



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

March 30, 2006

Michele M. Volpe, Esquire
Bershtein, Volpe & McKeon, P.C.
Attorneys at Law
105 Court Street, Third Floor
New Haven, CT 06511

Re: Certificate of Need Determination, Report Number 05-30704-DTR
Orthopaedic & Neurosurgery Specialists, P.C.
Acquisition of MRI unit for orthopedic and neurosurgery office

Dear Attorney Volpe:

On March 15, 2006, the Office of Health Care Access ("OHCA") received your completed Certificate of Need ("CON") Determination request on behalf of Orthopaedic & Neurosurgery Specialists, P.C. ("Applicant" or "ONS") for the operation of a MRI unit acquired under CON Determination Report No.: 05-30662. Please be advised that OHCA has reviewed your request and makes the following findings:

1. The Applicant is a medical professional corporation located at 6 Greenwich Office Park, Valley Drive in Greenwich Connecticut. The Applicant acquired a 1.0 Tesla MRI unit for use at this location under CON Determination Report No.: 05-30662.
2. The Applicant is a combined orthopedic and neurosurgical private physician practice which has 10 orthopedic surgeons, 4 neurosurgeons, 2 physiatrists, 1 sports medicine physician, 5 physician assistants and 2 nurses. All of the physicians are either Board Eligible or Board Certified in their specialties and all professionals are licensed to practice in Connecticut.
3. Under this current CON Determination, ONS is requesting authorization to operate the MRI unit it acquired under CON Determination Report No.: 05-30662.

4. Under CON Determination Report No. 05-30662, OHCA determined the following:
- a. No CON authorization was required for the acquisition of the MRI unit by Orthopaedic & Neurosurgery Specialists, P.C. pursuant to 19a-639, Connecticut General Statute ("C.G.S.") as amended by Public ACT 05-93; however,
 - b. A CON authorization was required pursuant to 19a-638, C.G.S. for the operation of the MRI unit acquired by Orthopaedic & Neurosurgery Specialists, P.C. for the following reason:

"OHCA has determined that Orthopaedic & Neurosurgery Specialists, P.C. is a central service facility pursuant to Section 19a-630 of the Connecticut General Statutes and 19a-643-12 of OHCA's Regulations and therefore is a health care facility or institution. The acquisition and operation of the proposed MRI unit represents a new service for a health care facility or institution pursuant to Section 19a-638 of the Connecticut General Statutes.."

5. The following information involving the proposal was received under this current proposal:
- a. ONS is entirely owned by its physician shareholders who provide services for patients of the practice,
 - b. ONS owns the acquired MRI unit,
 - c. MRI services will be provided by salaried radiology technicians employed by ONS,
 - d. All MRI imaging studies will be read by salaried radiologist employed by ONS on site,
 - e. ONS is in the process of interviewing radiologists for employment with ONS,
 - f. MRI services will only be provided to patients who are under the direct care of ONS,
 - g. ONS will not accept outside patient referrals for MRI services, and
 - h. ONS has not and will not contract with any other entity to manage or operate the MRI unit.

Based on the above findings, OHCA has determined that Orthopaedic & Neurosurgery Specialists, P.C. is not a health care facility or institution, as defined in Section 19a-630 C.G.S. Therefore, a Certificate of Need authorization is not required pursuant to 19a-638 C.G.S.

This CON Determination is based on the findings as reported under CON Determination Report No.: 06-30704. If in the future, Orthopaedic & Neurosurgery Specialists, P.C. does not solely own or operate the MRI unit or if the radiology technicians or the radiologists are not employed by Orthopaedic & Neurosurgery Specialists, P.C., a Certificate of Need Determination must be filed.

If you have any questions concerning this letter, please contact Steven W. Lazarus, Associate Health Care Analyst, at (860) 418-7012.

Sincerely,

Signed by Cristine A. Vogel
Commissioner

CAV:swl

Copy: Rose McLellan License and Applications Supervisor, DPH, DHSR