

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

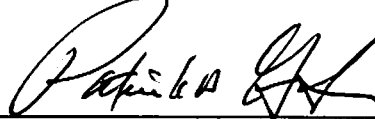
Dear Ms. Lawfer:

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

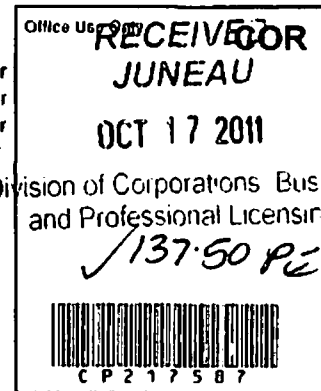
Date Filed	Type	Filing	Certificate
1/23/2008	Creation Filing		
10/17/2011	Biennial Report		



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, 2010

- 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"/>									
James Blom	Same	49%	<input type="checkbox"/>	<input checked="" type="checkbox"/>									
—													
—													

If necessary, attach a list of additional officials on a separate 8 1/2 X 11 sheet of paper.

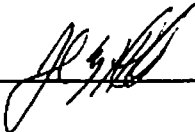
Purpose: To provide physician services in the field of Radiation Therapy/Radiation Oncology for Cancer patients

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

New NAICS Code (optional):



K 1 0 0 3 8 2 8

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