



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

June 5, 2007

Stephen M. Cowherd, Esquire
Jeffers & Ireland, P.C.
56 Walls Drive
Fairfield, CT 06824

Re: Certificate of Need Determination, Report Number 07-30961-DTR
Connecticut Orthopaedic Specialists, P.C.
Services Provided by Connecticut Orthopaedic Specialists, P.C.

Dear Attorney Cowherd:

On April 25, 2007, the Office of Health Care Access ("OHCA") received your completed Certificate of Need ("CON") Determination request submitted on behalf of Connecticut Orthopaedic Specialists, P.C. ("Applicant" or "COS") regarding the performance of services by the Applicant and specifically for the operation of a 1.0 Tesla MRI unit in Branford. Please be advised that OHCA has reviewed your request and makes the following findings:

1. The Applicant is a private physician group practice organized as a professional corporation. The Applicant has offices located in Hamden, Branford, Guilford, Milford, New Haven, Orange, and Wallingford.
2. COS is entirely owned by its physician shareholders who provide services for patients of the practice.
3. COS employs radiology technicians who provide the MRI services in Branford.
4. On April 20, 2007, the Applicant entered into an employment agreement with Dr. Joseph A. Gagliardi, a radiologist, who will read the scans for COS.
5. COS provides MRI services exclusively for patients who are being seen and treated by COS physicians. COS does not accept outside patient referrals.
6. COS does not charge any facility fee in connection with MRI services. COS prepares and sends one bill for services to cover the radiologist's professional fee and the technical fee for the use of the equipment and technicians.

7. Section 19a-643-10 (16), C.G.S., defines a central services facility as a health care facility or institution, person or entity engaged primarily in providing services for the prevention, diagnosis, or treatment of human health conditions, serving one or more health care facilities, practitioners or institutions.

Based upon the above findings, OHCA has determined that Connecticut Orthopaedic Specialists is not a central services facility, as it does not serve one or more health care facilities, practitioners, or institutions. Connecticut Orthopaedic Specialists is not a health care facility or institution as defined by Section 19a-630 (1), C.G.S. Therefore, Connecticut Orthopaedic Specialists is not required to obtain a Certificate of Need authorization pursuant to Section 19a-638, C.G.S. in order to operate its currently owned 1.0 Tesla MRI unit in Branford.

This Certificate of Need Determination is based on the findings as reported under CON Determination Report Number 06-30704-DTR. The Applicant shall use the proposed MRI scanner exclusively for its practice and its practice patients and specifically for the use of orthopedic conditions. If, in the future, Connecticut Orthopaedic Specialists, P.C. does not solely own or operate the MRI unit or if the radiology technicians or radiologists are not employed by Connecticut Orthopaedic Specialists, a Certificate of Need Determination must be filed with OHCA.

If you have any questions concerning this letter, please contact Laurie K. Greci, Associate Research Analyst, at (860) 418-7001.

Sincerely,

Signed by Cristine A. Vogel
Commissioner

Copy: Rose McLellan License and Applications Supervisor, DPH, DHSR

CAV:lkg