



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

March 17, 2008

Mr. Harry Evert
Vice President of Operations
Middlesex Hospital
28 Crescent Street
Middletown, CT 06457-3650

RE: Report Number 08-31118-DTR; A Certificate of Need Determination
Middlesex Hospital
Suspension of Endoscopy Services at the Shoreline Medical Center in Essex, Connecticut

Dear Mr. Evert:

On March 7, 2008, the Office of Health Care Access ("OHCA") received your letter in response to OHCA's February 26, 2008 letter regarding the status of the Middlesex Hospital ("Hospital") Endoscopy Services at the Shoreline Medical Center in Essex, Connecticut. OHCA makes the following findings regarding this matter:

1. Under Docket Number 01-549, OHCA granted a Certificate of Need ("CON") to Middlesex Hospital to establish an endoscopy suite at the Shoreline Medical Center in Essex, Connecticut at a total capital expenditure of \$850,000, pursuant to Section 19a-638 of the Connecticut General Statutes ("C.G.S.").
2. No quarterly utilization reports have been filed with OHCA by CHIME on behalf of the Hospital since prior to the third quarter of FY 2007; such reporting is required pursuant to the conditions of Docket Number 01-549.
3. Although the Hospital continues to have endoscopy services available for patients at this location, over the past nine months, the gastroenterologists in the service area have not been utilizing this center. The Hospital indicates that these gastroenterologists prefer to provide endoscopy services at their own center in Middletown.
4. The Hospital indicates that it continues to "*discuss the usage of the Shoreline Medical Center endoscopy suite with the gastroenterologists*".
5. Section 19a-638(a)(3), C.G.S. states the following: "*Each health care facility or institution ... which intends to terminate a health service offered by such facility or institution ... shall submit to the office, prior to the proposed date of such termination or decrease, a request to undertake such termination or decrease.*"

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From the above, it does not appear that Middlesex Hospital has terminated its endoscopy services at this location or intends for the permanent discontinuance of these services. The non-use of this suite by the Hospital's gastroenterologists appears to be unforeseen and beyond the Hospital's direct control and the Hospital appears to be attempting to remedy the situation. As such, this matter does not appear to be a permanent termination of a health service which would require Certificate of Need authorization pursuant to Section 19a-638(a) (3), C.G.S. However; any extended non-use of this endoscopy suite may result in OHCA considering this matter to be a permanent termination of services. As such, OHCA is requiring the Hospital to report to OHCA in writing on a quarterly basis for one year on the status of the Hospital's efforts to reestablish the regular usage of the endoscopy suite at the Shoreline Medical Center by gastroenterologists. Please file the required status update with this office on or by June 30, 2008, September 30, 2008, December 30, 2008, and March 30, 2009.

If the non-use of this endoscopy suite continues past March 30, 2009, the Hospital may be required to submit a Certificate of Need application with OHCA for the termination of a health care service. Any such determination will be made by OHCA subsequent to the Hospital's March 30, 2009 status update, unless the Hospital determines prior to that time, that the availability of endoscopy services will be intentionally and permanently discontinued.

Please contact Karen Roberts, Compliance Officer at OHCA at (860) 418-7041.

Sincerely,

Signed by Commissioner Vogel on March 17, 2008

Cristine A. Vogel
Commissioner

CAV:kr