



**STATE OF CONNECTICUT**  
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL  
GOVERNOR

CRISTINE A. VOGEL  
COMMISSIONER

February 15, 2008

Keith Hovan  
Chief Operating Officer  
Danbury Health Systems, Inc.  
24 Hospital Avenue  
Danbury, CT 06810

RE: Certificate of Need Determination Report Number 08-31083-DTR  
Ridgefield Surgical Center, LLC  
Applicant Requests Clarification of Order in the Final Decision issued under Docket Number 04-30383-CON as to those specialty surgical procedures that may be performed at the Ridgefield Surgical Center, LLC

Dear Mr. Hovan:

On January 9, 2008, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination request concerning clarification of the Order in the Final Decision issued under Docket Number 04-30383-CON as to those specialty surgical procedures that may be performed at the Ridgefield Surgical Center, LLC, with no associated capital expenditure. OHCA has reviewed the information contained in your request and makes the following findings:

1. Ridgefield Surgical Center, LLC ("Center" or "Applicant"), an affiliate of Danbury Health System, Inc. is an Ambulatory Surgery Center ("ASC") located at 901 Ethan Allen Highway, Ridgefield, Connecticut.
2. The Applicant states that physicians have expressed interest in using the Center to perform the following procedures:
  - Three podiatric surgeons have requested privileges to perform podiatric surgery at the Center;
  - The Center's board-certified anesthesiologists have requested privileges to perform pain management procedures at the Center; and
  - Four urologists on the Center's medical staff have requested privileges to perform electro-shockwave lithotripsy at the Center.
3. The Applicant also seeks clarification regarding whether a physician who is board certified or eligible in obstetrics and gynecology may perform surgical procedures, such as laparoscopic procedures, at the Center.

*An Equal Opportunity Employer*  
410 Capitol Ave., MS#13HCA, P.O. Box 340308, Hartford, CT 06134-0308  
Telephone: (860) 418-7001 Toll-Free: 1-800-797-9688  
Fax: (860) 418-7053

4. On September 28, 2005, under Docket Number 04-30383-CON, OHCA authorized the Center to establish an ASC in Ridgefield with three operating rooms, one endoscopy room, and one shelled operating room.

5. Condition Number Two of the CON Authorization states the following:

*“2. The procedures that may be performed at the Applicant’s ambulatory surgery center in Ridgefield are limited to those within the following specialties: ear, nose, and throat surgery; plastic surgery; general surgery, including pediatric surgery; orthopedic surgery; urology; and gastroenterology procedures. Should the Applicant wish to perform surgical procedures within other specialties, Certificate of Need authorization is required.”*

Although the current proposal seeks to provide podiatric surgery, pain management, and laparoscopic surgery, all of which are in addition to the surgical procedures previously authorized, OHCA concludes that it is unnecessary for the Center to obtain additional CON authorization as the Center currently has CON authorization to operate a multispecialty outpatient surgical facility. Since the Center is a multispecialty outpatient surgical facility, additional surgical procedures would not constitute an additional function or service pursuant to Connecticut General Statutes Section 19a-638(2). Accordingly, the Center is permitted to change or add appropriate outpatient surgical procedures performed at its facility, as it deems necessary.

With respect to the proposal to provide electro-shockwave lithotripsy at the Center, OHCA concludes that CON authorization is required as it is not a surgical procedure and therefore, constitutes an additional function or service under Connecticut General Statutes Section 19a-638(2).

If the Petitioner is agreeable, OHCA will accept the CON Determination form submitted on January 9, 2008, as the Letter of Intent for the proposal and will provide the Petitioner a CON application under Docket Number 08-31084 for the proposal to provide electro-shockwave lithotripsy at the Center. The completed CON application would be eligible for submission no earlier than March 9, 2008, and may be submitted no later than May 8, 2008. The CON application will be mailed to your attention separately upon your notification, in writing, of your agreement with this process. Due to the nearness of the CON submission period, the Petitioner may instead submit a new Letter of Intent specifically for the electro-shockwave lithotripsy service. OHCA will then send a CON application along with the revised date range for submission of the application.

If you have any questions regarding the above, please contact Kim Martone at (860) 418-7001.

Sincerely,

***Signed by Commissioner Vogel on February 15, 2008***

Cristine A. Vogel  
Commissioner

CAV: agf