



GEORGIA DEPARTMENT OF
COMMUNITY HEALTH

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OFFICE OF GENERAL COUNSEL

CERTIFICATE OF NEED

Tracking And Appeals Report

Week of June 13, 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.dch.georgia.gov

New Applications

2005-039 Tanner Medical Center, Inc.

Relocate existing non-clinical services

Filed: 6/9/2005

Site: 705 Dixie Street, Carrollton, GA 30117 (Carroll County)

Contact: Lee C. Sherseth 770-836-9697

Estimated Cost: \$3,369,230

2005-040 Pediatric Surgery Center

Establish Freestanding Pediatric Ambulatory Surgery Center

Filed: 6/13/2005

Site: 993-D Johnson Ferry Road, Suite 300, Atlanta, GA 30342 (Fulton County)

Contact: Margaret Chappell 404-303-1629

Estimated Cost: \$76,500

Pending Review/Incomplete Applications

2005-027 Heritage of Peachtree

The Addition of Twelve New Beds

Filed: 4/29/2005 Deemed Incomplete: 5/13/2005

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

Contact: Peggy Peters, Regional GM 770-845-6483

Estimated Cost: \$0

2005-029 St. Mary's Hospice House

To Develop a Free-standing Hospice House

Filed: 5/10/2005 Deemed Incomplete: 5/24/2005

Site: 1660 Jennings Mill Road, Bogart, GA 30622 (Oconee County)

Contact: Jonathan Johnson, Executive Director 706-353-8840

Estimated Cost: \$2,541,500

2005-034 Southeast Georgia Regional Medical Center

To Construct a Sixth Floor to an Ambulatory Care Building

Filed: 5/25/2005 Deemed Incomplete: 6/9/2005

Site: 2415 Parkwood Drive, Brunswick, GA 31520 (Glynn County)

Contact: Marjorie Mathieu (912) 466-7013

Estimated Cost: \$2,240,500

2005-035 Coastal Behavioral Health

To Establish Free-Standing Inpatient Hospital for Adult Psych. Care

Filed: 5/26/2005 Deemed Incomplete: 6/9/2005

Site: 633 Stephenson Ave., Savannah, GA 31405 (Chatham County)

Contact: Ray Heckerman (912) 692-4205

Estimated Cost: \$955,436

2005-036 Westminster Commons

Nursing Facility Re-location

Filed: 5/31/2005 Deemed Incomplete: 6/14/2005

Site: 560 St. Charles Avenue, N.E., Atlanta, GA 30308 (Fulton County)

Contact: Philip Rees (770) 992-0441 ext. 3702

Estimated Cost: \$3,668,000

2005-037 Northeast Georgia Health System, Inc.

To Construct an Operations and Data Center Building

Filed: 6/2/2005 Deemed Incomplete: 6/16/2005

Site: 743 Spring Street, Gainesville, GA 30501 (Hall County)

Contact: Tracy Vardeman 770-531-6292

Estimated Cost: \$15,935,500

Pending Review/Complete Applications

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

2005-014 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 LTAC Hospital
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

2005-020 Saint Joseph's Hospital of Atlanta, Inc.
The Addition of an Eighth Cardiac Catheterization Lab
Filed: 4/1/2005 Deemed Incomplete: 4/14/2005 Deemed Complete: 5/9/2005
60th Day Deadline: 7/8/2005
Decision Deadline: 8/7/2005
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 Deemed Complete: 5/2/2005
60th Day Deadline: 7/1/2005
Decision Deadline: 7/31/2005

Site: 5335 Old National Hwy., College Park, GA 30349 (Fulton County)
Contact: Greg Alvarez, DPM 404-768-3668 **Estimated Cost:** \$775,083

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

2005-023 The Emory Clinic, Inc.

To Purchase a MRI Scanner

Filed: 4/13/2005 **Deemed Complete:** 4/27/2005 **Deemed Complete:** 5/26/2005

60th Day Deadline: 7/25/2005

Decision Deadline: 8/24/2005

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

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

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 912-383-5620 **Estimated Cost:** \$8,524,250

2005-025 Emory University Hospital

To Relocate and Expand The Outpatient Transplant Clinic

Filed: 4/26/2005 **Deemed Incomplete:** 5/19/2005 **Deemed Complete:** 5/19/2005

60th Day Deadline: 7/18/2005

Decision Deadline: 8/17/2005

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 **Deemed Incomplete:** 5/13/2005 **Deemed Complete:** 6/6/2005

60th Day Deadline: 8/5/2005

Decision Deadline: 9/4/2005

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

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

2005-028 Newnan Regional Radiation Therapy Center, Inc.

The Addition of a Second Linear Accelerator and Vault

Filed: 5/9/2005 **Deemed Incomplete:** 5/23/2005 **Deemed Complete:** 6/6/2005

60th Day Deadline: 8/5/2005

Decision Deadline: 9/4/2005

Site: 211 Millard C. Farmer Ind. Blvd., Newnan, GA 30263 (Coweta County)

Contact: John Warner Ray, MD 770-994-1650 **Estimated Cost:** \$1,652,520

2005-030 Tift Regional Medical Center

To Construct a New Facility

Filed: 5/13/2005 **Deemed Complete:** 5/26/2005

60th Day Deadline: 7/25/2005

Decision Deadline: 8/24/2005

Site: 901 East 18th Street, P.O. Drawer 747, Tifton, GA 31793 (Tift County)

Contact: Sarah Thompson, VP, Operations 229-386-6102 **Estimated Cost:** \$1,777,476

2005-032 Tanner Medical Center- Villa Rica
Purchase & Install new Intera Achieva MRI Scanner
Filed: 5/20/2005 Deemed Complete: 6/2/2005
60th Day Deadline: 8/1/2005
Decision Deadline: 8/31/2005
Site: 601 Dallas Highway, Villa Rica, GA 30180 (Carroll County)
Contact: David Thornhill (770) 836-9292 **Estimated Cost:** \$0

2005-033 Atlanta Medical Center
To Develop 12-bed ICU
Filed: 5/24/2005 Deemed Complete: 6/8/2005
60th Day Deadline: 8/7/2005
Decision Deadline: 9/6/2005
Site: 303 Parkway Drive, NE, Atlanta, GA 30312 (Fulton County)
Contact: Jameson Smith (404)265-4202 **Estimated Cost:** \$3,950,216

2005-038 Hughston Surgical Institute, LLC
New LP-ASC Facility
Filed: 6/3/2005 Deemed Complete: 6/16/2005
60th Day Deadline: 8/15/2005
Decision Deadline: 9/14/2005
Site: 6262 Veterans Parkway, P.O.Box 9517, Columbus, GA 31908 (Muscookee County)
Contact: Mark Baker 706-494-3121 **Estimated Cost:** \$4,256,181

Pending Review/Complete/Joined Applications

none

Recently Approved Applications

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
APPROVED: 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
APPROVED: 5/27/2005
Site: 417 Third Avenue, Albany, GA 31701 (Dougherty County)
Contact: Lori Jenkins, Manager of Planning 229-312-14732 **Estimated Cost:** \$3,600,761

Recently Denied Applications

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
DENIED: 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

Applications Withdrawn by Applicant

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

WITHDRAWN: 6/9/2005

Site: 550 Peachtree Street, NE, Atlanta, GA 30308 (Fulton County)

Contact: Toni Wimby 404-686-2450

Estimated Cost: \$2,977,782

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: Review Board issued an Order on 5/25/2005 adopting the Hearing Officer's decision and affirming the Department's decision to issue a CON to Open MRI.

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.

Review Board Decision: Arguments before full Review Board was held on 5/13/2005. Review Board issued an Order on 5/25/2005 adopting the Hearing Officer's decision and affirming the Department's decision to issue a CON to Global.

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. Hearing Officer issued an Order extending the time for which an order should be promulgated to 5/14/2005. Hearing Officer issued Final Decision on 5/11/2005 and reversed the CON issued to Johns Creek. The Department filed specific objections to the decision of the Hearing Officer and requested oral argument to the Review Board, 6/15/2005.

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 requestd 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. Hearing held 5/16-19/2005, with final day of hearing scheduled 6/30/2005 at 10:00 am.

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 9:00am. Hearing was held 6/1-3/2005.

Hearing Decision: pending

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: Hearing scheduled for 7/26-28/2005 at 10:00 am

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 postponed. Hearing scheduled 7/12-13/2005 at 10:00 am.

Hearing Officer: William Joy

Hearing Date: Hearing scheduled 5/10-11/2005. Hearing postponed, to be re-scheduled.

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 was held on 5/4/2005 at 10:00 am.
Hearing Decision: pending

2004-095 Memorial Health University Medical Center, Inc. (Chatham)
Construction and Relocation of 2 Existing Operating Rooms
Agency Decision: Approved 3/31/2005
Appealed By: Saint Joseph and Candler Hospitals requested hearing in opposition, 4/28/2005.
Hearing Officer: Sabrina Scott
Hearing Date: TBA

2004-106 Gordon Hospital (Gordon)
Establish Adult Diagnostic Cardiac Catherization Service
Agency Decision: Denied, 4/18/2005
Appealed By: Applicant requested hearing on 5/9/2005. Hamilton Medical Center requested intervention (5/12/2005) and Floyd Medical Center requested intervention (5/13/2005) in any appeal filed by Gordon Hospital.
Hearing Officer: Melvin Goldstein
Hearing Date: TBA

Appealed Determinations

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. Prior hearing officer assignment rescinded. Sabrina R. Scott is appointed hearing officer, 5/10/2005.

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. Prior hearing officer assignment rescinded. William C. Joy is appointed hearing officer, 5/10/2005.

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. See "appealed CON Projects" 2004-039.

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. See "appealed CON Projects" 2004-039.

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-2004-037 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: Issued **Determination Date:** 5/24/2005

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-2005-005 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:**

LNR-ASC-2005-009 Southeastern Pain Ambulatory Surgery Center, LLC

Establish a physician-owned, single specialty ambulatory surgery center

Site: 1140 Hammond Drive, Building E, Atlanta, GA 30326

Number of OR's: 2 **Specialty:** Pain Medicine

Physician(s) authorization requested: 2

Project costs as submitted: \$1,027,045.20

Request received: 6/6/2005

Contact Person: Daniel Mohan, (404) 504-7610

Determination: Pending **Determination Date:**

LNR-ASC-2005-010 Urological Surgical Partners, LLC

Develop a physician-owned, single specialty, office-based ambulatory surgery center

Site: 5673 Peachtree Dunwoody Road, Doctors Center Four Bldg., Suite 900, Atlanta, GA 30342

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

Physician(s) authorization requested: 4

Project costs as submitted: \$1,054,250.00

Request received: 6/10/2005

Contact Person: Renita L. Spining, (404) 255-3822
Determination: Pending **Determination Date:**

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

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

Request to acquire by operational lease a Siemens SOMATOM Sensation 16 Multi-Slice 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: Letter Issued

Determination Date: 6/6/2005

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: Letter Issued

Determination Date: 5/25/2005

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: Letter Issued

Determination Date: 6/13/2005

LNR-EQT-2005-012 Douglas MRI, LLC, Douglas, Coffee County, 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: \$269,142.00

Request Received: 4/29/2005

Contact Person: Jeanne Tucker (912) 283-6471

Determination: Letter Issued

Determination Date: 6/13/2005

LNR-EQT-2005-013 Emory Adventist Hospital, Smyrna, Cobb County, Georgia

Request to acquire by operational lease a fixed-based ONI Medical Systems OrthoOneXT MRI unit for use in hospital

Site: 3969 South Cobb Drive, Suite 101, Smyrna, Georgia

Value as Submitted: \$508,950.00

Request Received: 4/29/2005

Contact Person: Everette B. Jenkins (678) 625-4720

Determination: Letter Issued

Determination Date: 6/13/2005

LNR-EQT-2005-014 The Emory Clinic, Atlanta, DeKalb County, Georgia

Request to acquire by capital lease an Allegretto Wave 1038 Laser

Site: 875 Johnson Ferry Road, Atlanta, Fulton County, Georgia

Value as Submitted: \$505,626.00

Request Received: 5/12/2005

Contact Person: Jeffrey C. Baxter (404) 817-6247

Determination: Pending

Determination Date:

LNR-EQT-2005-015 Candler Hospital, Savannah, Chatham County, Georgia

Request to acquire by purchase a fixed-based GE Medical Systems 1.5T Signa EXCITE EchoSpeed+ MRI for use in hospital-based imaging

Site: 5353 Reynolds Street, Savannah, Georgia 31405
Value as Submitted: \$757,000.00
Contact Person: Michele P. Madison, Esq. (912) 819-5293
Determination: Letter Issued

Request Received: 5/13/2005
Determination Date: 6/14/2005

LNR-EQT-2005-016 Athens Regional Medical Center, Athens, Clarke County, Georgia

Request to acquire by purchase a fixed-based Siemens Somatom Emotion 16 Slice CT Scanner for use for hospital-based imaging

Site: 3320 Jefferson Road, Building 200, Suite A, Athens, Georgia 30606
Value as Submitted: \$757,264.00
Contact Person: Norman D. Burkett, Jr. (706) 475-3013
Determination: Letter Issued

Request Received: 6/6/2005
Determination Date: 6/16/2005

LNR-EQT-2005-017 Albany ENT Sinus and Allergy Clinic, Albany, Dougherty County, Georgia

Request to acquire by purchase a fixed-based Xoran Technologies MiniCAT for ENT CT Scanner for use in practice-based imaging

Site: 605 Pointe North Boulevard, Albany, Georgia 31721
Value as Submitted: \$196,500.00
Contact Person: Lesli Todd (229) 435-9878
Determination: Pending

Request Received: 6/9/2005
Determination Date:

LNR-EQT-2005-018 County, Georgia

Request to acquire by purchase a fixed-based Xoran Technologies MiniCAT for ENT CT Scanner for use in practice-based imaging

Site: 605 Pointe North Boulevard, Albany, Georgia 31721
Value as Submitted: \$196,500.00
Contact Person: Lesli Todd (229) 435-9878
Determination: Pending

Request Received: 6/9/2005
Determination Date:

Requests for Miscellaneous Letters of Determination

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-2005-025 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: Reviewable as Proposed

Determination Date: 6/14/2005

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

Request for determination regarding replacement of emergency center information system

Request Received: 4/19/2005
Contact Person: Lori Jenkins (229) 312-1432
Determination: Non-Reviewable as Proposed

Determination Date: 5/25/2005

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: Non-Reviewable as Proposed

Determination Date: 5/25/2005

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: Reviewable as Proposed

Determination Date: 6/9/2005

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: Non-Reviewable as Proposed

Determination Date: 6/14/2005

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: Non-Reviewable as Proposed

Determination Date: 6/14/2005

DET-2005-031 The Hospital Authority of Houston County d/b/a Houston Medical Center, Warner 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: Reviewable under General Considerations

Determination Date: 6/9/2005

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: Non-Reviewable as Proposed

Determination Date: 6/14/2005

**DET-2005-033 CareSouth HHA Holdings, Inc., Lawrenceville, Gwinnett County, Georgia
CarePartners @ Home of Georgia I, Inc.**

Request for transfer of Gwinnett County from authorized home health service area of CareSouth HHA Holdings to the service area of CarePartners @ Home of Georgia I

Request Received: 5/4/2005

Contact Person: Kelly C. Tripp (706) 854-7428

Determination: Non-Reviewable as Proposed

Determination Date: 6/13/2005

DET-2005-034 Gwinnett Medical Center, Lawrenceville, Gwinnett County, Georgia

Request for determination regarding replacement of one cardiac catheterization unit

Request Received: 5/6/2005

Contact Person: Mark M. Mullin (678) 442-4193

Determination: Non-Reviewable as Proposed

Determination Date: 6/14/2005

DET-2005-035 Children's Healthcare of Atlanta d/b/a Children's Healthcare of Atlanta at Scottish Rite d/b/a Children's at Satellite Boulevard, Atlanta, Fulton County, Georgia

Request for determination regarding change in location of Approved Project No. GA 2001-069

Request Received: 5/6/2005

Contact Person: Richard L. Shackelford (404) 572-4995

Determination: Non-Reviewable as Proposed

Determination Date: 5/25/2005

DET-2005-036 Candler Hospital, Inc., Savannah, Chatham County, Georgia

Request for determination regarding replacement of CT Scanner

Request Received: 5/12/2005

Contact Person: Michele P. Madison, Esq. (912) 819-5293

Determination: Non-Reviewable as Proposed **Determination Date:** 6/14/2005

DET-2005-037 Medical Center of Central Georgia, Bibb County, Georgia

Request for determination regarding cost overrun associated with Project No. GA 2002-026

Request Received: 5/16/2005

Contact Person: Marvin Noles (478) 633-6960

Determination: Determination Issued **Determination Date:** 6/14/2005

DET-2005-038 Tift Regional Medical Center, Tift County, Georgia

Request for determination regarding capital expenditures below threshold to build out existing equipment room in surgery suite into OR

Request Received: 5/25/2005

Contact Person: Sarah S. Thompson (229) 386-6102

Determination: Non-Reviewable as Proposed **Determination Date:** 6/14/2005

DET-2005-039 WellStar Windy Hill Hospital, Marietta, Cobb County, Georgia

Request for determination regarding capital expenditures below threshold to renovate patient care areas

Request Received: 5/27/2005

Contact Person: Debbie Jefferson (770) 792-5264

Determination: Non-Reviewable as Proposed **Determination Date:** 6/14/2005

DET-2005-040 Ridgeview Institute, Inc., Smyrna, Cobb County, Georgia

Request for determination regarding construction of building addition including seven patient rooms

Request Received: 6/6/2005

Contact Person: John W. Ray, Esq. (404) 892-3600

Determination: Non-Reviewable as Proposed **Determination Date:** 6/14/2005

DET-2005-041 WellStar Cobb Hospital, Austell, Cobb County, Georgia

Request for determination regarding replacement of existing cath lab equipment

Request Received: 6/10/2005

Contact Person: Debbie Jefferson (770) 792-5264

Determination: Non-Reviewable as Proposed **Determination Date:** 6/14/2005

Requests for Extended Implementation/Performance Period

none

HEALTH PLANNING REVIEW BOARD MEMBERS

Lamont A. Belk, Vice Chair
Shepherd, Plunkett, Hamilton, Boudreaux &
Tisdale, LLP
701 Greene Street, Suite 104
Augusta, GA 30901

William S. Atkins, Sr.
862 Summit Way
Blairsville, GA 30512

Beauty Baldwin
1055 Fairview Club Circle
Dacula, GA 30019

Gwendolyn D. Dykes
P.O. Box 3908
Duluth, GA 30096-0061

Paul O. Farr
Barnes, Farr & Nesmith
P.O. Box 1043
Americus, GA 31709

Larry C. Hogan
1005 N. Parkwood Rd
Decatur, GA 30030

Michael A. Kaigler
Chatham County Human
Resources Department
124 Bull Street, Suite 310
Savannah, GA 31401

J. Lamar Raulerson
191 Flatwoods Farm Road
Lake Park, GA 31636

IMAGING UPDATE

Imaging Initiative and Guidelines for Submitting Certificate of Need Applications

The Department of Community Health's Division of Health Planning, along with some collaboration from CON has developed and begun a major imaging initiative for CON Regulatory Compliance, Health Planning and Data Management documents. The Division implemented the testing phase of its imaging initiative in April that includes imaging of all CON applications, Health Planning rules and component plans, and Data Management need projections, surveys, threshold guidelines, etc. The imaging initiative is extensive and affords greater public review and access capability. The Department will continue to update more details and information on the imaging initiative in upcoming Tracking and Appeals Reports for your convenience. Please forward any questions regarding the imaging initiative to Doris Berry at 404-656-0462.

In accordance with new CON rules and regulations adopted on January 5, 2005, please follow the following guidelines below when submitting a CON application:

- the signed original application must not be hole punched, stapled or otherwise bound;
- the three copies must be three-hole punched, but must not be stapled or otherwise bound;
- each original application and the three copies should be bound with a rubber band;
- the application must be submitted on the Department's application and supplemental forms only that are available at the Department's website;
- the application must be one-sided 8.5 by 11-inch paper only. Please remember that print is allowed on only one side of the paper. Also drawings or schematics must be reduced to fit on the standard size 8.5 by 11-inch paper. If submitted drawings or schematics can not be reduced to fit 8.5 by 11-inch paper, the document may be submitted on a compact disc (CD);
- catalogues and other bound booklets that are included with an application should be submitted on compact disc (CD) to be imaged with the application;
- the original application and each copy must have separator tabs between the sections (appendices);
- the original application and each copy must also have colored paper between the appendices and each document within a particular appendix;
- if any appendix, A-O, etc., is not applicable to the project application, a colored paper separator indicating that the appendix is not applicable is required; and
- all documents in the application must be legible and clear to produce quality imaging. The Department will accept a compact disc (CD) copy of an application, which would be in addition to the required original application and three copies

Most of the information provided above is also included on the application instruction page iii for applicant convenience. It is important to follow the directions and requirements for properly submitting the application to avoid a delay in the Department's official receipt of the application and to insure that the application meets the standards for appropriate imaging by the Department.