



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

April 25, 2007

Jennifer L. Groves
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street
New Haven, CT 06510

RE: Certificate of Need Determination Request; Report Number: 07-30931-EXM
John Schmidt, M.D. d/b/a Aesthetic Surgery Center
CON Exemption Pursuant to Section 19a-493b(b), C.G.S.
Seeking Outpatient Surgical Facility Licensure

Dear Attorney Groves:

On February 22, 2007, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination request on behalf of your client, John Schmidt, M.D. d/b/a Aesthetic Surgery Center ("Petitioner"). The Petitioner is seeking an exemption from the CON process, pursuant to Section 19a-493b(b) of the Connecticut General Statutes, ("C.G.S.") to have its office in New Haven become licensed as an outpatient surgical facility by the Connecticut Department of Public Health. The total capital expenditure of the proposal is \$150,000. OHCA has reviewed the information contained in your CON Determination request letter and makes the following findings:

1. John Schmidt, M.D., d/b/a Aesthetic Surgery Center ("Petitioner") presently operates a physician-office-based surgical suite at 330 Orchard Street in New Haven Connecticut.
2. Aesthetic Surgical Facility is located in the Orchard Medical Center, adjacent to the Hospital of Saint Raphael. Dr. Schmidt has been providing services at this location since 1987.
3. The Petitioner performs a board array of procedures in specialties of ear, nose and throat, and facial and general plastic surgery.

4. The Petitioner is seeking an exemption from the CON process pursuant to Section 19a-493b(b) of the Connecticut General Statutes, ("C.G.S.") to have its New Haven office become licensed as an outpatient surgical facility by the Connecticut Department of Public Health ("DPH").
5. Pursuant to Section 19a-493b(b) of the Connecticut General Statutes ("C.G.S."), an entity must provide OHCA satisfactory evidence that it was in operation on or before July 1, 2003, or obtain, on or before July 1, 2003, from OHCA, a determination that a certificate of need is not required.
6. The Petitioner provided OHCA evidence that it has been performing surgery prior to July 1, 2003.
7. The scope of the services performed at Aesthetic Surgery Center before and after July 1, 2003 has remained consistent and will not change with the licensure of the office as an outpatient surgical facility.
8. Aesthetic Surgery Center has been accredited by the American Association for the Accreditation of Ambulatory Surgical Facilities, Inc., and is currently in the process of recertification in connection with facility renovations.
9. The office is approximately 2,860 square feet and has one operating room and two procedure/examination rooms. The office space is leased by ENT Net of Connecticut, LLC, of which Dr. Schmidt is the sole member.
10. The Petitioner indicates that the proposal will not change either of the following:
 - a) The patient population residing in greater New Haven area that has and will continue to be served by the office ; and
 - b) The number of operating rooms (1) and procedure/examination rooms (2).
11. The office space will be undergoing renovations in the near future to bring the office into compliance with the DPH regulations for outpatient surgical facilities. The cost of the renovations will be approximately \$150,000.
12. Pursuant to Section 19a-638 C.G.S., each health care facility or institution which intends to introduce any additional function or service into its program of health care shall submit to the office, prior to the proposed date of the institution of such function or service, a request for permission to undertake such function or service.
13. Pursuant to Section 19a-639 C.G.S., as amended by Public Act 06-64, (except as provided in sections 19a-639a to 19a-639c, inclusive) each health care facility or institution, including, but not limited to, any inpatient rehabilitation facility, any health care facility or institution or any state health care facility or institution proposing a capital expenditure exceeding three million dollars, or the acquisition of major medical equipment requiring a capital expenditure, as defined in regulations adopted pursuant to section 19a-643, in excess of three million dollars, including the leasing or donation of

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equipment or a facility, shall submit a request for approval of such expenditure to the office, with such data, information and plans as the office requires in advance of the proposed initiation date of such project.

Based on the above findings and pursuant to Sections 19a-638, 19a-639 and 19a-493b(b), C.G.S., OHCA has determined that the proposed licensure of John Schmidt, M.D., d/b/a Aesthetic Surgery Center as an outpatient surgical facility:

- a) Meets the exemption requirements of Section 19a-493(b)b, C.G.S.;
- b) Does not represent a new function or service, pursuant to Section 19a-638, C.G.S.; and
- c) Does not exceed the CON capital expenditure threshold of three million dollars pursuant to Section 19a-639, C.G.S.

Therefore, Certificate of Need approval from OHCA is not required for John Schmidt, M.D. to seek licensure of the Aesthetic Surgery Center as an outpatient surgical facility. It will not be necessary for you to obtain further permission from OHCA in order to proceed with the proposed licensure of your office.

Thank you for providing information to OHCA regarding this proposal. If you have any questions concerning this letter, please contact Jack A. Huber, OHCA Health Care Analyst, at (860) 418-7034.

Sincerely,

Signed by Commissioner Vogel on April 25, 2007

Cristine A. Vogel
Commissioner

C: Honorable J. Robert Galvin M.D., M.P.H., Commissioner, DPH
Rose McClellan, Health Processing Technician, DPH, DCBR

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