

BRUCE E. GAGNON  
ROBERT J. DICKSON  
W. MICHAEL MOODY  
PATRICK B. GILMORE  
RICHARD E. VOLLERTSEN  
NEIL T. O'DONNELL  
CHRISTOPHER J. SLOTTEE  
SARAH A. MARSEY

LAW OFFICES OF  
ATKINSON, CONWAY & GAGNON, INC.  
A PROFESSIONAL CORPORATION  
420 L STREET  
SUITE 500  
ANCHORAGE, ALASKA 99501

PHONE: (907) 276-1700  
FAX: (907) 272-2082  
www.acglaw.com  
RETIRED  
KENNETH R. ATKINSON  
JOHN M. CONWAY  
(1936-2009)

January 6, 2012

Karen Lawfer  
CON Coordinator Alaska DHSS  
P.O. Box 11060  
Juneau, AK 99811-0601

Re: Radiation Business Solutions

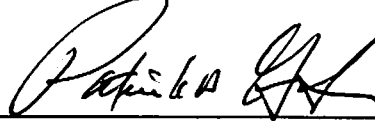
Dear Ms. Lawfer:

Enclosed please find a request for determination as to whether the Certificate of Need Regulations are applicable. Please send your response to RBS Evolution at 115 Main Street, Pleasant View, TN 37146 with a copy to the undersigned.

If you have any questions, please give me a call.

Very truly yours,

ATKINSON, CONWAY & GAGNON

By 

Patrick B. Gilmore

PBG/dap  
Enclosures  
cc: Dan Moore  
113758/7788.1

RBS Evolution  
1115 Main Street  
Pleasant View, TN 37146

Karen Lawfer  
CON Coordinator Alaska DHSS  
P.O. Box 11060  
Juneau, AK 99811-0601

Ms. Lawfer:

This is a request for a determination as to whether the requirements of AS 18.07 and Chapter 07 AAC 07.031 – Certificate of Need Regulations are applicable to the following proposal. We do not believe that we are required to obtain a certificate of need to own and operate a linear accelerator for reasons discussed below.

Anchorage Associates of Radiation Medicine, LLC and RBS Evolutions, Inc. propose to construct and operate an outpatient radiation therapy service which consists of a cancer treatment center that will provide external beam radiation treatment of cancers and some non-cancerous tumors using a linear accelerator for treatment. The proposed service will allow residents of the Kenai Peninsula to more quickly and easily access external beam radiation therapy services than is currently available. It is important to the residents of the Kenai Peninsula to have this access since radiation therapy generally requires a course of 25 to 30 separate treatments over separate days. Treatments can be daily and can last 5 to 6 weeks. Currently the only linear accelerator treatment available to residents of the Kenai Peninsula is located in Anchorage. Radiation oncologists will maintain physician control of services and of operations and will direct all services. All appropriate staff (radiation physicist, radiation therapist, as well as radiation oncologist) for this service will be provided. The project will lease land for construction from Soldotna Cancer Center Land Company in Soldotna. The land will be used as the site for construction of a facility to house a linear accelerator for the treatment of cancer.

We believe that the facility, linear accelerator and the program of treatment that we propose to provide is exempt from Certificate of Need review since this service will have ownership by physicians and since the facility will not be a health care facility as defined in AS 18.07.111.

(8) "health care facility" means a private, municipal, state, or federal hospital, psychiatric hospital, independent diagnostic testing facility, residential psychiatric treatment center, tuberculosis hospital, skilled nursing facility, kidney disease treatment center (including freestanding hemodialysis units), intermediate care facility, and ambulatory surgical facility;. the term excludes (A) the Alaska Pioneers' Home and the Alaska Veterans' Home administered by the Department of Health and Social Services under AS 47.55; and (B) the offices of private physicians or dentists whether in individual or group practice;..."

Owners will be Anchorage Associates of Radiation Medicine, Inc (30% owner, 100% physician owned), and RBS Evolutions, Inc. (70% owner, 80% physician owned).

The building will house physicians offices, including some of the physician owners, and will provide treatment for patients with cancers requiring radiation therapy with a linear accelerator. The facility will not be licensed as a hospital of any type, nor will it be licensed as any of the categories of "health care facility" defined in AS 18.07.111. The facility would not be suitable for conversion to a nursing home or for use for ambulatory surgery. The linear accelerator would be licensed for its intended purpose. The proposed expenditure does not involve routine maintenance or replacement of equipment.

Costs will be:

Acquisition of Land	\$ 140,000
Site excavation	\$ 60,000
Other site development costs	\$ 90,000
Building Construction	\$1,500,000
Architectural & engineering Fees	\$ 80,000
Financing Costs	\$ 65,000
Movable equipment	\$ 135,000
Fixed equipment	\$ 140,000
Shipping and installation costs not otherwise included	\$ 210,000
Linear Accelerator	\$1,300,000
Associated Software and Information Technology	\$ 350,000
Total Costs	\$4,070,000

The estimated starting date for this project would be April 1, 2012 with an anticipated opening in November, 2012. Treatment of cancer patients would commence in January 2013.

We will provide any additional information you need. We believe that since the service is not for an applicant that is a health care facility as defined in AS 18.07.111 and since it will be owned and managed by a partnership of physicians that it is not required to seek a Certificate of Need for development and operation of the proposed outpatient radiation therapy service.

Thank you.



Dan Moore  
CEO

## Division of Corporations, Business and Professional Licensing

### Name(s)

Type	Name
Legal Name	Anchorage Associates in Radiation Medicine, LLC

### Entity Details

**Entity Type:** Limited Liability Company

**Entity #:** 113599

**Status:** Non-Compliant

**AK Formed Date:** 1/23/2008

**Duration/Expiration:** Perpetual

**Home State:** ALASKA

**Next Biennial Report Due:** 1/2/2012 File Biennial Report

**Entity Mailing Address:** PO BOX 240126, ANCHORAGE, AK 99524

**Entity Physical Address:** 3851 PIPER STREET TOWER U, SUITE LLO02,  
ANCHORAGE, AK 99508

### Registered Agent

**Agent Name:** John Brendan Halligan

**Registered Mailing Address:**

**Registered Physical Address:** 3851 Piper Street Tower U, Suite LLO02, Anchorage, AK  
99508

### Officials

AK Entity#	Name	Titles	Percent Owned
	JAMES BLOM	Interest Holder, Member	49
	John Brendan Halligan	Organizer, Interest Holder, Manager	51

### Filed Documents

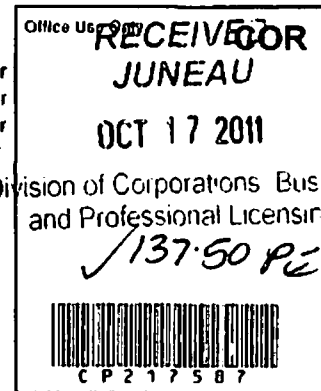
Date Filed	Type	Filing	Certificate
1/23/2008	Creation Filing		
10/17/2011	Biennial Report		



STATE OF ALASKA  
 DEPARTMENT OF  
**COMMERCE**  
 COMMUNITY AND  
 ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

Sean Parnell, Governor  
 Susan K. Bell, Commissioner  
 Don Habeger, Director



Division of Corporations, Business  
 and Professional Licensing

**Limited Liability Company**  
 2010 Biennial Report  
 For the period ending December 31, 2009

- This report is due on January 02, 2010
- \$100.00 if postmarked before February 02, 2010
- \$137.50 if postmarked on or after February 02, 2010

**Entity Name:** Anchorage Associates in Radiation  
 Medicine, LLC  
**Entity Number:** 113599  
**Home Country:** UNITED STATES  
**Home State/Province:** ALASKA

**Registered Agent**  
**Name:** John Brendan Halligan  
**Physical Address:** 3851 Piper Street Tower U, Suite  
 LL002, Anchorage, AK 99508  
**Mailing Address:** No address on record

**Entity Physical Address:**

**Entity Mailing Address:** P.O. Box 240126, Anchorage AK 99524-0126

Please include all officials. Check all titles that apply. Must use titles provided. Please print the names and addresses of the managers of the company, or, if the company is not managed by a manager, the names and addresses of the members of the company. You must also list the name and address of each person owning at least five percent interest in the company and the percentage of interest owned by that person.

Name	Address	% Owned	Manager	Member	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank
John B. Halligan MD	P.O. Box 240126 Anchorage 99524	51%	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Blom	Same	49%	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
—			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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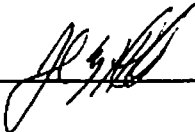
If necessary, attach a list of additional officials on a separate 8 1/2 X 11 sheet of paper.

**Purpose:** To provide physician services in the field of Radiation Therapy/Radiation Oncology for Cancer patients

**NAICS Code:** 621111-OFFICES OF PHYSICIANS (EXCEPT MENTAL HEALTH SPECIALISTS)

**New NAICS Code (optional):**



Signature: 

Printed Name: John D. Halligan

Date: 10/11/2011

PO Box 110806, Juneau, AK 99811-0806  
Telephone: (907) 465-2550 Fax: (907) 465-2974 Text Tel: (907) 465-5437 Website: <http://commerce.alaska.gov/occl/>

**RECEIVED  
JUNEAU**

**OCT 17 2011**

Division of Corporations, Business  
and Professional Licensing

[State of Alaska](#) > [Commerce](#) > [Professional Licensing](#) > [PL Search](#)

### Professional License Details

Name:	JAMES GERRIT BLOM
DBA:	
License Number:	6548
License Type:	IS A LICENSED PHYSICIAN
Status:	LICENSE
Address:	8951 SULTANA DR ANCHORAGE AK 99516
Expiration Date:	12/31/2012
Current Issue Date:	10/19/2010
First Issue Date:	04/22/2009
Additional Info:	

Contact Phone: (907) 465-2550    [Email Professional Licensing](#)

[State of Alaska](#) > [Commerce](#) > [Professional Licensing](#) > [PL Search](#)

### Professional License Details

Name:	JOHN BRENDAN HALLIGAN
DBA:	
License Number:	6314
License Type:	IS A LICENSED PHYSICIAN
Status:	LICENSE
Address:	PO BOX 240126 ANCHORAGE AK 99524-0126
Expiration Date:	12/31/2012
Current Issue Date:	10/12/2010
First Issue Date:	04/08/2008
Additional Info:	

Contact Phone: (907) 465-2550 [Email Professional Licensing](#)



## Division of Corporations, Business and Professional Licensing

### License Details

**License #:** 912936

**Business Name:** ANCHORAGE ASSOCIATES IN RADIATION MEDICINE

**Status:** ACTIVE

**Business Type:** LLC

**Issue Date:** 2/25/2008

**Expiration Date:** 12/31/2013

**Line of Business:** 62 - Health Care and Social Assistance

**Primary NAICS:** 621111 - OFFICES OF PHYSICIANS (EXCEPT MENTAL  
HEALTH SPECIALISTS)

**Secondary NAICS:**

**Mailing Address:** PO BOX 240126, ANCHORAGE, AK 99524-0126

**Physical Address:** 3200 PROVIDENCE DRIVE, PROVIDENCE CANCER  
CENTER, ANCHORAGE, AK 99508

**Note:**

### Owners

ANCHORAGE ASSOCIATES IN RADIATION MEDICINE LLC
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### Tobacco Endorsements