



GEORGIA DEPARTMENT OF  
COMMUNITY HEALTH

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What's New In Certificate of Need?

## OFFICE OF GENERAL COUNSEL

### CERTIFICATE OF NEED

# Tracking And Appeals Report

Week of February 21, 2005

Georgia Department of Community Health  
Office of General Counsel  
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## New Applications

### 2005-010 Henry Medical Center

To Renovate and Purchase a CT Scan

**Filed: 2/14/2005**

**Site:** 1133 Eagle's Landing, 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**

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

**Contact:** Tracy Vardeman 770-531-6292 **Estimated Cost:** \$5,782,503

## Pending Review/Incomplete Applications

### 2005-001 Piedmont Fayette Hospital

To Develop a Five-Story Medical Office Building

**Filed: 1/4/2005 Deemed Incomplete: 1/18/2005**

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

**Contact:** Michael Burnett 770-719-7000 **Estimated Cost:** \$6,782,459

## Pending Review/Complete 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**

**Decision Deadline: 3/26/2005**

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

**Contact:** Marvin Noles 478-633-6960 **Estimated Cost:** \$80,000,000

### 2004-095 Memorial Health University Medical Center, Inc.

Construction and Relocation of 2 Existing Operating Rooms

**Filed: 11/1/2004 Deemed Incomplete: 11/15/2004 Deemed Complete: 12/3/2004**

**Decision Deadline: 3/2/2005 Extended Deadline: 4/1/2005**

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

**Contact:** Joseph R. Ross 912-350-5159 **Estimated Cost:** \$9,541,331

### 2004-097 GoldenCrest at Eagle's Landing

To Establish a Personal Care Home

**Filed: 11/1/2004 Deemed Incomplete: 11/15/2004 Deemed Complete: 12/15/2004**

**Decision Deadline: 3/14/2005**

**Site:** 425 Country Club Drive, Stockbridge, GA 30281 (Henry County)

**Contact:** Terry Carter 770-961-2200 **Estimated Cost:** \$1,010,000

### 2004-100 WellStar Windy Hill Hospital

Second Floor Renovation

**Filed: 11/5/2004 Deemed Complete: 11/19/2004**

**Decision Deadline: 2/16/2005 Extended Deadline: 3/18/2005**

**Site:** 2540 Windy Hill Road, Marietta, GA 30067 (Cobb County)

**Contact:** Caroline Aultman 770-792-1542 **Estimated Cost:** \$4,900,296

### 2004-101 Southeast Georgia Regional

Cost Overrun (Project No. Ga. 025-03)

**Filed: 11/8/2004 Deemed Incomplete: 11/22/2004 Deemed Complete: 1/25/2005**

**Decision Deadline: 4/24/2005**

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

**Contact:** Marjorie Mathieu 912-466-7000

**Estimated Cost:** \$6,128,841

**2004-102 Habersham County Medical Center**

Replacement of Mobile MRI with Permanent MRI

**Filed: 11/8/2004 Deemed Complete: 11/22/2004**

**Decision Deadline: 2/19/2005 Extended Deadline: 3/21/2005**

**Site:** 541 Historic Highway 441, N. P.O. Box 37, Demorest, GA 30535 (Habersham County)

**Contact:** James Peterson 706-754-3113

**Estimated Cost:** \$2,228,150

**2004-103 Memorial Health University Medical Center, Inc.**

Addition of Third Cardiac Catheterization Laboratory

**Filed: 11/12/2004 Deemed Incomplete: 11/29/2004 Deemed Complete: 12/14/2004**

**Decision Deadline: 3/13/2005**

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

**Contact:** Joseph Ross 912-350-6500

**Estimated Cost:** \$1,497,029

**2004-106 Gordon Hospital**

Establish Adult Diagnostic Cardiac Catheterization Service

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

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

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

**Contact:** Carlene Jamerson 706-602-7800

**Estimated Cost:** \$1,275,020

**2004-107 Athens Regional Medical Center**

Acquisition and Expansion of the Radiation Therapy Services

**Filed: 11/23/2004 Deemed Complete: 12/7/2004**

**Decision Deadline: 3/6/2005**

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

**Contact:** Bernard Wheatley 706-475-3458

**Estimated Cost:** \$2,366,689

**2004-108 The Medical Center**

Acquisition of a Fixed-Base MRI

**Filed: 11/24/2004 Deemed Complete: 12/9/2004**

**Decision Deadline: 3/8/2005**

**Site:** 710 Center Street, Columbus, GA 31901 (Muscogee County)

**Contact:** T. Craig Davis 706-660-6205

**Estimated Cost:** \$2,053,000

**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**

**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

**2004-111 Summerville Surgical Center, LLC**

Establish a Freestanding Limited-Purpose Ambulatory Surgical Cntr

**Filed: 12/13/2004 Deemed Complete: 12/28/2004**

**Decision Deadline: 3/27/2005**

**Site:** 1433 Stovall Street, Augusta, GA 30904 (Richmond County)

**Contact:** Gayle Evans 770 794-4944

**Estimated Cost:** \$454,440

**2004-112 St. Joseph Hospital**

The Expansion and Renovation of the Emergency Department

**Filed: 12/14/2004 Deemed Incomplete: 12/29/2004 Deemed Complete: 1/13/2005**

**Decision Deadline: 4/12/2005**

**Site:** 2260 Wrightsboro Road, Augusta, GA 30904 (Richmond County)

**Contact:** Raymond Owings 706 481-7000

**Estimated Cost:** \$2,156,988

**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**  
**Decision Deadline: 4/23/2005**

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

**Contact:** Joe H. Johnson 478 743-9762

**Estimated Cost:** \$1,490,975

**2004-115 Floyd Medical Center**

Fourth Floor-South Wing Renovation

**Filed: 12/21/2004 Deemed Complete: 1/4/2005**

**Decision Deadline: 4/3/2005**

**Site:** 304 Turner McCall Blvd. P.O. Box 233, Rome, GA 30162 (Floyd County)

**Contact:** Dan Sweitzer 706-509-3259

**Estimated Cost:** \$4,679,000

**2004-116 University Hospital**

Expansion and Renovation of Existing Hospital Facility

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

**Decision Deadline: 4/9/2005**

**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**

**Decision Deadline: 4/25/2005**

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

**Contact:** Meg Fitton 770 985-9330

**Estimated Cost:** \$1,090,394

**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**

**Decision Deadline: 5/14/2005**

**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**

**Decision Deadline: 5/8/2005**

**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**

**Decision Deadline: 4/25/2005**

**Site:** 3443 Ashford Dunwoody Rd., Suite 167, Atlanta, GA 30319 (DeKalb County)

**Contact:** Ryan H. Canavan 1-800-544-3215

**Estimated Cost:** \$12,000

**2005-005 Athens Regional Medical Center**

To Expand the Existing Emergency Department

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

**Decision Deadline: 4/30/2005**

**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**

**Decision Deadline: 5/3/2005**

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

**Contact:** Michael P. Britain 404-847-0138

**Estimated Cost:** \$3,289,000

**2005-007 Henry Medical Center**

To Construct a Four Level Parking Garage

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

**Decision Deadline: 3/19/2005**

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

**Contact:** Michael P. Britain 404-847-0138 **Estimated Cost:** \$6,839,375

**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**

**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**

**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

## Pending Review/Complete/Joined Applications

**2004-091 Southern Regional Medical Center**

Acquisition of a Fixed PET/CT Scanner (joined GA 096-04 & GA 099-04)

**Filed: 10/1/2004 Deemed Complete: 10/15/2004**

**Joined: 11/12/2004 Decision Deadline: 2/9/2005 Extended Deadline: 3/11/2005**

**Site:** 11 Upper Riverdale Road, S.W., Riverdale, GA 30274 (Clayton County)

**Contact:** Paul Casbergue 770-991-8000 **Estimated Cost:** \$4,047,181

**2004-096 Gwinnett Medical Center and Joan Glancy Memorial Hospital**

Acquisition of Mobile PET/CT Unit (Joined GA 091-04 & GA 099-04)

**Filed: 11/1/2004 Deemed Complete: 11/12/2004**

**Joined: 11/12/2004 Decision Deadline: 2/9/2005 Extended Deadline: 3/11/2005**

**Site:** 1000 Medical Center Boulevard, Lawrenceville, GA 30045 (Gwinnett County)

**Contact:** Mark Mullin 678-442-4193 **Estimated Cost:** \$2,554,799

## Recently Approved Applications

**2004-093 Saint Joseph's Hospital Inc.**

Addition of a Cardiac Catheterization Lab

**Filed: 10/8/2004 Deemed Incomplete: 10/22/2004 Deemed Complete: 11/8/2004**

**Decision Deadline: 2/5/2005**

**APPROVED: 2/4/2005**

**Site:** 11705 Mercy Blvd, Savannah, GA 31419 (Chatham County)

**Contact:** Michele Madison 912-819-5293 **Estimated Cost:** \$1,449,062

**2004-094 Wellstar Kennestone Hospital**

Acquire Equipment and Develop a Oncology Imaging Center

**Filed: 10/22/2004 Deemed Complete: 11/4/2004**

**Decision Deadline: 2/1/2005**

**APPROVED: 2/1/2005**

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

**Contact:** Caroline Aultman 770-792-1542 **Estimated Cost:** \$6,477,362

**2004-098 Emory Crawford Long Hospital**

Renovate and Expansion of Emory Crawford Long

**Filed: 11/5/2004 Deemed Complete: 11/19/2004**

**Decision Deadline: 2/16/2005**

**APPROVED: 2/16/2005**

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

**Contact:** Toni Wimby 404-686-1000

**Estimated Cost:** \$3,996,781

**2004-110 Saint Joseph's Hospital of Atlanta**

Expansion of an Existing Parking Deck

**Filed: 12/8/2004 Deemed Incomplete: 12/21/2004 Deemed Complete: 1/21/2005**

**Decision Deadline: 3/6/2005**

**APPROVED: 2/23/2005**

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

**Contact:** Douglas J. Holbrook 404 851-5933

**Estimated Cost:** \$3,760,000

## Recently Denied Applications

none

## 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:** 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 CRSA 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 scheduled for 3/4/2005 at 10:00 am.

**2003-108 Atlanta Oncology Associates at Reynolds Plantation (Greene)**

Construction of New Cancer Treatment Center

**Agency Decision:** Approved on 4/8/2004

**Appealed By:** Radiotherapy Clinics of Georgia-Covington and East Georgia Radiation Oncology Center filed opposition on 4/30/04; Oconee Regional Medical Center filed opposition on 5/5/04; MCG Health, Inc. appealed on 5/7/2004. Radiotherapy dismissed their appeal, 7/16/04. Oconee Regional dismissed their appeal on 12/29/2004. MCG dismissed their appeal on 2/7/2005.

**Hearing Officer:** Ellwood Oakley

**Hearing Date:** Hearing scheduled for 11/1/04 at 9:00am; Hearing has been re-scheduled for 1/18/2005 at 9:00am.

**2004-012 Camden Medical Center (Camden)**

Development of Fixed-Based MRI Services

**Agency Decision:** Approved 5/28/2004.

**Appealed By:** Open MRI of Camden appealed on 6/23/2004.

**Hearing Officer:** Melvin Goldstein

**Hearing Date:** Hearing is scheduled for 9:30am on 10/13/2004

**Hearing Decision:** Hearing Officer issued decision on 10/12/2004 and ordered Camden's Motion to Dismiss is granted and Open MRI of Camden's appeal is dismissed. Open MRI of Camden filed objections to Hearing Officer's decision and requested oral argument before full Review Board, 11/9/2004.

**Review Board Decision:** Review Board Meeting scheduled for 12/10/2004 at 10:00 am. Review Board meeting held on 12/10/2004 at 10:00am. Review Board upheld Department's decision to issue a CON to Camden and dismissed Open MRI's appeal, 12/28/2004.

**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.

**2004-033 Athens Ambulatory Surgery Center, LLC (Clarke)**

Establishment of Freestanding, Multi-Purpose Ambulatory Surgery Center

**Agency Decision:** Denied 9/16/2004

**Appealed By:** Applicant 10/15/2004

**Hearing Officer:** Melvin Goldstein

**Hearing Date:** Hearing scheduled for 3/1- 2/2005 at 10:00am. Applicant dismissed request for appeal hearing, 2/15/2005. Hearing Officer issued order dismissing this matter, 2/17/2005.

**2004-036 Northside Hospital (Fulton)**

Acquisition of an Open MRI Unit

**Agency Decision:** Approved 8/10/2004.

**Appealed By:** First Source Diagnostic Center, Inc., 9/9/2004; North Atlanta Scan Associates, Inc, 9/9/2004.

**Hearing Officer:** William Joy

**Hearing Date:** Hearing scheduled for 12/7/2004 at 10:00am. Hearing to be rescheduled. Hearing scheduled for 3/29/2005 - 3/30/2005 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.

**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.

**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.

**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:** William Joy

**Hearing Date:** TBA

**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:** TBA

## 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.

**2002-106-CAN & EXT Health Scholarships, Inc., dba Ethica Health and Retirement (04-CV-27175)**  
Granted a CON to construct 80-bed nursing facility on 3/7/2003. On 2/20/2004 Health Scholarships requested a nine-month extension of initial twelve-month duration period. Extension denied 2/24/2004. Applicant appealed denial of extension on 3/4/2004 (2002-106-EXT). Department issued Cancellation Notice effective 3/26/2004 due to non-compliance. On 4/28/2004 Health Scholarships appealed the Department's cancellation of the CON (2002-106-CAN). Walter Van Heiningen is Hearing Officer. Hearing Officer issued decision on 7/22/2004 affirming the decision of the Department to deny the extension of time and to cancel the CON. On 8/20/2004, Health Scholarships filed Application for Review of Hearing Officer's Decision with Commissioner Burgess. Commissioner affirmed the initial decision of the hearing officer on 10/25/2004. Health Scholarships filed Petition for Judicial Review on 11/20/2004

with Superior Court of Bibb County. Department acknowledged service on 11/29/2004. Bibb Superior Court issued Order on 2/15/2005 affirming the final administrative decision of the Department.

**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.

## **Requests for Letters of Non-Reviewability for Establishment of Physician-owned Ambulatory Surgery Facilities**

**LNR-ASC-2004-018 Thomasville Orthopedic Ambulatory Surgery Center**

Establish a physician-owned, single specialty ambulatory surgery center

**Site:** Smith Avenue, Thomasville, GA

**Number of OR's:** 2                      **Specialty:** Orthopaedics

**Physician(s) authorization requested:** 4 - Frederick R. Nusbickel, MD; Charles E. Hancock, MD; Bradley N. Walter, MD; Richard W. Murphy, MD

**Project costs as submitted:** \$200,117.00

**Request received:** 6/14/04

**Contact person:** Brenda J. Fletcher, (229) 226-9141

**Determination:** Pending                      **Determination Date:**

**LNR-ASC-2004-022 Marietta Eye Clinic, PA**

Develop a physician-owned, single specialty ambulatory surgery center

**Site:** 895 Canton Road, Building 200, Marietta, GA 30060

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

**Physician(s) authorization requested:** 11

**Project costs as submitted:** \$1,358,335

**Request received:** 7/2/2004

**Contact person:** Daniel M. Beall, (770) 394-8465

**Determination:** Pending                      **Determination Date:**

**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-2004-035 The Houston Orthopedic Surgery Center, LLC**

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

**Site:** 3051 Watson Boulevard, Suite 550, Warner Robins, GA

**Number of OR's:** 2                      **Specialty:** Orthopedics

**Physician(s) authorization requested:** 5

**Project costs as submitted:** \$1,348,564.28

**Request received:** 12/7/2004

**Contact person:** Clyde L. Reese, III, (404) 477-2850

**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:** 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:** 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:** Pending      **Determination Date:**

**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:** Pending      **Determination Date:**

**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:** Pending      **Determination Date:**

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

*Beginning with Rules effective January 5, 2005, this section lists all requests for equipment below the threshold. The request numbers now reflect this change. Instead of "LNR-MRI" these requests are denoted "LNR-EQT."*

### **LNR-EQT-2005-001 Dr. Renna Yonkosky d/b/a North Georgia Institute for Wound Care**

Request to establish a wound care DTRC with acquisition of various equipment including a Soring ultrasound

**Site:** 250 Pirkle Road, Cummings, Georgia 30040

**Value as Submitted:** \$50,000

**Request Received:** 2/2/2005

**Contact Person:** Carol Mitchell (770) 465-7601

**Determination:** Pending

**Determination Date:**

### **LNR-EQT-2005-002 Statesboro Imaging Center, Statesboro, Georgia**

Request to acquire by lease a Toshiba OPART Ultra MRI Scanner to be located in physician's office

**Site:** 8 Lester Road, Statesboro, Bulloch County, Georgia 30458

**Value as Submitted:** \$721,100.00

**Request Received:** 2/18/2005

**Contact Person:** Connie Collins (912) 764-5656

**Determination:** Pending

**Determination Date:**

### **LNR-EQT-2005-003 The Longstreet Clinic, PC, Gainesville, Hall County, Georgia**

Request to acquire by purchase a fixed-based GE Promo Lightspeed Ultra 8-Slice CT Scanner with Volume Viewer and AVA to be located in physician office

**Site:** 725 Jesse Jewel Parkway, Gainesville, Hall County, Georgia 30501

**Value as Submitted:** \$715,128.00

**Request Received:** 2/24/2005

**Contact Person:** T. Loren Funk (770) 533-6591

**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-2005-002 Wesley Woods of Newnan—Peachtree City, Newnan, Georgia**

Request for determination regarding increase in CCRC sheltered nursing beds

**Request Received:** 1/13/2005

**Contact Person:** Terry Thompkins (770) 683-6833

**Determination:** Non-Reviewable as Proposed

**Determination Date:** 1/31/2005

### **DET-2005-003 Phoebe Putney Memorial Hospital, Albany, Georgia**

Request for determination regarding replacement of Simulation Unit

**Request Received:** 1/17/2005

**Contact Person:** Armando Basarrate, Esq. (404) 420-5534

**Determination:** Non-Reviewable as Proposed

**Determination Date:** 1/31/2005

### **DET-2005-004 Tift Regional Medical Center, Tifton, Georgia**

Request for determination regarding replacement of mammography and stereotactic breast biopsy equipment

**Request Received:** 1/18/2005

**Contact Person:** Douglas R. Hurt, CHE (229) 382-7120

**Determination:** Non-Reviewable as Proposed

**Determination Date:** 1/31/2005

**DET-2005-005 Phoebe Putney Memorial Hospital, Albany, Georgia**

Request for determination regarding addition of cardiac image archiving capabilities to existing information systems

**Request Received:** 1/20/2005

**Contact Person:** Armando Basarrate, Esq. (404) 420-5534

**Determination:** Non-Reviewable as Proposed

**Determination Date:** 1/31/2005

**DET-2005-006 Phoebe Putney Memorial Hospital, Albany, Georgia**

Request for determination regarding replacement of existing radiology PACS information system

**Request Received:** 1/20/2005

**Contact Person:** Armando Basarrate, Esq. (404) 420-5534

**Determination:** Non-Reviewable as Proposed

**Determination Date:** 1/31/2005

**DET-2005-007 Phoebe Putney Memorial Hospital, Albany, Georgia**

Request for determination regarding addition to existing information storage systems

**Request Received:** 1/20/2005

**Contact Person:** Armando Basarrate, Esq. (404) 420-5534

**Determination:** Non-Reviewable as Proposed

**Determination Date:** 1/31/2005

**DET-2005-008 Coffee Regional Medical Center, Inc., Douglas, Georgia**

Request for determination regarding up-fitting of medical office building space at a cost below capital threshold

**Request Received:** 2/10/2005

**Contact Person:** George L. Heck (912) 389-2112

**Determination:** Pending

**Determination Date:**

**DET-2005-009 Tift Regional Medical Center, Tifton, Georgia**

Request for determination regarding renovation of existing space for expansion of Pharmacy

**Request Received:** 2/11/2005

**Contact Person:** Sarah S. Thompson (229) 386-6192

**Determination:** Pending

**Determination Date:**

**DET-2005-010 Phoebe Putney Memorial Hospital**

Request for determination regarding capital expenditures below threshold to expand and move hospital sleep disorders department

**Request Received:** 2/16/2005

**Contact Person:** Lori Jenkins (229) 312-1432

**Determination:** Pending

**Determination Date:**

## **Requests for Extended Implementation/Performance Period**

none

## **HEALTH PLANNING REVIEW BOARD MEMBERS**

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## **What's New in Certificate of Need**

### **New Certificate of Need Rules**

The Board of Community Health unanimously adopted the majority of the proposed CON rules at the regular board meeting on Wednesday, December 8, with the exception of 272-2-.07(5). The proposed rules became effective January 5, 2005. The new rules are applicable to any project deemed complete after the effective date, January 5, 2005. Current pending and complete projects as of January 4, 2005 remain subject to the existing CON rules.

An updated and revised CON application is available at the Department's website. The revised application is compatible with the new rules and is required for any CON application submitted on or after January 5, 2005. Several other forms, including an opposition form, amendment and additional information form, are available at the Department's website. These forms are also compatible with the new rules and are required on or after the January 5, 2005 effective date of the new rules. A form for major equipment LNR determination requests that is compatible with the new rules is available at the Department's website. A Determination Request form will be available at the website by the end of the week.

The Department appreciates your compliance with all CON rules and regulations and looks forward to working with you during this transition period. Please forward any questions to the Department's main CON extension at 404-656-0456.

## **Upcoming Imaging Initiative and Guidelines for Submitting Future Certificate of Need Applications**

The Department of Community Health's Division of Health Planning, along with some collaboration from CON has developed a major imaging initiative for CON Regulatory Compliance, Health Planning and Data Management documents. The Division will implement its imaging initiative in early 2005 that will include imaging of all CON applications, Health Planning rules and component plans, and Data Management need projections, surveys, threshold guidelines, etc. The imaging initiative will be extensive and will afford greater public review and access capacity. The Department will publish more detail and information as well as a final implementation and availability date in upcoming Tracking and Appeals Reports for your convenience. Please forward any questions regarding the upcoming imaging initiative to the main Division of Health Planning extension at 404-656-0455.

In order to facilitate imaging of CON applications and associated documents, please follow the guidelines below to submit a CON application on or after the January 5, 2005 effective date for the new CON rules. With any application submitted on or after January 5, 2005 please

### **Do Not**

- Put the application in any kind of binder
- Punch holes in the pages except as directed in the new CON application instructions
- Put separator tabs between sections
- Use colored paper except as directed in the new CON application instructions
- Use staples or paper clips
- Use paper sizes other than 8 ½" x 11" (reduce drawings as necessary to fit on regular-size paper)
- Print on both sides of the page
- Include small photographs (scan the photographs and print on 8 ½" x 11" paper)

## **New Rules for the State Health Planning Review Board**

The State Health Planning Review Board unanimously adopted proposed updates and amendments to the Review Board Rule 274.1-.01 et seq. on December 10, 2004. The rules, as adopted, are available at the Department's website, [www.dch.state.ga.us](http://www.dch.state.ga.us), Certificate of Need link, and the State Health Plans, Rules and Publications link. The new rules will be applicable to any appeal hearing scheduled after the December 10, 2004 effective date.