed. Hearing rescheduled for 11/8/2004 at 9:30 am. Hearing was held on 11/8/2004 and 11/9/2004. The final day of hearing was 12/10/2004.

Hearing Decision: Hearing Officer affirmed Department's decision to grant a CON to Open MRI & Imaging of Albany, 3/16/2005. Phoebe Putney submitted objections to Hearing Officer's decision, 4/18/2005. Review Board to hear oral argument on 5/13/2005. This case will immediately follow case 2004-022 which begins at 10:00 am.

Review Board Decision: pending

Additional Information: Hearing Officer issued Order denying Phoebe Putney's motion to remand and granting Open MRI's motion to quash, 11/4/2004.

2003-097 Amedisys Home Health of Augusta (Richmond)

2003-118 CSRA Diversified, Augusta (Richmond)

2003-120 CareSouth, Washington (Wilkes)

2003-122 Guardian Home Care of East Georgia (Richmond)

Establishment of New Home Health Agency in SDDR 7 (Batching Cycle)

Agency Decision: On 3/8/2004, CareSouth was approved; Amedisys, Healthfield, United, CSRA Diversified, TM Ventures, CHMG, Guardian and CSRA Nursing were denied.

Appealed By: Amedisys contests the denial of their application and the approval of CareSouth. Guardian and CSRA Diversified contests denial of their applications. Amedisys, Guardian and CSRA Diversified requests intervention in any other appeal filed in this batch; On 6/3/2004 CSRA Diversified withdrew its request for an appeal. On 6/7/2004 Guardian withdrew request for hearing. Amedisys Augusta filed objections to decision of Hearing Officer and requested oral argument before full Review Board, 12/22/2004.

Hearing Officer: Walter Van Heiningen

Hearing Date: Hearing scheduled for 9/13/04 at 9:30am.

Hearing held 9/13 - 14/2004 at 9:30am.

Hearing Decision: Hearing Officer issued decision on 11/22/2004 and ordered that DCH's decision to award a CON to CareSouth and deny a CON to Amedisys be affirmed that a CON be issued to CareSouth for it to expand into Burke, Columbia, Glascock, Jefferson, Jenkins, Richmond, Warren and Washington Counties.

Review Board Decision: Review Board meeting scheduled 1/24/2005 at 10 am. Review Board meeting to be rescheduled since a 45-day extension was granted due to scheduling conflicts, 1/19/2005. Review Board meeting held 3/4/2005 at 10:00 am. On 3/14/2005, the Review Board issued order denying

Amedisys' Motion for Leave to Present Additional Evidence and affirming Hearing Officer's decision of 11/22/2005.

Appealed to Superior Court: Amedisys filed Petition for Judicial Review with Superior Court of Fulton County, 4/13/2005.

2004-022 N. Atlanta Diagnostic and Cardiovascular Center d/b/a Global Diagnostic, LLC (Fulton)

Establishment of Diagnostic Imaging Service

Agency Decision: Approved 8/31/2004.

Appealed By: Northside Hospital, 9/3/2004 and Diagnostic Imaging of Atlanta, 9/3/2004.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing held 11/15-17/2004.

Hearing Decision: In his final decision on 2/18/2005, the Hearing Officer ordered that Global Diagnostic be granted a CON. Diagnostic Imaging of Atlanta filed objections to Hearing Officer's decision, 3/21/05. Northside Hospital filed objections to Hearing Officer's decision, 3/23/05. Due to scheduling difficulties, Review Board Vice-Chair granted an extension for the initial time period for review, 4/7/2005. Arguments before full Review Board scheduled for 5/13/2005 at 10:00 am.

2004-039 First Source Diagnostic Center (Forsyth)

2004-050 Johns Creek Diagnostic Imaging Center

2004-039 Procurement of MRI Equipment

2004-050 Develop an outpatient freestanding multi-modality DTRC

Agency Decision: First Source Diagnostic Center, Inc. approved on 9/24/2004; Johns Creek Diagnostic Imaging Center approved on 9/24/2004

Appealed By: Diagnostic Imaging of Atlanta requested hearing in opposition, 10/4/2004. Johns Creek Diagnostic Imaging Center requested hearing in opposition, 10/12/2004, and requested intervention in any appeal involving Diagnostic Imaging of Atlanta to the extent that such hearing is not consolidated with the hearing requested by Johns Creek. Northside Hospital requested hearing in opposition, 10/18/2004. Emory Dunwoody requested hearing in opposition, 10/20/2004. First Source Diagnostic moved to intervene in any proceedings regarding Johns Creek Diagnostic's application and its CON, 11/3/2004.

Hearing Officer: Walter Van Heiningen

Hearing Date: Hearing scheduled for 2/15-17/2005 at 9:30am. Hearing was held as scheduled.

Hearing Decision: Summary Judgment denying First Source a CON was issued 2/11/2005. Decision for Johns Creek Diagnostic Imaging Center is pending. On 3/16/05, First Source filed specific objections to the Summary Adjudication to the Review Board.

2004-048 Phoebe Putney Memorial Hospital Imaging Center (Dougherty)

2004-054 Albany Diagnostic Center, LLC

Development of Outpatient Imaging Center

Agency Decision: Phoebe Putney Memorial, Denied 11/5/2004; Albany Diagnostic Center, Denied 11/5/2004

Appealed By: Albany Diagnostic Center requested hearing on 11/9/2004; Phoebe Putney Memorial requested hearing on 11/15/2004 and seeks intervention in any appeal regarding the joined application of Albany Diagnostic. Palmyra Park Hospital requested intervention in any appeal filed by Phoebe or Albany, 11/23/04. Open MRI & Imaging of Albany requested intervention in any appeal filed by Phoebe or Albany, 11/29/04.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 2/15/2005 - 2/18/2005. Hearing to be rescheduled. Hearing scheduled for 5/16-19/2005. Phoebe filed Motion to Dismiss Open MRI and Imaging of Albany for lack of standing. Albany Diagnostic joins Phoebe's Motion. Palmyra and the Department join Open MRI in opposing Phoebe's Motion. Hearing Officer denied Motion to Dismiss, 4/25/2005.

2004-050 Johns Creek Diagnostic Imaging Center (Forsyth)

Establishment of Freestanding Diagnostic Imaging Ctr

Agency Decision: Approved 9/24/2004

Appealed By: Diagnostic Imaging of Atlanta requested hearing in opposition, 10/4/2004. Northside Hospital requested hearing in opposition, 10/18/2004. Emory Dunwoody requested hearing in opposition, 10/20/2004. First Source Diagnostic moved to intervene in any proceedings regarding John Creek Diagnostic's application and its CON, 11/3/2004.

Hearing Date: Hearing scheduled 2/15-17/2005 at 9:30am. Hearing held as scheduled.

Hearing Decision: Pending

2004-055 WellStar Kennestone Hospital (Cobb)

Addition of CyberKnife Stereotactic Radiosurgery Unit

Agency Decision: Approved 10/29/2004

Appealed By: Piedmont Hospital 11/24/2004

Hearing Officer: Ellwood Oakley

Hearing Date: Hearing scheduled for 3/21/2005 at 9:00 am. Hearing postponed. Hearing rescheduled 6/1-3/2005 at 9:30am.

2004-060 Northside Hospital - Cherokee (Cherokee)

Establishment of Adult Cardiac Catheterization Services

Agency Decision: Approved 12/30/2004

Appealed By: Piedmont Hospital requested hearing in opposition, 1/27/2005.

Hearing Officer: William Joy

Hearing Date: TBD

2004-061 Radiotherapy Clinics of Georgia (DeKalb)

Establishment of New Radiation Therapy Services

Agency Decision: Denied 10/21/2004

Appealed By: Radiotherapy Clinics of Georgia. Atlanta Oncology filed a Motion to Intervene, 11/30/2004. Hearing Officer issued order denying Atlanta Oncology's Motion to intervene, 4/1/2005.

Hearing Officer: William Joy

Hearing Date: Hearing scheduled 5/10-11/2005.

2004-086 Surgical Centers of Georgia (Bibb)

Addition of Third OR and Pain Management to Existing ASC

Agency Decision: Denied 1/25/2005

Appealed By: Applicant 2/2/2005

Hearing Officer: William Joy

Hearing Date: Hearing scheduled 5/4-5/2005 at 10:00 a.m.

Appealed Determinations

DET-2003-001 Alliance Imaging, Inc.

Requested determination regarding acquisition and operation of mobile CT scanner. Requested hearing on determination canceling Letter of Exemption. Cancellation of Determination: 1/15/2004. Appealed by applicant on 2/3/2004. Clifford M. Weiss is Hearing Officer.

DET-2003-002 Stockbridge Diagnostic Imaging

Requested determination regarding acquisition of Refurbished Philips CT System. Requested hearing on determination canceling Letter of Exemption dated 1/15/2004. Appealed by applicant on 2/6/2004. Clifford M. Weiss is Hearing Officer.

DET-2004-069 Atlanta Oncology Associates, PC – Northside/Alpharetta Cancer Treatment Center

Change location of its radiation therapy facility and linear accelerator. Request approved on 1/21/2004 but Department cancelled its determination on 4/28/2004. Applicant requested hearing on 5/28/2004. Clifford Weiss is Hearing Officer.

DET- 2004-001 North Atlanta Scan Associates, Inc.

(2004-CV-89690) (A05D0162)

NASA requested hearing for the purpose of contesting the validity of a cease and desist letter issued by Department on 11/14/2003. Hearing Officer is Melvin Goldstein. Georgia Alliance of Community Hospitals, Inc. and Diagnostic Imaging of Atlanta have sought intervention. Hearing began 2/25/2004 and continued to 3/18-19/2004. Hearing Officer issued decision on 4/19/2004 denying NASA's appeal. On 6/30/2004, NASA filed Motion for Withdrawal of Final Agency Decision and Request for Rehearing, Reconsideration and Stay. On 7/14/2004, Commissioner Burgess denied NASA's motion. On 8/13/2004 NASA filed petition for judicial review in the Superior Court of Fulton County to stay the Department's decision and for injunctive relief. On 11/29/2004, Superior Court ordered NASA to cease and desist all

operations at the Peachtree Dunwoody Road facility until it applies for and receives CON approval. DIA and Georgia Alliance mandamus actions were rendered moot. NASA filed an Emergency Motion for Enforcement of Supersedeas, which was granted by the Court of Appeals on 12/22/2004. NASA also filed an application for discretionary appeal, which was granted on 1/12/2005 by the Court of Appeals.

DET-2004-079 United Medical System, dba PET Scans of America

United Medical Systems requested hearing on 7/7/2004 to contest cease and desist order issued by Department on 6/17/2004. Hearing Officer is Clifford Weiss.

DET-2004-036 Coliseum Medical Centers and Coliseum Surgery Center

Requested transfer of four endoscopy procedure rooms from hospital to Same-Day Surgery Center without CON review. Denied 6/17/2004. Coliseum requested a hearing on 7/15/2004. Hearing Officer is Ellwood Oakley. Hearing scheduled 12/8-9/2004. Hearing to be rescheduled.

1995-092-CAN Southern Crescent Rehabilitation & Retirement Center

Requested hearing on 10/26/2004 for the purpose of contesting a Notice of Cancellation issued by the Department. Hearing Officer is Walter Van Heiningen.

DET-2003-020-CAN Piedmont Hospital-Fayette Community Hospital

Requested hearing on 11/12/2004 to contest cancellation of Determination Letter of 2/13/2003. Hearing Officer is Ellwood Oakley. Hearing scheduled for 3/7/2005 at 9:00 am. Hearing postponed. New hearing date pending.

2004-039-C&D First Source Diagnostic Center, Inc.

On 10/25/04, the Department issued a second Cease and Desist letter requiring First Source to cease offering MRI services until the resolution of all pending appeals. First Source requested hearing contesting this second cease and desist letter, 11/19/04. Hearing Officer is Walter Van Heiningen. Northside Hospital filed Motion to Intervene, 1/13/2005. Hearing was held 2/15-17/2005.

2004-039-CMP First Source Diagnostic Center, Inc.

On 12/3/2004, the Department notified First Source that civil monetary penalties had been instituted due to violation of the CON Statute. First Source requested hearing on 12/30/2004 to contest the imposed fines. Hearing Officer is Walter Van Heiningen. Northside Hospital filed Motion to Intervene, 1/13/2005. Hearing was held 2/15-17/2005.

LNR-MRI-2004-028 Neurology Specialists of Savannah, P.C.

Acquire pre-owned MRI unit to be installed as part of a new full service neurology facility. Request denied 1/21/2005. Applicant requested hearing 2/2/2005. Ellwood Oakley is Hearing Officer. Hearing scheduled 6/6/2005 at 9:00 am.

Requests For Letters Of Non-Reviewability For Establishment Of Physician-Owned Ambulatory Surgery Facilities

LNR-ASC-2004-027 Foot & Ankle Center of Middle Georgia, LLC

Establish a physician-owned, single specialty, ambulatory surgery center

Site: 1040 Morningside Drive, Perry, GA

Number of OR's: 1 **Specialty:** Podiatry

Physician(s) authorization requested: 1 - Sarvepalli D. Jokhai

Project costs as submitted: \$478,032.35

Request received: 9/8/2004

Contact person: Roger N. Phillips, (770) 335-9797

Determination: Pending **Determination Date:**

LNR-ASC-2004-036 DCA Diagnostics, LLC

Establish a physician-owned, single specialty ambulatory surgery center

Site: 880 Crestmark Drive, Suite 102, Lithia Springs, GA 30122

Number of OR's: 3 **Specialty:** Gastroenterology

Physician(s) authorization requested: 9

Project costs as submitted: \$1,139,887.16
Request received: 12/16/2004
Contact person: Gayle R. Evans, (770) 794-4944
Determination: Issued **Determination Date:** 3/22/2005

LNR-ASC-2004-037 Surgery Center for Urology, LLC
Establish a physician-owned, single specialty ambulatory surgery center
Site: 290 Country Club Drive, Suite 240, Stockbridge, GA 30281
Number of OR's: 2 **Specialty:** Urology
Physician(s) authorization requested: 5
Project costs as submitted: \$1,380,588.05
Request received: 12/22/2004
Contact person: Daniel J. Mohan, (404) 504-7610
Determination: Pending **Determination Date:**

LNR-ASC-2005-001 Hudes Endoscopy Center, LLC
Establish a physician-owned, single specialty ambulatory surgery center
Site: 4275 Johns Creek Parkway, Building F, Suite A, Suwanee, GA
Number of OR's: 2 **Specialty:** Gastroenterology
Physician(s) authorization requested: 1
Project costs as submitted: \$557,335.00
Request received: 2/2/2005
Contact person: Brian K. Hudes, MD, (770) 656-7381 or (678) 475-1614
Determination: Issued **Determination Date:** 3/31/2005

LNR-ASC-2005-002 Gainesville Eye Associates, LLC
Construct a physician-owned, single specialty, office-based ambulatory surgery center
Site: 2061 Beverly Road, Gainesville, GA
Number of OR's: 2 **Specialty:** Ophthalmology
Physician(s) authorization requested: 2
Project costs as submitted: \$1,146,775
Request received: 2/7/2005
Contact person: Edward C. Luke, Jr., (770) 951-8427
Determination: Pending **Determination Date:**

LNR-ASC-2005-003 Georgia Pain Spine Center, LLC
Establish a physician-owned, single specialty, office-based ambulatory surgery center.
Site: 15 Medical Drive, Suite 301, Cartersville, GA
Number of OR's: 2 **Specialty:** Pain Management
Physician(s) authorization requested: 3
Project costs as submitted: \$989,823.00
Request received: 2/15/2005
Contact Person: Edward C. Luke, Jr., (770) 951-8427
Determination: Issued **Determination Date:** 4/6/2005

LNR-ASC-2005-004 Atlanta South Endoscopy Center, LLC
Establish a physician-owned, single specialty, office-based ambulatory surgery center
Site: 34 Riverdale Road, Suite 201, Riverdale, GA 30274
Number of OR's: 2 **Specialty:** Gastroenterology
Physician(s) authorization requested: 2
Project costs as submitted: \$1,325,625.00
Request received: 2/23/2005
Contact person: Alan H. Matilsky, (770) 951-7945
Determination: Issued **Determination Date:** 3/31/05

LNR-ASC-2005-005 Center for Spine & Pain Medicine, P.c.
Establish a physician-owned, single specialty, office-based ambulatory surgery center
Site: Northpark Subdivision, Whitfield County, GA (specific address not yet available)
Number of OR's: 1 **Specialty:** Pain Management

Physician(s) authorization requested: 1
Project costs as submitted: \$1,397,313.53
Request received: 3/28/2005
Contact person: Robin Beatty, (404) 725-8786 or (770) 516-1775
Determination: Pending **Determination Date:**

LNR-ASC-2005-006 Northeast Endoscopy Center, LLC
Establish a physician-owned, single specialty, office-based ambulatory surgery center.
Site: 721 Wellness Way, Lawrenceville, GA
Number of OR's: 3 **Specialty:** Gastroenterology
Physician(s) authorization requested: 4
Project costs as submitted: \$1,403,698
Request received: 4/4/2005
Contact Person: Edward C. Luke, Jr., (770) 951-8427
Determination: Pending **Determination Date:**

LNR-ASC-2005-007 North Georgia Institute for Wound Care, LLC
Establish a physician-owned, single specialty, office-based ambulatory surgery center
Site: 250 Pirkle Road, Suite C, Cumming, GA
Number of OR's: 1 **Specialty:** Wound Management
Physician(s) authorization requested: 1
Project costs as submitted: \$336,521.00
Request received: 4/13/2005
Contact Person: Edward C. Luke, Jr., (770) 951-8427
Determination: Pending **Determination Date:**

LNR-ASC-2005-008 Forsyth Street Orthopaedic Surgery & Rehabilitation Center, P.C.
Establish a physician-owned, single specialty, office-based ambulatory surgery center
Site: 1716 Forsyth Street, Macon, GA
Number of OR's: 2 **Specialty:** Orthopaedics
Physician(s) authorization requested: 6
Project costs as submitted: \$1,484,099.75
Request received: 4/15/2005
Contact Person: Gayle R. Evans, (770) 794-4944
Determination: Pending **Determination Date:**

Requests for Letters of Non-Reviewability for Diagnostic or Therapeutic Equipment

LNR-EQT-2005-006 Albany Diagnostic Center, LLC, Albany, Dougherty County, Georgia
Request to acquire a fixed-based GE LightSpeed Qx/I CT Scanner to be located in freestanding multi-modality imaging center
Site: 2624 Dawson Road, Albany, Georgia 31701
Value as Submitted: \$519,118.50 **Request Received:** 3/9/2005
Contact Person: Richard L. Gray (706) 354-1036
Determination: LNR Issued **Determination Date:** 4/14/2005

LNR-EQT-2005-007 Rockdale Medical Center, Conyers, Rockdale County, Georgia
Request to purchase a fixed-based GE LightSpeed Qx/I Advantage CT Scanner to be located in hospital
Site: 1412 Milstead Avenue, Conyers, Georgia 30012
Value as Submitted: \$422,945.76 **Request Received:** 3/9/2005
Contact Person: Joy L. Davis (770) 918-3914
Determination: LNR Issued **Determination Date:** 4/6/2005

LNR-EQT-2005-008 Neurological Institute of Savannah, PC, Savannah, Chatham County, Georgia
Request to purchase a fixed-based 1995 GE Signa 1.0T Horizon MRI unit for use in practice-based imaging
Site: 2101 Tebeau Street, Waycross, Ware County, Georgia 31501

Value as Submitted: \$386,616.76
Contact Person: Robert T. Mathews (912) 355-1010
Determination: LNR Issued

Request Received: 3/22/2005
Determination Date: 4/12/2005

LNR-EQT-2005-009 Augusta Cardiology Clinic, PC, Augusta, Richmond County, Georgia

Request to acquire by operational lease a Siemens SOMOTOM Sensation 16 MultiSlice CT Scanner for use in practice-based imaging

Site: 3624 J. Dewey Gray Circle, Suite 270, Augusta, Georgia 30909

Value as Submitted: \$732,000.00

Request Received: 4/4/2005

Contact Person: Vickie Echols (706) 724-3473

Determination: Pending

Determination Date:

LNR-EQT-2005-010 Open MRI & Imaging of Georgia, Inc. d/b/a MRI & Imaging of Habersham, Demorest, Habersham County, Georgia

Request to acquire by purchase a fixed-based GE Profile III MRI Scanner for use in freestanding single-modality imaging center

Site: 638 Historic Highway 441 North, Demorest, Georgia 30535

Value as Submitted: \$710,397.50

Request Received: 4/8/2005

Contact Person: John K. Luke (770) 300-0101

Determination: Pending

Determination Date:

LNR-EQT-2005-011 Urology Center of Columbus, LLC, Columbus, Muscogee County, Georgia

Request to acquire by purchase a fixed-based GE Gold Seal CTi system for use in practice-based imaging

Site: 2100 North Avenue, Columbus, Georgia 31904

Value as Submitted: \$352,380.00

Request Received: 4/28/2005

Contact Person: Dr. William M. Harper IV (706) 653-9637

Determination: Pending

Determination Date:

LNR-EQT-2005-012 Douglas MRI, LLC, Douglas, Georgia

Request to acquire by purchase a fixed-based ARTOSCAN Extremity MRI unit for use in practice-based imaging

Site: 204 Westside Drive, Douglas, Georgia

Value as Submitted: \$3269,142.00

Request Received: 4/29/2005

Contact Person: Jeanne Tucker (912) 283-6471

Determination: Pending

Determination Date:

Requests for Miscellaneous Letters of Determination

DET-2005-001 Doctors Hospital Surgery Center, Evans, Georgia

Request for determination regarding addition of two minor procedure rooms at a cost below the capital expenditure threshold

Request Received: 1/4/2005

Contact Person: Jennifer D. Malinovsky, Esq. (404) 817-6136

Determination: Pending

Determination Date:

DET-2005-015 DeKalb Medical Center, Inc., Decatur, DeKalb County, Georgia

Request for determination regarding modification of approved CON Project No. GA 2004-047

Request Received: 3/14/2005

Contact Person: Don Fears (404) 501-5790

Determination: Non-Reviewable as Proposed

Determination Date: 4/5/2005

DET-2005-017 Royston Diagnostic Center, LLC, Royston, Franklin County, Georgia

Request for determination regarding use of medical office building as site for MRI services

Request Received: 3/16/2005

Contact Person: Richard Gray (706) 354-1036

Determination: Determination Issued

Determination Date: 4/5/2005

DET-2005-018 Diagnostic Systems of Georgia, LLC, Athens, Clarke County, Georgia

Request for determination regarding associated and simultaneous development

Request Received: 3/16/2005

Contact Person: Richard Gray (706) 354-1036

Determination: Pending

Determination Date:

DET-2005-022 NovaMed Management Services, LLC, Atlanta, Fulton County, Georgia

Request for determination regarding expenditures below capital threshold

Request Received: 3/29/2005

Contact Person: Scott T. Macomber (312) 664-4100

Determination: Non-Reviewable as Proposed

Determination Date: 4/14/2005

DET-2005-023 Elbert Memorial Hospital, Elberton, Elbert County, Georgia

Request for determination regarding replacement of CT Scanner

Request Received: 3/29/2005

Contact Person: Kent E. Lederman (770) 698-0415

Determination: Non-Reviewable as Proposed

Determination Date: 4/15/2005

DET-2005-024 Phoebe Putney Memorial Hospital, Inc., Albany, Dougherty County, Georgia

Request for determination regarding replacement of CON-approved MRI unit

Request Received: 3/29/2005

Contact Person: Lori Jenkins (229) 312-1432

Determination: Non-Reviewable as Proposed

Determination Date: 4/15/2005

DET-2005-025 Floyd Medical Center, Rome, Floyd County, Georgia

Request for determination regarding expenditures to remediate sub-surface problems associated with Project No. GA 2003-051

Request Received: 4/6/2005

Contact Person: Dan Sweitzer (706) 509-3259

Determination: Pending

Determination Date:

DET-2005-026 Phoebe Putney Memorial Hospital, Albany, Dougherty County, Georgia

Request for determination replacement of emergency center information system

Request Received: 4/19/2005

Contact Person: Lori Jenkins (229) 312-1432

Determination: Pending

Determination Date:

DET-2005-027 Macon Northside Hospital, Macon, Bibb County, Georgia

Request for determination regarding replacement of MRI unit

Request Received: 4/19/2005

Contact Person: Bud Costello (478) 757-5990

Determination: Pending

Determination Date:

DET-2005-028 The Hospital Authority of Houston County d/b/a Houston Medical Center, Warner Robins, Houston County, Georgia

Request for determination regarding relocation of Accounting/Business Office from main hospital to remote leased space

Request Received: 4/26/2005

Contact Person: Arthur P. Christie (478) 542-7740

Determination: Pending

Determination Date:

DET-2005-029 The Hospital Authority of Houston County d/b/a Houston Medical Center, Warner Robins, Houston County, Georgia

Request for determination regarding renovation of existing space within hospital to create a second C-Section room

Request Received: 4/26/2005

Contact Person: Arthur P. Christie (478) 542-7740

Determination: Pending

Determination Date:

DET-2005-030 The Hospital Authority of Houston County d/b/a Houston Medical Center, Warner Robins, Houston County, Georgia

Request for determination regarding proposal to re-open two of three closed inpatient general operating rooms

Request Received: 4/26/2005

Contact Person: Arthur P. Christie (478) 542-7740

Determination: Pending

Determination Date:

DET-2005-031 The Hospital Authority of Houston County d/b/a Houston Medical Center Robins, Houston County, Georgia

Request for determination regarding proposal to convert psychiatric beds to med/surg beds within licensed capacity

Request Received: 4/28/2005

Contact Person: Arthur P. Christie (478) 542-7740

Determination: Pending

Determination Date:

DET-2005-032 Evans Memorial Hospital, Claxton, Evans County, Georgia

Request for determination regarding replacement of 6 hospital beds at a cost below the capital expenditure threshold

Request Received: 4/29/2005

Contact Person: Ron Gilliard (912) 739-5102

Determination: Pending

Determination Date:

Requests for Extended Implementation/Performance Period

2002-038 and 2003-010 (cost overrun) The Devereux Foundation

Facility Expansion and Renovation

Request to extend effective period

Site: 1291 Stanley Road, NW, Kennesaw (Cobb)

Project Approved: 6/3/2003

Contact: Daniel Koch (404) 892-2443 **Approved Cost:** \$14,710,545

Determination: Approved, 4/7/2005 **Extended Effective Date:** 7/15/2006

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