



January 15, 2024

VIA EMAIL: Jonathan.Pfingsten@nrc.gov

U.S. Nuclear Regulatory Commission
Jonathan Pfingsten
Sr. Health Physicist
Medical and Licensing Assistance Branch
Division of Radiological Safety and Security Region I

Re: Urgent Request for NRC Transfer of Control

Licensee: Hospital HIMA San Pablo Caguas
Purchaser: Metro Caguas Incorporated
License Number: 52-25019-01
Docket Number: 030-30826
Mail Control Number: 638044

Dear Mr. Pfingsten:

On behalf of Metro Caguas Incorporated d/b/a Hospital Pavia Caguas, this letter serves as a follow-up to our request presented on October 13, 2023, seeking a change of control of the Nuclear Regulatory Commission License (NRC) to Hospital Pavia Caguas. We would like to stress the critical importance of expeditiously completing the NRC transfer of control to Hospital Pavia Caguas. Obtaining the NRC license is a condition to the execution of provider contracts with commercial, Medicaid and Medicare Advantage Plans. These health plans will not execute a contract without such credentials. Therefore, patient access to a healthcare facility is being restricted and/or delayed due to this requirement.

This matter holds significant repercussions for the residents of the Caguas health subregion which according to the Puerto Rico

Certificate of Need regulation¹ includes the following cities: Caguas, Aguas Buenas, Gurabo, Juncos and San Lorenzo. Such subregion only has two hospitals, Hospital Pavia Caguas and Hospital Menonita Caguas, which serve a population of 266,794 residents.² Therefore, the lack of full access to both hospitals constrains the healthcare landscape. We must consider that Hospital Menonita is already working at maximum capacity, risking the quality of service, generating staff burnout and delays in treatment. Therefore, the lack of the NRC license and, consequently, the provider contracts, jeopardizes Hospital Pavia Caguas' role in providing faster and better access to patient care.

We must also keep in mind that Hospital Pavia Caguas participates in a network of 13 affiliated hospitals which provides the advantage of managing patient transfers in a more expedited manner. We refer to patients who may need specialized care Hospital Pavia Caguas. However, the lack of provider contracts hinders such transfers, forcing patients to follow ordinary procedures or to obtain a transfer to a hospital outside their geographical area.

The imperative for Hospital Pavia Caguas to expeditiously obtain the NRC change of control is crucial in completing the health plans' credentialing process and securing contracts. This process is not merely administrative; it directly influences the hospital's ability to provide healthcare services to the beneficiaries. Failure to promptly navigate this procedural hurdle not only hampers the financial stability of the hospital but also triggers cascading repercussions in patient care, such as:

¹ Puerto Rico Health Department Regulation 9084 of May 17, 2019, known in Spanish as Reglamento del Secretario de Salud para Regir el Otorgamiento de Certificados de Necesidad y Conveniencia.

² State-by-State Visualizations of Key Demographic Trends From the 2020 Census :<https://www.census.gov/library/stories/state-by-state.html>

1. **Delayed Treatment:** With only one alternative hospital in the subregion, incapable of meeting the current high demand for services, beneficiaries would experience delays in accessing crucial medical treatments, potentially worsening patient's conditions and prompting emergency room visits. This delay not only leads to prolonged waiting times for crucial medical interventions but also introduces other consequences that can significantly compromise the well-being of beneficiaries, for example: (a) the extended waiting period for necessary medical treatments exposes patients to increased health risks, as their conditions may worsen during this time. This heightened risk is particularly concerning for individuals with acute or chronic illnesses who require timely interventions; (b) for patients with progressive diseases, delayed treatment can contribute to the advancement of the illness. This progression may necessitate more intensive and costly interventions later, impacting both the patient's health and the overall burden on the healthcare system; and (c) the delay in receiving necessary medical care can significantly impact the quality of life for patients. This is particularly evident in cases where timely interventions could prevent complications or alleviate symptoms.
2. **Limited Access to Specialized Services:** Restrict patients from accessing specialized services, forcing them to seek treatment outside the hospital and potentially compromising the quality of care. Compelling patients to travel significant distances for necessary treatments, outside their geographic region, causing added stress and inconvenience and transportation costs.
3. **Increased Financial Burden to Patients:** Patients may face higher out of pocket expenses if they are compelled to seek care outside their health plan network.
4. **Strain on Emergency Services:** The potential need for patients to seek emergency care due to the absence of a contracted provider places additional strain on emergency services, creating a ripple effect that adversely affects the overall efficiency and quality of healthcare delivery in the Caguas subregion.

In conclusion, the urgency of expeditiously completing the NRC transfer of control to Hospital Pavia Caguas is imperative to ensure uninterrupted healthcare services. The repercussions of further delays in this process extend beyond the administrative realm, directly impacting timely patient care, financial

stability, and the hospital's fundamental role as a healthcare provider. We are dealing with a hospital that was purchased from bankruptcy a month ago. Metro Caguas has the commitment to invest the necessary resources to restore the hospital's standing in the community but needs the utmost diligence and collaboration of all sectors. Recognizing the critical importance of addressing this matter promptly will not only safeguard the well-being of our patients, but also contribute to elevating the standards of healthcare excellence that our community deserves.

Thanking you for your prompt attention to this matter, I remain.



Miglisa L. Capó-Suria, LL.M.
VP Legal Affairs
Metro Pavia Health System, Inc.
mcapo@metropaviahealth.com
(787) 625-8763
P.O. Box 3180
Carolina, P.R. 00984