



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

June 26, 2015

IN THE MATTER OF:

A Request for Modification filed Pursuant to
Connecticut General Statutes § 4-181a, by:

Office of Health Care Access
Docket Number: 12-31786-MDF

**Middlesex Hospital and
Advanced Colon Care, Inc.**

**Requested Modification of Previous
Certificate of Need authorization
12-31786-CON.**

To: Gary Havican
Vice President, Operations
Middlesex Health System, Inc.
28 Crescent Street
Middletown, CT 06457

Maurizio D. Nichele, M.D.
President
Advanced Colon Care, Inc.
929 Boston Post Road
Old Saybrook, CT 06475

Dear Sirs:

Enclosed please find a copy of the decision rendered in the above-referenced matter pursuant to Connecticut General Statutes § 4-181a(b).

Thank you,

Kimberly R. Martone
Director of Operations

Enclosure

An Equal Opportunity Provider

(If you require aid/accommodation to participate fully and fairly, contact us either by phone, fax or email)

410 Capitol Ave., MS#13HCA, P.O.Box 340308, Hartford, CT 06134-0308
Telephone: (860) 418-7001 Fax: (860) 418-7053 Email: OHCA@ct.gov



**State of Connecticut
Department of Public Health
Office of Health Care Access**

Final Decision

**Modification of a Previously
Authorized Certificate of Need**

Applicant: Middlesex Hospital
28 Crescent Street, Middletown, CT 06457
Advanced Colon Care, Inc.
929 Boston Post Road, Old Saybrook, CT 06475

Docket Number: 12-31786-MDF

Project Description: Modification of Previous Certificate of Need
authorization 12-31786-CON

Procedural History: On July 9, 2013, the Office of Health Care Access (“OHCA”) granted a Certificate of Need (“CON”) to Middlesex Hospital and Advanced Colon Care, Inc. issued under Docket Number 12-31786-CON, for the transfer of ownership of the assets of Advanced Colon Care, Inc. to Middlesex Hospital (“Final Decision”).

On May 22, 2015, OHCA received a Request for Modification from Middlesex Hospital and Advanced Colon Care, Inc. seeking to modify the expiration date of the CON from July 9, 2015 to July 9, 2016. Deputy Commissioner Brancifort has reviewed the entire record in this matter.

Findings of Fact

1. The CON issued under Docket Number 12-31786-CON permitted Advanced Colon Care, Inc. to transfer its assets Middlesex Hospital.
2. The CON issued under Docket Number 12-31786-CON is valid for two years and expires on July 9, 2015.
3. Shortly after OHCA issued the CON, one of the two physician owners of Advanced Colon Care, Inc. left the state, thereby necessitating the renegotiation of the transaction.
4. The transaction was delayed further by efforts to obtain the landlord's consent to transfer the lease and make various alterations to the building that were contemplated as part of the transaction.
5. The transaction was also delayed due to the premises requiring an unforeseen addition in order to fulfill Department of Public Health requirements. The addition requires approval by the landlord and the Town of Old Saybrook, which is currently being sought by Middlesex Hospital and Advanced Colon Care, Inc.

Discussion

Connecticut General Statutes § 4-181a (b) provides in relevant part: "On a showing of changed conditions, the agency may reverse or modify the final decision, at any time, at the request of any person or on the agency's own motion." Middlesex Hospital and Advanced Colon Care, Inc. have sufficiently demonstrated a change in conditions brought upon by unforeseen delays in renegotiating the transaction and obtaining the necessary approvals for building modifications.

Order

Based upon the foregoing, the request to modify the expiration date of the CON issued under Docket Number 12-31786-CON from July 9, 2015 to July 9, 2016 is hereby **APPROVED**.

June 26, 2015
Date

Jaret M. Brancifort
Jaret M. Brancifort, MPH, RRT
Deputy Commissioner