



GEORGIA DEPARTMENT OF
COMMUNITY HEALTH

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Health Planning Review Board Members

OFFICE OF GENERAL COUNSEL

CERTIFICATE OF NEED

Tracking And Appeals Report

Week of October 3, 2005

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

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(404) 656-0442 Fax
www.dch.georgia.gov

New Applications

2005-069 Cobb Hospital, Inc. d/b/a WellStar Cobb Hospital

Construction of Parking Deck

Filed: 9/27/2005

Site: 3950 Austell Road, Austell, GA 30106 (Cobb County)

Contact: Caroline Aultman 770-792-1542

Estimated Cost: \$2,134,000

2005-070 Cobb Hospital, Inc. d/b/a WellStar Cobb Hospital

Renovation of Physical Infrastructure

Filed: 9/27/2005

Site: 3950 Austell Road, Austell, GA 30106 (Cobb County)

Contact: Caroline Aultman 770-792-1542

Estimated Cost: \$8,809,020

2005-071 Kennestone Hospital, Inc. d/b/a WellStar Kennestone Hospital

Renovation of Physical Infrastructure

Filed: 9/27/2005

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

Contact: Caroline Aultman 770-792-1542

Estimated Cost: \$7,121,549

2005-072 Hamilton Medical Center

Renovation/Expansion of Existing Facility

Filed: 9/27/2005

Site: 1200 Memorial Drive; P.O. Box 1168, Dalton, GA 30722 (Whitfield County)

Contact: Keith Jennings 706-272-6118

Estimated Cost: \$7,902,644

2005-073 Radiotherapy Clinics of Georgia

New DTRC Facility/Purchase Medical Equipment

Filed: 9/28/2005

Site: west intersection of Snapfinger Pk Dr, Decatur, GA 30035 (DeKalb County)

Contact: Kathryn M.T. Platt 770-551-9550

Estimated Cost: \$5,569,796

2005-074 South Georgia Medical Center

Expansion/Renovation of Existing Facility

Filed: 10/7/2005

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

Contact: Jack H. Edwards 229-259-4107

Estimated Cost: \$13,202,917

Pending Review/Incomplete Applications

2005-057 Jefferson Senior Living, LLC

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

Filed: 8/15/2005 Deemed Incomplete: 8/29/2005

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

Contact: Teddi Tabacek 706-387-1149

Estimated Cost: \$2,267,870

2005-060 Cobb Hospital, Inc. d/b/a WellStar Cobb Hospital

Expansion of Facility/Service-Renovation of Existing Facility

Filed: 8/31/2005 Deemed Incomplete: 9/15/2005

Site: 3950 Austell Road, Austell, GA 30106 (Cobb County)

Contact: Caroline C. Aultman 770.792.1542

Estimated Cost: \$2,044,291

2005-065 Northeast Georgia Medical Center

Renovate/expand/replace physical infrastructure on main campus

Filed: 9/15/2005 Deemed Incomplete: 9/29/2005

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

Contact: Tracy Vardeman 770-531-6292

Estimated Cost: \$22,711,053

Pending Review/Complete Applications

2005-027 Heritage of Peachtree

The Addition of Thirteen 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 Extended Deadline: 11/5/2005

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

Contact: Peggy Peters, Regional GM 770-845-6483 **Estimated Cost:** \$25,000

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

2005-038 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 Extended Deadline: 10/14/2005

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

2005-041 Cameron Hall Assisted Living Center

Expansion of existing facility/ increase in beds

Filed: 6/23/2005 Deemed Incomplete: 7/8/2005 Deemed Complete: 9/8/2005

60th Day Deadline: 11/7/2005

Decision Deadline: 12/7/2005

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

Contact: Joann Savage 770-720-9792 **Estimated Cost:** \$1,400,682

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

2005-044 Emory University Hospital

Facility renovation/expansion/acquisition of CT Scanner

Filed: 7/6/2005 Deemed Incomplete: 7/20/2005 Deemed Complete: 9/1/2005

60th Day Deadline: 10/31/2005

Decision Deadline: 11/30/2005

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

Contact: Toni Wimby 404-686-2450 **Estimated Cost:** \$18,412,398

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

2005-048 Saint Joseph's Hospital, Inc.

Acquire a Philips Diamond Select CV Bi-plane/Purchase Bi-plane refurb.

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

2005-051 Southeast Georgia Regional Medical Center

Expansion of Existing Facility

Filed: 7/26/2005 Deemed Incomplete: 8/9/2005 Deemed Complete: 9/20/2005

60th Day Deadline: 11/19/2005

Decision Deadline: 12/19/2005

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

Contact: Marjorie Mathieu 912-466-7055 **Estimated Cost:** \$40,868,430

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

2005-053 Houston Medical Center

Relocation/Renovation of Existing Facility

Filed: 8/1/2005 Deemed Incomplete: 8/15/2005 Deemed Complete: 9/2/2005

60th Day Deadline: 11/1/2005

Decision Deadline: 12/1/2005

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 Deemed Complete: 9/14/2005

60th Day Deadline: 11/13/2005

Decision Deadline: 12/13/2005

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

Contact: Mark M. Mullin 770-682-2280 **Estimated Cost:** \$11,293,697

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

2005-058 Southeastern Cardiovascular Institute

Procurement of Medical Equipment

Filed: 8/15/2005 **Deemed Incomplete:** 8/29/2005 **Deemed Complete:** 9/8/2005

60th Day Deadline: 11/7/2005

Decision Deadline: 12/7/2005

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 **Deemed Complete:** 9/7/2005

60th Day Deadline: 11/6/2005

Decision Deadline: 12/6/2005

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

Contact: Jennifer Eslinger 404-466-1120 **Estimated Cost:** \$1,580,940

2005-061 Phoebe Putney Memorial Hospital, Inc.

Purchase Medical Equipment-CT Scanner

Filed: 9/1/2005 **Deemed Incomplete:** 9/15/2005 **Deemed Complete:** 10/4/2005

60th Day Deadline: 12/3/2005

Decision Deadline: 1/2/2006

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

Contact: Lori Jenkins 229-312-1432 **Estimated Cost:** \$946,475

2005-062 Univ. Hosp. & Medical Cntr Evans Campus Professional Office Bldg #4

Construction of one-story medical office building

Filed: 9/6/2005 **Deemed Incomplete:** 9/20/2005 **Deemed Complete:** 9/27/2005

Decision Deadline: 11/11/2005

Site: 4350 Towne Center Drive, Evans, GA 30809 (Columbia County)

Contact: David Henderson 706-828-2454 **Estimated Cost:** \$1,759,600

2005-063 Ridgeview Professional Office Building

Purchase existing medical office building

Filed: 9/12/2005 **Deemed Incomplete:** 9/26/2005 **Deemed Complete:** 9/30/2005

Decision Deadline: 11/14/2005

Site: 4015 South Cobb Drive, Smyrna, GA 30080 (Cobb County)

Contact: Robert M. Fink 770-431-7070 **Estimated Cost:** \$2,460,000

2005-064 Athens Regional Medical Center

Expansion/Renovation of cardiac catheterization laboratory

Filed: 9/13/2005 **Deemed Complete:** 9/27/2005

60th Day Deadline: 11/26/2005

Decision Deadline: 12/26/2005

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

Contact: Linda Della Torre 706-475-3454 **Estimated Cost:** \$2,797,000

2005-066 Wayne Memorial Hospital

Replacement of existing facility

Filed: 9/16/2005 **Deemed Complete:** 9/29/2005

60th Day Deadline: 11/28/2005

Decision Deadline: 12/28/2005

Site: 865 South First Street, Jesup, GA 31545 (Wayne County)

Contact: Charles Morgan 912-530-3301 **Estimated Cost:** \$50,396,224

2005-067 Children's Healthcare of Atlanta at Scottish Rite

Expansion of existing facility/service

Filed: 9/16/2005 **Deemed Complete:** 9/26/2005

60th Day Deadline: 11/25/2005
Decision Deadline: 12/25/2005
Site: 1001 Johnson Ferry Road, Atlanta, GA 30342 (Fulton County)
Contact: David R. Tatum 404-785-7556 **Estimated Cost:** \$140,956,735

2005-068 Saint Joseph's Hospital of Atlanta, Inc.
Construction of Parking Deck
Filed: 9/20/2005 Deemed Complete: 10/3/2005
Decision Deadline: 11/17/2005
Site: 5665 Peachtree Dunwoody Road, N.E., Atlanta, GA 30342 (Fulton County)
Contact: Douglas Holbrook 404-851-5933 **Estimated Cost:** \$16,580,000

Pending Review/Complete/Joined Applications

none

Recently Approved Applications

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
APPROVED: 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

2005-042 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
APPROVED: 9/20/2005
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

2005-046 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
APPROVED: 9/23/2005
Site: 1505 Northside Forsyth Drive(new address, Cumming, GA 30041 (Forsyth County)
Contact: Brian J. Toporek 404-851-6821 **Estimated Cost:** \$35,900,800

2005-056 Northside Hospital Doctors Centre
Renovation of Physical Infrastructure
Filed: 8/8/2005 Deemed Complete: 8/22/2005
Decision Deadline: 10/6/2005
APPROVED: 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

Recently Denied Applications

none

Applications Withdrawn by Applicant

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

WITHDRAWN: 9/29/2005

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

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 SDR 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. Hearing set before Judge Arrington, Fulton Superior Court, 11/17/2005 at 10:00am.

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.

Additional Information: Petitions for judicial review will be heard before Judge Tuscan on 11/18/2005. Oral argument will be 30 minutes for each party.

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.

Review Board Decision: Review Board issued Order upholding Hearing Officer's decision to deny CON, 8/29/2005.

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 Officer extends his decision deadline 15 days, 9/12/2005.

Hearing Decision: Hearing Officer issues Order affirming Department's denial of both Phoebe and Albany's applications, 9/24/2005.

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. Piedmont filed specific objections to the decision of the Hearing Officer and requested oral argument to the Review Board, 9/2/2005. Review Board meeting scheduled 10:00 am on 9/30/2005. Meeting postponed and time for hearing extended. Meeting re-scheduled for 10/14/2005 at 10:00 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: Hearing originally scheduled for 7/26-28/2005 to be re-scheduled, date pending. Hearing scheduled 9/20-22/2005. Hearing held, Hearing Officer Order pending.

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. Review Board meeting scheduled 10:00 am on 9/30/2005. Meeting postponed and time for hearing extended. Meeting rescheduled for 10/14/2005 at 10:00 a.m.

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.

Hearing Decision: Hearing Officer Goldstein issues an order granting summary judgment upholding the Department's initial decision to deny a CON to Gordon Hospital, 9/28/2005.

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. The Parties have agreed to a hearing by brief.

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. Hearing held 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.

LNR-MRI 02/17/2004 Diagnostic Imaging Technology, LLC

Requested Hearing to contest Department's determination to rescind a letter of non-reviewability for the use of an MRI and the Department's Cease and Desist Order issued 8/10/2005. Hearing Officer is Ellwood Oakley.

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-2005-008 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: Withdrew **Determination Date:** 10/7/2005

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:**

LNR-ASC-2005-015 Dublin Orthopaedics and Rehabilitation, Inc.
Establish a physician-owned, single specialty, ambulatory surgery center
Site: Plat, Land Lot 131, 1st Land District, Laurens County, Georgia
Number of OR's: 1 **Specialty:** Orthopedics
Physician(s) authorization requested: 2
Project costs as submitted: \$1,397,768.40
Request received: 9/28/2005
Contact Person: Gayle Evans (770) 794-4944
Determination: Pending **Determination Date:**

LNR-ASC-2005-016 The Spine Treatment Center, LLC
Establish a physician-owned, single specialty, ambulatory surgical center
Site: Summit Professional Plaza, 3rd Floor, 1111 Glynco Parkway, Brunswick, GA 31525
Number of OR's: 1 **Specialty:** Neurosurgery
Physician(s) authorization requested: 2

Project costs as submitted: \$261,385.00
Request received: 9/26/2005
Contact Person: Michael W. Kleinpeter, (912) 695-1761
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-2005-021 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, Clayton County, 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-2005-026 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 Mountainside 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: LNR Issued **Determination Date:** 10/7/2005

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: LNR Issued **Determination Date:** 10/7/2005

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: LNR Issued **Determination Date:** 10/7/2005

LNR-EQT-2005-029 Diagnostic Clinic of Athens, LLC

Request to acquire by purchase a fixed-base GE Medical Systems LX MRI to be located within a multi-modality imaging center
Site: 1063 Baxter Street, Athens, Georgia 30606
Value as Submitted: \$733,313.00 **Request Received:** 9/29/2005
Contact Person: Richard L. Gray (706) 354-0529
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-2005-046 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: Non-Reviewable as Proposed

Determination Date: 9/27/2005

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-2005-049 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-2005-052 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-2005-054 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-2005-059 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:

DET-2005-060 Rockdale Medical Center, Rockdale County, Georgia

Request for determination regarding replacement of cardiac catheterization equipment

Request Received: 8/29/2005

Contact Person: Joy Davis White (770) 918-3914

Determination: Non-Reviewable as Proposed

Determination Date: 10/6/2005

DET-2005-061 Phoebe Putney Memorial Hospital, Albany, Dougherty County, Georgia

Request for determination regarding proposed construction of a primary care physician office

Request Received: 8/30/2005

Contact Person: Lori Jenkins (229) 312-1432

Determination: Pending

Determination Date:

DET-2005-062 Brunswick Pain Clinic, Brunswick, Glynn County, Georgia

Request for determination regarding change of specialty

Request Received: 9/9/2005

Contact Person: Ed C. Luke, Jr. (770) 951-8427

Determination: Pending

Determination Date:

DET-2005-063 Gwinnett Hospital System, Inc., Lawrenceville, Gwinnett County, Georgia
Request for determination regarding replacement/upgrade of x-ray systems

Request Received: 9/12/2005

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

Determination: Pending

Determination Date:

DET-2005-064 Central Georgia Health System, Macon, Bibb County, Georgia
Request for determination regarding lease of skilled nursing beds

Request Received: 9/14/2005

Contact Person: Ed C. Luke, Jr. (770) 951-8427

Determination: Pending

Determination Date:

DET-2005-065 Augusta Surgical Center, Augusta, Richmond County, Georgia
Request for determination regarding lease of space for development of procedure rooms

Request Received: 9/16/2005

Contact Person: Jeffrey B. Simless (706) 738-4925

Determination: Pending

Determination Date:

DET-2005-066 Solutions Foundation, Inc., Roswell, Fulton County, Georgia
Request for determination regarding status as a health care facility

Request Received: 9/20/2005

Contact Person: Robert Margolis (678) 624-0930

Determination: Pending

Determination Date:

DET-2005-067 Mountainbrook Academy, LLC d/b/a Mountain Brook Academy, LLC
Request for determination regarding construction of adolescent treatment facility

Request Received: 10/3/2005

Contact Person: Jeffrey S. Holloway, MSW (706) 867-0474

Determination: Pending

Determination Date:

Requests for Extended Implementation/Performance Period

none

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