



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of
Health and Social Services**

Division of Health Care Services
Office of Rate Review
Certificate of Need Program

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Anchorage, Alaska 99503-5936
Main: 907.269.3469
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October 3, 2013

Via E-mail and US Mail

RBS Evolution
Attn: Dan Moore
1044 Jackson Felts Road
Joelton, TN 37080-4839

Reference: Additional information provided concerning Request for Determination to obtain a Certificate of Need to construct a Linear Accelerator in Juneau, Alaska via email from Debbie Pratt on 9-16-13.

This letter is in response to your subsequent request for determination dated 9/13/2013 from Patrick Gilmore of the Law Offices of Atkinson, Conway, and Gagnon in Anchorage, Alaska.

The request for determination involves the construction of a facility in Juneau, Alaska near Bartlett Hospital using leased space for operation of a linear accelerator to be used for patient treatment by a radiation physicist, a radiation therapist, and a radiation oncologist.

Based on review of your stated intent, I have determined that a Certificate of Need is not required for the following reasons:

1. AS 18.07.031 states a person may not make an expenditure of over \$1.45M (the current monetary threshold as of July 1, 2013 per AS 18.07.031 (d)) for construction of a health care facility. Health care facilities are defined in AS 18.07.111. A freestanding facility that would house a linear accelerator for patient treatment is not considered a health care facility under AS 18.07.111
2. 7 AAC 07.001 outlines what health care facilities are to be considered under the State's certificate of need program. It states that the department will only consider an application for certificate of need from a health care facility if the health care facility meets each of the following standards:
 - 1) the facility is a health care facility defined in AS 18.07.111
 - 2) the facility
 - (A) would be required to obtain a license after completion of the construction or to operate the facility under AS 47.32; or

- (B) is an independent diagnostic testing facility or a kidney treatment center, including a freestanding hemodialysis unit;
- (C) the facility is located or providing services in the state.

While your facility will be operating in the state, it is not required to be licensed under AS 47.32 and it does not meet the definition of an independent diagnostic testing facility or a kidney dialysis center as outlined in 7 AAC 07.900.

As stated earlier, a Certificate of Need will not be required for construction of your facility.

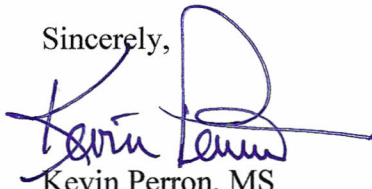
Should plans for the intended use of the facility change prior to completion of construction and if operation of the facility would require licensure under AS 47.32 or change the definition of the facility to one that would be included in AS 18.07.111 or 7 AAC 07.900, please notify the department as a Certificate of Need application and review could become necessary.

If you are dissatisfied with this decision, you may request reconsideration under 7 AAC 07.033 within 30 days after the date of the published notice of the determination by the department.

Please note my address is on the upper right hand corner of the first page of this letter.

Lastly, if you have any questions regarding this matter, please do not hesitate to contact me at the above address or phone number. My e-mail address is kevin.perron@alaska.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Perron", with a large, stylized initial "K" and "P".

Kevin Perron, MS
Acting CON Coordinator

CC: Patrick Gilmore at Atkinson, Conway, and Gagnon, 420 L Street, Suite 500, Anchorage, AK 99501.