



GEORGIA DEPARTMENT OF
COMMUNITY HEALTH

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OFFICE OF GENERAL COUNSEL

CERTIFICATE OF NEED

Tracking And Appeals Report

Week of August 22, 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

2005-057 Jefferson Senior Living, LLC

Addition of two-story apt. wing & one-story bldg to existing facility

Filed: 8/15/2005

Site: 50 Sumner Way, Jefferson, GA 30549 (Jackson County)

Contact: Teddi Tabacek 706-387-1149

Estimated Cost: \$2,267,870

2005-058 Southeastern Cardiovascular Institute

Procurement of Medical Equipment

Filed: 8/15/2005

Site: 504 Redmond Road, Rome, GA 30165 (Floyd County)

Contact: Kenna Stock 706-235-3104

Estimated Cost: \$1,914,540

2005-059 South Fulton Medical Center

Renovate Existing Facility/Expansion of Service/Purchase CT Scanner

Filed: 8/26/2005

Site: 1170 Cleveland Avenue, East Point, GA 30344 (Fulton County)

Contact: Jennifer Eslinger 404-466-1120

Estimated Cost: \$1,580,940

Pending Review/Incomplete Applications

2005-041 Cameron Hall Assisted Living Center

Expansion of existing facility/ increase in beds

Filed: 6/23/2005 Deemed Incomplete: 7/8/2005

Site: 240 Marietta Highway, Canton, GA 30114 (Cherokee County)

Contact: Joann Savage 770-720-9792

Estimated Cost: \$1,400,682

2005-044 Emory University Hospital

Facility renovation/expansion/acquisition of CT Scanner

Filed: 7/6/2005 Deemed Incomplete: 7/20/2005

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

Contact: Toni Wimby 404-686-2450

Estimated Cost: \$18,412,398

2005-051 Southeast Georgia Regional Medical Center

Expansion of Existing Facility

Filed: 7/26/2005 Deemed Incomplete: 8/9/2005

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

Contact: Marjorie Mathieu 912-466-7055

Estimated Cost: \$40,868,430

2005-053 Houston Medical Center

Relocation/Renovation of Existing Facility

Filed: 8/1/2005 Deemed Incomplete: 8/15/2005

Site: 1601 Watson Blvd., Warner Robbins, GA 31093 (Houston County)

Contact: Art Christie 478-542-7740

Estimated Cost: \$3,591,213

2005-054 Joan Glancy Memorial Hospital

Replacement of Existing Facility/ Cost Overrun 073-2000

Filed: 8/4/2005 Deemed Incomplete: 8/18/2005

Site: 3215 McClure Bridge Road, Duluth, GA 30096 (Gwinnett County)

Contact: Mark M. Mullin 770-682-2280

Estimated Cost: \$11,293,697

Pending Review/Complete Applications

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

2005-027 Heritage of Peachtree

The Addition of Twelve New Beds

Filed: 4/29/2005 **Deemed Incomplete:** 5/13/2005 **Deemed Complete:** 7/8/2005

60th Day Deadline: 9/6/2005

Decision Deadline: 10/6/2005

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

Contact: Peggy Peters, Regional GM 770-845-6483 **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 **Extended Deadline:** 10/4/2005

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

2005-029 St. Mary's Hospice House

To Develop a Free-standing Hospice House

Filed: 5/10/2005 **Deemed Incomplete:** 5/24/2005 **Deemed Complete:** 6/23/2005

60th Day Deadline: 8/22/2005

Decision Deadline: 9/21/2005

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

Contact: Jonathan Johnson, Executive Director 706-353-8840 **Estimated Cost:** \$2,541,500

2005-032 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:** \$1,997,684

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

2005-035 Coastal Behavioral Health

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

Filed: 5/26/2005 **Deemed Incomplete:** 6/9/2005 **Deemed Complete:** 7/14/2005

60th Day Deadline: 9/12/2005

Decision Deadline: 10/12/2005

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

Contact: Ray Heckerman (912) 692-4205 **Estimated Cost:** \$3,575,436

2005-037 Northeast Georgia Health System, Inc.

To Construct an Operations and Data Center Building

Filed: 6/2/2005 **Deemed Incomplete:** 6/16/2005 **Deemed Complete:** 7/21/2005

Decision Deadline: 9/4/2005

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

Contact: Tracy Vardeman 770-531-6292 **Estimated Cost:** \$15,935,500

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

2005-040 Pediatric Surgery Center
 Establish Freestanding Pediatric Ambulatory Surgery Center
Filed: 6/13/2005 Deemed Incomplete: 6/27/2005 Deemed Complete: 8/12/2005
60th Day Deadline: 10/11/2005
Decision Deadline: 11/10/2005
Site: 993-D Johnson Ferry Road, Suite 300, Atlanta, GA 30342 (Fulton County)
Contact: Margaret Chappell 404-303-1629 **Estimated Cost:** \$76,500

2005-042 Floyd Medical Center
 Construction of Parking Deck& Elevated Connector/Cost Overrun 2003-051
Filed: 6/30/2005 Deemed Incomplete: 7/15/2005 Deemed Complete: 8/11/2005
Decision Deadline: 9/25/2005
Site: 304 Turner McCall Boulevard, P.O.Box 233, Rome, GA 30162 (Floyd County)
Contact: Dan Sweitzer 706-509-3259 **Estimated Cost:** \$3,389,142

2005-043 Newton Medical Center
 Construction/Expansion/Development of 10 bed Patient Observation Unit
Filed: 7/5/2005 Deemed Incomplete: 7/19/2005 Deemed Complete: 8/12/2005
60th Day Deadline: 10/11/2005
Decision Deadline: 11/10/2005
Site: 5126 Hospital Drive, Covington, GA 30014 (Newton County)
Contact: Troy Brooks 770-385-4426 **Estimated Cost:** \$8,179,135

2005-045 Southern Regional Medical Center
 Renovate Inpatient/Shared Surgical Suites on First Floor
Filed: 7/13/2005 Deemed Incomplete: 7/27/2005 Deemed Complete: 8/11/2005
60th Day Deadline: 10/10/2005
Decision Deadline: 11/9/2005
Site: 11 Upper Riverdale Road, S.W., Riverdale, GA 30274 (Clayton County)
Contact: Paul Casbergue 770-909-2598 **Estimated Cost:** \$6,221,716

2005-046 Northside Hospital- Forsyth Medical Office Building 3 & Parking Deck
 Construction/Medical Office Building and Parking Deck
Filed: 7/15/2005 Deemed Incomplete: 7/29/2005 Deemed Complete: 8/10/2005
Decision Deadline: 9/24/2005
Site: 1505 Northside Forsyth Drive(new address, Cumming, GA 30041 (Forsyth County)
Contact: Brian J. Toporek 404-851-6821 **Estimated Cost:** \$35,900,800

2005-048 Saint Joseph's Hospital, Inc.
 Acquire a Philips Diamond Select CV Bi-plane/Purchase Bi-plane refur.
Filed: 7/18/2005 Deemed Complete: 8/1/2005
60th Day Deadline: 9/30/2005
Decision Deadline: 10/30/2005
Site: 11705 Mercy Blvd, Savannah, GA 31419 (Chatham County)
Contact: Michele Madison 404-504-7621 **Estimated Cost:** \$1,008,224

2005-049 Memorial Health University Medical Center
 Purchase/Operate 3.0T MRI
Filed: 7/18/2005 Deemed Complete: 8/1/2005
60th Day Deadline: 9/30/2005
Decision Deadline: 10/30/2005
Site: 4700 Waters Avenue, Savannah, GA 31404 (Chatham County)

Contact: Joseph R. Ross, Esq. 912-350-8748 **Estimated Cost:** \$4,048,782

2005-050 Northeast Georgia Medical Center

Cost Overrun(047-03)/Construction of Parking Deck

Filed: 7/22/2005 **Deemed Complete:** 8/5/2005

Decision Deadline: 9/19/2005

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

Contact: Tracy Vardeman 770-531-3869 **Estimated Cost:** \$10,969,425

2005-052 Hart County Hospital

Replacement/Existing Emergency Room & Surgical Services Department

Filed: 7/29/2005 **Deemed Complete:** 8/11/2005

60th Day Deadline: 10/10/2005

Decision Deadline: 11/9/2005

Site: 138 West Gibson Street, Hartwell, GA 30643 (Hart County)

Contact: Matt McRee 706-245-1251 **Estimated Cost:** \$4,933,453

2005-055 Northside/Alpharetta Medical Campus

Expansion of Services

Filed: 8/8/2005 **Deemed Complete:** 8/22/2005

60th Day Deadline: 10/21/2005

Decision Deadline: 11/20/2005

Site: Corner of Old Milton Pkwy and Morris Rd., Alpharetta, GA 30005 (Fulton County)

Contact: Brian J. Toporek 404-303-3524 **Estimated Cost:** \$8,535,656

2005-056 Northside Hospital Doctors Centre

Renovation of Physical Infrastructure

Filed: 8/8/2005 **Deemed Complete:** 8/22/2005

Decision Deadline: 10/6/2005

Site: 960/980 Johnson Ferry Road, Atlanta, GA 30342 (Fulton County)

Contact: Brian J. Toporek 404-851-6821 **Estimated Cost:** \$2,000,000

Pending Review/Complete/Joined Applications

none

Recently Approved Applications

2005-023 The Emory Clinic, Inc.

To Purchase a MRI Scanner

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

60th Day Deadline: 7/25/2005

Decision Deadline: 8/24/2005

APPROVED: 8/24/2005

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

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

2005-025 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

APPROVED: 8/16/2005

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

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

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

APPROVED: 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

Recently Denied Applications

none

Applications Withdrawn by Applicant

2005-036 Westminster Commons

Nursing Facility Re-location

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

WITHDRAWN: 8/1/2005

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

Application Withdrawn by Department

2005-047 Emorywood Nursing Center

Relocate an existing nursing home facility

Filed: 7/18/2005 Deemed Incomplete: 8/1/2005

WITHDRAWN: 8/26/2005

Site: 441 Clairmont Road, Decatur, GA 30030 (DeKalb County)

Contact: Robert Hagan 770-993-4000 **Estimated Cost:** \$2,131,000

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.

2003-097 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 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.

Appealed to Superior Court: Diagnostic Imaging of Atlanta appealed the Review Board's decision to the Superior Court, 6/24/2005.

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. Review Board meeting scheduled 10:00 am on 7/15/2005.

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. Open MRI & Imaging withdrew its intervention/opposition, 6/27/2005.

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 9:00am. Hearing was held 6/1-2/2005.

Hearing Decision: Hearing Officer issued decision on July 30, 2005, affirming the Department's decision to approve the project and to grant a CON.

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 originally scheduled for 7/26-28/2005 to be re-scheduled, date pending. Hearing scheduled 9/20-22/2005.

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 Officer: William Joy

Hearing Date: Hearing initially scheduled 5/10-11/2005. Hearing postponed. Parties will argue Motions on 7/12/2005. Hearing re-scheduled 8/17-18/2005.

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

Hearing Decision: Hearing Officer issued Order on 7/18/2005 affirming the Department's decision denying a CON to Surgical Centers. Surgical Centers enters specific objections to the hearing officer's order and requests oral argument before the Review Board, 8/19/2005.

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: Hearing scheduled for 8/29-31/2005 at 9:00am.

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: Hearing scheduled 9/27-29/2005.

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. Request for Hearing withdrawn.

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. Hearing scheduled 9/13/2005

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, Project 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 Project 2004-039.

DET-2004-089 Piedmont Hospital

Requested hearing challenging the Department's order dated 6/1/2005 to cease operation of its Varian Trilogy linear accelerator system. Melvin Goldstein is Hearing Officer.

ICC-2005-002 Southern Plantation of Ga., Inc.

Requested hearing to contest monetary penalty which the Department imposed due to a shortfall in the indigent and charity care commitment, June 20, 2005. Sabrina R. Scott is Hearing Officer.

Requests for LNR 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-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: LNR Issued **Determination Date:** 8/5/2005

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:**

LNR-ASC-2005-011 Specialty Spine Intervention Center, PC

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

Site: 1240 Jesse Jewell Parkway, Suite 360, Gainesville, GA 30501
Number of OR's: 2 **Specialty:** Pain Management
Physician(s) authorization requested: 2
Project costs as submitted: \$530,378.84
Request received: 6/17/2005
Contact Person: Daniel J. Mohan, (404) 504-7610
Determination: Pending **Determination Date:**

LNR-ASC-2005-012 Northwest Plaza ASC, LLC

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

Site: 2311 Lake Park Drive, Suite #4, Albany, GA 31707
Number of OR's: 2 **Specialty:** Orthopedics
Physician(s) authorization requested: 1
Project costs as submitted: \$1,313,617.18
Request received: 7/21/2005
Contact Person: Daniel J. Mohan, (404) 504-7610
Determination: Pending **Determination Date:**

LNR-ASC-2005-013 Savannah Spine Center, ASC

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

Site: 11706 Mercy Blvd., Building 8, Savannah, GA 31405

Number of OR's: 1 **Specialty:** Pain Management

Physician(s) authorization requested: 1

Project costs as submitted: \$632,263.83

Request received: 7/22/2005

Contact Person: Robin Beatty, (404) 725-8786 or (770) 516-1775

Determination: Pending **Determination Date:**

LNR-ASC-2005-014 Athens Orthopedic Clinic, P.A.

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

Site: 1765 Old West Broad Street, Bldg 1, Athens, GA 30606

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

Physician(s) authorization requested: 7

Project costs as submitted: \$1,430,127.82

Request received: 8/19/2005

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

Determination: Pending **Determination Date:**

Requests for LNR for Diagnostic or Therapeutic Equipment

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-2005-017 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

Request Received: 6/9/2005

Contact Person: Lesli Todd (229) 435-9878

Determination: Pending

Determination Date:

LNR-EQT-2005-018 King's Medical Company, Hudson, Ohio

Northside Hospital-Cherokee, Canton, Cherokee County, Georgia

Request to acquire by operational lease a fixed-based Siemens Concerto MR Scanner for use in freestanding multi-modality imaging center

Site: 15 Reinhardt College Parkway, Suite 104, Canton, Cherokee County, Georgia 30114

Value as Submitted: \$568,989.00

Request Received: 5/31/2005

Contact Person: Brian Toporek (404) 851-6821

Determination: Letter Issued

Determination Date: 8/4/2005

LNR-EQT-2005-019 Neurology Associates, LLP, Macon, Bibb County, Georgia

Request to acquire by purchase a reconditioned fixed-based GE 1.5T HiSpeed MRI for use in practice-based imaging

Site: 673 Pine Street, Macon, Bibb County, Georgia 31201

Value as Submitted: \$763,027.36

Request Received: 7/1/2005

Contact Person: Alan H. Rumph, Esq. (478) 743-4436

Determination: Pending

Determination Date:

LNR-EQT-2005-020 Open MRI of Milledgeville, LLC, Milledgeville, Baldwin County, Georgia

Request to acquire by purchase a fixed-based Hitachi 2002 Aries II MRI for use in single-modality freestanding imaging center

Site: 1850 N. Columbia Street, Suites 3-4, Milledgeville, Georgia 31061

Value as Submitted: \$755,359.26
Contact Person: Paul Cote (770) 642-5480
Determination: Pending

Request Received: 7/6/2005

Determination Date:

LNR-EQT-2005-021 AmMed Inc. d/b/a Open MRI Center of Georgia, Riverdale, Clayton County, Georgia

Request to acquire by capital lease a fixed-based Philips100019 Brilliance CT 6-Slice System for use in freestanding multi-modality imaging center

Site: 34 Upper Riverdale Road, Suite 120, Riverdale, Georgia 30274

Value as Submitted: \$744,347.70

Request Received: 7/8/2005

Contact Person: Daniel M. Beall (770) 394-8465

Determination: Pending

Determination Date:

LNR-EQT-2005-022 John Blankenship, MD, Athens, Clarke County, Georgia

Request to acquire by purchase a fixed-based General Electric CT-I CT System for use in practice-based imaging

Site: Resource Medical Building 2100, Athens, Clarke County, Georgia 30606

Value as Submitted: \$199,829.00

Request Received: 7/18/2005

Contact Person: Debra Strickland (706) 543-3212

Determination: Pending

Determination Date:

LNR-EQT-2005-023 Kennestone Hospital, Inc. d/b/a WellStar Kennestone Hospital, Marietta, Cobb County, Georgia

Request to acquire by purchase a Permedics Odyssey IMRT upgrade to existing hospital-based linear accelerator

Site: 677 Church Street, Marietta, Cobb County, Georgia 30060

Value as Submitted: \$561,387.00

Request Received: 7/21/2005

Contact Person: Caroline Aultman (770) 792-1542

Determination: Pending

Determination Date:

LNR-EQT-2005-024 Midtown Neurology, PC, Atlanta, Fulton County, Georgia

Request to acquire by operational lease a mobile GE Profile III MRI

Site: Lovejoy Medical Center, Lovejoy, Georgia

The Ross Orthopaedic Wellness Center, Atlanta, Georgia

Georgia Spinal Health & Wellness, Lilburn, Georgia

Value as Submitted: \$348,000

Request Received: 7/22/2005

Contact Person: Husham Mishu, MD (404) 653-0039

Determination: Pending

Determination Date:

LNR-EQT-2005-025 Georgia Hyperbaric Medical Systems, LLC / Cobb Hyperbaric Medicine, Inc., Marietta, Cobb County, Georgia

Request to acquire by purchase a multiplace hyperbaric oxygen chamber

Site: 66 Whitcher Street, Marietta, Cobb County, Georgia

Value as Submitted: \$733,898.00

Request Received: 8/8/2005

Contact Person: Helen B. Gelly, MD (770) 422-4268

Determination: Pending

Determination Date:

LNR-EQT-2005-026 Radiology Centers of Georgia, LLC, Marietta, Cobb County, Georgia

Request to acquire by capital lease a Philips 100159 Diamond Select 1.5T MRI unit

Site: Piedmont Mountinside Hospital, 1266 Highway 515 South, Jasper, Georgia 30143

Value as Submitted: \$740,282.40

Request Received: 8/19/2005

Contact Person: Brenda Holcomb (770) 607-7339

Determination: Pending

Determination Date:

LNR-EQT-2005-027 Center for Primary Care, Augusta, Richmond County, Georgia

Request to acquire by operational lease a mobile GE CT/I CT Scanner for use in practice-based imaging

Site: 3614-D J. Dewey Gray Circle, Augusta, Georgia 30909

Value as Submitted: \$170,600.00

Request Received: 8/19/2005

Contact Person: James C. Larson, MHA, CHE (706) 650-7799

Determination: Pending

Determination Date:

LNR-EQT-2005-028 Radiology Centers of Georgia, LLC, Marietta, Cobb County, Georgia

Request to acquire by capital lease a Philips 100159 Diamond Select 1.5T Eclipse MRI unit

Site: Murray Medical Center, 707 Old Dalton Ellijay Road, Chatsworth, Georgia 30705

Value as Submitted: \$575,501.40

Request Received: 8/19/2005

Contact Person: Brenda Holcomb (770) 607-7339

Determination: Pending

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-2005-042 Emanuel Medical Center, Swainsboro, Emanuel County, Georgia

Request for determination regarding construction of new Department of Laboratory Medicine

Request Received: 6/20/2005

Contact Person: Robert L. Via (478) 289-1304

Determination: Pending

Determination Date:

DET-2005-043 WellStar Cobb Hospital, Austell, Cobb County, Georgia

Request for determination regarding replacement of existing CT scanner

Request Received: 6/28/2005

Contact Person: Caroline Aultman (770) 792-1542

Determination: Pending

Determination Date:

DET-2005-044 St. Mary's Health Care System, Athens, Clarke County, Georgia

Request for determination regarding replacement of cardiac catheterization equipment

Request Received: 7/1/2005

Contact Person: Jonathan Johnson (706) 353-8840

Determination: Pending

Determination Date:

DET-2005-046 Orthopedic Center, PC, Savannah, Chatham County, Georgia

Request for determination regarding pain management in a limited purpose ASC

Request Received: 7/13/2005

Contact Person: Michael Kleinpeter (912) 644-5370

Determination: Pending

Determination Date:

DET-2005-047 Atlanta Women's Health Group, PC a/k/a North Crescent Surgery Center, LLC, Atlanta, Fulton County, Georgia

Request for determination regarding addition of new members to existing single specialty, office-based, physician owned ambulatory surgery center

Request Received: 7/15/2005

Contact Person: Gail Detraz (404) 303-8435

Determination: Pending

Determination Date:

DET-2005-048 Emory Adventist Hospital, Smyrna, Cobb County, Georgia

Request for determination regarding expansion of emergency department at a cost below threshold

Request Received: 7/18/2005

Contact Person: Brian McDaniel (770) 438-5215 x2171

Determination: Pending

Determination Date:

DET-2005-049 Woodland Ridge Senior Living, Inc., Smyrna, Cobb County, Georgia

Request for determination regarding licensure consolidation

Request Received: 7/21/2005
Contact Person: Robert Fink (770) 431-7070
Determination: Pending

Determination Date:

DET-2005-050 Hospital Authority of Miller County d/b/a Miller County Hospital, Colquitt, Miller County, Georgia

Request for determination regarding expenditures for replacement of 19 hospital rooms
Request Received: 7/25/2005
Contact Person: Harley Smith (229) 758-4232
Determination: Pending

Determination Date:

DET-2005-051 The Harbin Clinic, Rome, Floyd County, Georgia

Request for determination regarding replacement of MRI Scanner
Request Received: 8/2/2005
Contact Person: Kenna Stock (706) 236-6347
Determination: Pending

Determination Date:

DET-2005-052 South Georgia Health Alliance, Inc., Valdosta, Lowndes County, Georgia

Request for determination construction of hospice house facility
Request Received: 8/8/2005
Contact Person: Jack Edwards (229) 259-4107
Determination: Pending

Determination Date:

DET-2005-053 Emory University d/b/a Emory Crawford Long Hospital, Atlanta, Fulton County, Georgia

Request for determination regarding replacement of PET Scanner
Request Received: 8/8/2005
Contact Person: Toni F. Wimby (404) 686-2450
Determination: Pending

Determination Date:

DET-2005-054 The Emory Clinic, Atlanta, DeKalb County, Georgia

Request for determination regarding replacement of linear accelerator with Varian Trilogy
Request Received: 8/9/2005
Contact Person: Mike Mason (404) 778-5639
Determination: Pending

Determination Date:

**DET-2005-055 CareSouth HHA Holdings of Georgia, Inc., Augusta, Richmond County, Georgia
VNA of Cordele, Inc. Cordele, Crisp County, Georgia**

Request for determination regarding replacement transfer of authorized home health counties, Stewart and Webster, from VNA of Cordele to CareSouth
Request Received: 8/12/2005
Contact Person: Kelly C. Tripp, Esq. (706) 854-7428; Sheila Gunter (800) 334-8268
Determination: Pending

Determination Date:

DET-2005-056 Phoebe Putney Memorial Hospital, Albany, Dougherty County, Georgia

Request for determination regarding replacement of information system network hardware
Request Received: 8/18/2005
Contact Person: Lori Jenkins (229) 312-1432
Determination: Pending

Determination Date:

**DET-2005-057 Wake Healthcare Center, Inc., Toccoa, Stephens County, Georgia
United Home Care, Inc. d/b/a United Home Care of Atlanta, Atlanta, Fulton County, Georgia**

Request for determination regarding transfer of Douglas and Paulding Countied from the authorized home health service area of Wake Healthcare Center, Inc. to United Home Care, Inc.
Request Received: 8/22/2005
Contact Person: R. Lawrence Williams (706) 886-8493
Determination: Pending

Determination Date:

DET-2005-058 Phoebe Putney Memorial Hospital, Albany, Dougherty County, Georgia

Request for determination regarding upgrade of accounting software

Request Received: 8/23/2005

Contact Person: Lori Jenkins (229) 312-1432

Determination: Pending

Determination Date:

DET-2005-059 Athens Orthopedic Clinic, PA, Athens, Clarke County, Georgia

Request for determination regarding costs to be included in the development of a physician-owned, single specialty, ambulatory surgery center

Request Received: 8/24/2005

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

Determination: Pending

Determination Date:

Requests for Extended Implementation/Performance Period

2003-073 Roosevelt Warm Springs Institute for Rehabilitation

Construction of new facility

Request to extend initial 12-month implementation period

Site: 6135 Roosevelt Highway (Meriwether)

Project Approved: 02/20/2004

Initial Duration Period Expiration: 08/18/2005

Contact: David Palmer (706) 655-5001 **Approved Cost:** \$6,347,200

Request Received: 7/19/2005

Determination: Approved 7/28/2005 **Extended Initial Duration Period:** February 14, 2006

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