



February 12, 2024

**VIA ELECTRONIC MAIL**

Deidre Gifford, MD, MPH  
Executive Director  
Office of Health Strategy

**Re: Public Hearing February 13, 2024  
Docket No. 23-32650-CON  
Certificate of Need Application Acquisition of Imaging Equipment**

Dear Executive Director Gifford:

I am the Chief Executive Officer of Advanced Radiology Consultants (“ARC”), a private radiology practice based in Southern Connecticut. I am writing on behalf of my physicians to express our concerns about the CON application filed by Stamford Health-Norwalk Radiology, LLC (“SH-NR”) for the acquisition of a CT scanner to be located at 148 East Avenue in Norwalk. Certain key information relevant to the Office of Health Strategy’s (“OHS”) analysis of the request to add CT capacity was omitted from SH-NR’s CON application. We have asked OHS to hold a public hearing and are submitting this letter urging the agency to inquire further about the issues outlined herein and give careful consideration before approving this request.

By way of background, ARC physicians have been providing subspecialized diagnostic and interventional radiology services to residents in Fairfield and New Haven Counties for more than 110 years. We currently provide professional services at state-of-the-art imaging centers located in Stamford, Wilton, Fairfield, Stratford, Trumbull, Shelton, and Orange. These centers offer all major imaging modalities, including CT, MRI, and PET-CT, as well as mammography, ultrasound, nuclear medicine, bone densitometry, and x-ray.

In November of 2021, ARC received OHS approval to acquire a CT scanner for its office in Wilton (Docket No. 20-32374-CON). That scanner has been in operation since 2022. Information regarding this scanner is readily available on the OHS website. It is one of just four CT scanners operating in the service area for SH-NR’s proposed CT scanner. Yet there is no mention of this scanner in any of SH-NR’s CON submissions.

With respect to SH-NR's CON application, there are several issues that warrant further investigation and consideration by OHS.

- Why was there no mention of the CT scanner approved in Docket No. 20-32374-CON and operating in Wilton until SH-NR's pre-hearing filings last week? SH-NR failed to disclose the scanner in multiple prior submissions when asked to identify other providers in the service area (of which there are only two), analyze capacity and utilization, and discuss the impact on existing providers. OHS cannot assess the need for the proposed CT scanner and the impact on existing providers if details regarding this unit are withheld.
- The Wilton CT scanner approved in Docket No. 20-32374-CON or our Stamford CT scanner typically operates with appointment availability either on the same day or next day basis for all patients, including those whose physicians may be affiliated with the Stamford Hospital network.
- The Wilton CT scanner approved in Docket No. 20-32374 is a freestanding, 128-slice CT scanner. This means that the proposed SH-NR scanner would not be the only freestanding CT scanner in the area, nor would it be the only 128-slice scanner in the area, as SH-NR suggests. ARC also has 30 subspecialist radiologists, participates in Medicare and Medicaid, and participates in-network with all major commercial insurers, including Access Health (the Exchange plans). So, nothing SH-NR claims with respect to the credentials of NRC physicians and insurance coverage is unique in the service area.
- SH-NR uses 2020 data in its analysis of need and impact on existing providers when more current data are available and should be utilized.
- SH-NR does not plan to open the CT scanner, for which it claims there is a substantial need, until October of 2025. Moreover, it will only operate on weekdays during business hours.
- We are also requesting that OHS look into the history of the provision of CT (and MRI) scanning services at 148 East Avenue in Norwalk. Below is a chronology that we prepared with publicly available information from OHS dockets and other sources.
- Norwalk Radiology and Mammography Center ("NMRC") was a joint venture between Norwalk Radiology Consultant, P.C. ("NRC") and Norwalk Hospital ("NH") providing imaging services, including CT and MRI, at 148 East Avenue in Norwalk (Docket No. 10-31640-CON).

- In 2010, NH bought out NRC's interests in NMRC, including acquisition of a CT scanner operating at 148 East Avenue (Docket No. 10-31640-CON). NH continued to operate the CT scanner, as well as MRI units it owned, at 148 East Avenue (*see* Docket Nos. 04-30229 & 06-30827-CON regarding NH's acquisition of MRI units for use at 148 East Avenue).
- To the best of our knowledge, 148 East Avenue in Norwalk is owned, in part, by an entity comprised of physician(s) associated with NRC. NH leased space at 148 East Avenue to operate the aforementioned CT scanner and MRI units under NMRC.
- In 2022, NH's lease at 148 East Avenue was not renewed. As a result, NH was required to relocate its imaging equipment, including a CT scanner, three MRI units, four ultrasound units, three mammography scanners, and a bone density machine, from 148 East Avenue in Norwalk to another location in the City of Norwalk (Docket No. 21-32450-DTR).
- An affiliate of NRC is a member of the SH-NR joint venture requesting permission to acquire a CT scanner for 148 East Avenue in Norwalk. NRC will provide professional services for the proposed new CT scanner.
- NRC, through the SH-NR joint venture, is now looking to acquire another CT scanner and an MRI unit to be located at 148 East Avenue – a building we understand they own, from which imaging equipment they once owned was removed last year after they failed to renew NH's lease (Docket Nos. 23-32650 & 23-32691-CON).

We request that OHS inquire about these circumstances and whether this CON request is less about the need for additional CT capacity in the Norwalk area and more about the need to fill empty office space with equipment owned in part by NRC and for which NRC will provide professional services.

Finally, we suggest that OHS consider the national and local critical shortage of certified CT technologists. It is reasonable to expect that SH-NR will need to hire two technologists to safely operate the proposed scanner. The Stamford Hospital network currently has open positions for four CT Technologists as posted on their website with the oldest posting dated May 2, 2023. Additionally, there are routinely a dozen or more open positions for certified CT Technologists in Fairfield County.

We hope that OHS will consider the information we have provided and ask the questions of SH-NR that we suggest. We are also happy to answer any questions that you have or provide additional information as needed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Clark Yoder', with a stylized, cursive script.

Clark Yoder, MBA, R.T.(R)(CT)(MR)(ARRT)