

# STATE OF ALASKA

**DEPT. OF HEALTH AND SOCIAL SERVICES**

OFFICE OF THE COMMISSIONER

**FRANK H. MURKOWSKI, GOVERNOR**

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

August 29, 2006

**Certified, Return Receipt Requested**

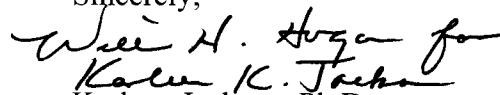
Barbara Z. Nault, Esq.  
Bankston Gronning, O'Hara, P.C.  
601 West 5<sup>th</sup> Avenue; Suite 900  
Anchorage, AK 99501

Dear Ms. Nault,

I am in receipt of your July 13, 2006 appeal on behalf of the Mat-Su Regional Hospital of my May 4, 2006 determination and June 14, 2006 decision on reconsideration that a certificate of need was not required for the imaging facility developed by Imaging Associates of Providence, LLC in the Matanuska-Susitna Valley.

In light of the Fairbanks Superior Court's August 8, 2006 decision in the matter of Banner Health d/b/a Fairbanks Memorial Hospital/Denali Center vs. Karleen Jackson, Commissioner of Health and Social Services and Alaska Open Imaging Center, LLC (Case No. 4FA-06-1377 Civ.) and my letters to Dr. Chakri Inampudi of August 17 and August 29, 2006 requiring Imaging Associates of Providence, LLC to obtain a certificate of need for their Mat-Su imaging facility, I believe the issues raised in your appeal are moot. Therefore the appeal is denied.

Copies of the Court's Findings of Fact and Conclusions of Law and the proposed Preliminary and Permanent Conditional Injunction and Declaratory Judgment and my correspondence with Dr. Inampudi are enclosed.

Sincerely,  
  
Karleen Jackson, Ph.D.  
Commissioner

Enclosures

cc: Christine Williams, Esq.  
Patton Boggs, LLC

William L. Choquette, Esq.  
Choquette & Farleigh, LLC

Chakri Inampudi, M.D.  
Imaging Associates of Providence, L.L.C.

Mr. Al Parrish, CEO  
Providence Health System of Alaska

Mr. Norman Stephens  
Chief Executive Officer  
Mat-Su Regional Medical Center

Stacie Kraly, Chief Assistant Attorney General  
Department of Law

Ms. Pat Carr, Chief  
Office of the Commissioner/  
Health Planning & Systems Development