



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

September 26, 2006

Allen Brown
Vice President, Administration, and Practice Management
Masonic Healthcare Center
P.O. Box 70
Wallingford, CT 06492

RE: CON Determination 06-30830-DTR
Masonic Healthcare Center Corporation d/b/a Masonic Healthcare Center
Operations of the Masonic Healthcare Center Diagnostic and Therapeutic
Endoscopic Procedures Unit

Dear Mr. Brown:

On September 19, 2006, the Office of Health care Access ("OHCA") received the Certificate of Need ("CON") Determination form concerning the operation of the Masonic Healthcare Center ("MHC") Diagnostic and Therapeutic Endoscopic Procedures Unit located at 22 Masonic Avenue, Wallingford, Connecticut.

OHCA has reviewed the information contained in your request and makes the following findings:

1. Masonic Healthcare Center Corporation ("Petitioner") d/b/a Masonic Healthcare Center operates the Masonic healthcare Center ("MHC") Diagnostic and Therapeutic Endoscopic Procedures Unit located at 22 Masonic Avenue, Wallingford, Connecticut.
2. Masonic Healthcare Center is licensed by the State of Connecticut Department of Public Health as a Chronic Disease Hospital.
3. The Petitioner has provided OHCA evidence that it has been performing procedures with anesthesia in its two procedural suites within the scope of the MHC to July 1, 2003.
4. Section 19a-493b of the Connecticut General Statutes ("C.G.S.") defines an outpatient surgical facility as any entity, individual, firm, partnership, corporation, limited

liability company or association, *other than a hospital*, that is engaged in providing surgical services or diagnostic procedures for human health conditions that include the use of moderate or deep sedation, moderate or deep analgesia or general anesthesia, as such levels of anesthesia are defined from time to time by the American Society of Anesthesiologists, or by such other professional or accrediting entity recognized by the Department of Public Health.

5. Pursuant to Section 19a-493b(b), C.G.S., no entity, individual, firm, partnership, corporation, limited liability company or association, *other than a hospital*, shall individually or jointly establish or operate an outpatient surgical facility in Connecticut without complying with chapter 368z, except as otherwise proved by this section, and obtaining a license within the time specified in this subsection from the Department of Public Health for such facility pursuant to the provisions of this chapter, unless such entity, individual, firm, partnership, corporation, limited liability company or association: (1) Provides to the Office or (2) obtained, on or before July 1, 2003, from the Office of Health Care Access, a determination that a certificate of need is not required. An entity, individual, firm, partnership, corporation, limited liability company or association otherwise in compliance with this section may operate an outpatient surgical facility without a license through March 30, 2007, and shall have until March 30, 2007, to obtain a license from the Department of Public Health.

Based on the above findings and pursuant to Section 19a-643b, C.G. S., OHCA has determined that the Petitioner's operation of the Masonic Healthcare Center Diagnostic and Therapeutic Endoscopic Procedures Unit began prior to July 1, 2003. In addition, Masonic Healthcare Center is licensed as a chronic disease hospital by the Department of Public Health and Pursuant to Section 91a-403(b) does not fall under the definition of an "outpatient surgical facility." Therefore, Certificate of Need approval from OHCA is not required for the Petitioner to operate Masonic Healthcare Center ("MHC") Diagnostic and Therapeutic Endoscopic Procedures Unit under its hospital licensure.

The Petitioner can not change the scope, services offered, number of procedural suites or location of the MHC Diagnostic and Therapeutic Endoscopic Procedures Unit without prior CON authorization from OHCA.

If you have any questions concerning the above, please feel free to contact Laurie K. Greci, Associate Research Analyst, at (860) 418-7001.

Sincerely,

Signed by Cristine A. Vogel
Commissioner

CAV:LKG:bko