

**STATE OF CONNECTICUT**  
DEPARTMENT OF PUBLIC HEALTH  
*Office of Health Care Access*

5/2/2011

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

Re: Docket Number 11-30955-MDF: A Request to Modify Docket Number 07-30955-CON  
ASC Acquisition, LLC d/b/a Surgical Care Affiliates

Dear Attorney Groves:

The Office of Health Care Access ("OHCA") received your request on behalf of ASC Acquisition, LLC d/b/a Surgical Care Affiliates ("SCA") to modify the Certificate of Need ("CON") decision under Docket Number 07-30955-CON to remove Condition No. 8 of the CON order. Condition No. 8 provides as follows:

Should ASC Acquisitions, LLC propose to change ownership or change, expand, or terminate services or change the number of operating rooms and/or procedure rooms at any of the four ambulatory surgery centers, ASC Acquisitions, LLC shall file with OHCA appropriate documentation regarding such proposal, including either a Certificate of Need Determination Request or a Certificate of Need Letter of Intent.

SCA maintains that this condition should be removed from the final decision because CON laws with respect to transfer of ownership, termination and expansion of services and increases in operating rooms have changed since the decision was rendered in 2007. Specifically, pursuant to Public Act 10-179, General Statutes § 19a-630 was revised to define a "transfer of ownership" as a transfer that impacts or changes the governance or controlling body of a health care facility. Additionally, General Statutes § 19a-638 no longer requires CON approval for an additional function or service. *See* General Statutes § 19a-638. With respect to the termination of services, health care facilities may either request a modification or file notification with OHCA pursuant to General Statutes § 19a-639e. Finally, General Statutes § 19a-638 (a) (12) requires a CON if an outpatient surgical facility adds two or more operating room within any three year period. Thus, a CON is not required for adding only one operating room within a three year period.

In light of the foregoing changes to CON laws under Public Act 10-179, OHCA finds it appropriate to remove Condition No. 8 from the final decision under Docket Number 07-

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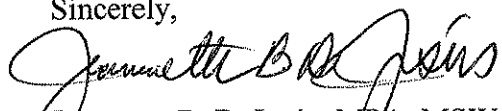
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30955-CON. Accordingly, Condition No. 8 of the order under Docket Number 07-30955-CON is hereby vacated.

If you have any questions regarding this action, please contact Kim Martone, Director of Operations at (860) 418-7001.

Sincerely,



Jeannette B. DeJesus, MPA, MSW  
Deputy Commissioner, OHCA