



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

August 2, 2012

VIA FACSIMILE ONLY

Moses Vargas, Esq.
Assistant General Counsel
Connecticut Children's Medical Center
282 Washington Street
Hartford, CT06106

RE: Certificate of Need, Report No.: 12-31776-DTR
Connecticut Children's Medical Center
Leasing of Operating Rooms from West Hartford Surgical Center

Dear Attorney Vargas:

On July 25, 2012, the Office of Health Care Access ("OHCA") received your determination request on behalf of Connecticut Children's Medical Center ("CCMC"), with respect to whether a Certificate of Need ("CON") is required for CCMC to lease one operating room and ancillary space from Hartford Hospital in order to offer pediatric outpatient surgical services three to four times per month.

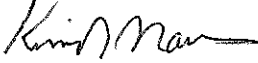
Connecticut General Statutes Sec. 19a-638 sets forth the actions requiring a CON. Specifically, Sec. 19a-638(5) mandates a CON for "*The establishment of an outpatient surgical facility, as defined in section 19a-493b, or as established by a short-term acute care general hospital*". Additionally, Sec. 19a-638(13) mandates a CON for "*An increase of two or more operating rooms within any three-year period, commencing on and after October 1, 2010, by an outpatient surgical facility, as defined in section 19a-493b, or by a short-term acute care general hospital*".

CCMC is not an entity to which Sec. 19a-493b would be applicable given that "Hospitals" are specifically excluded from said Section. Notably, rather than using the term "Hospital", as defined in Sec. 19a-659, Sec. 19a-638(5) and Sec. 19a-638(13) only require a CON for a "short-term acute care general hospital".

Based upon the foregoing, OHCA concludes that a CON is not required for CCMC to lease one operating room and ancillary space from Hartford Hospital to offer pediatric outpatient surgical services, as CCMC is licensed as a children's hospital and not a short-term acute care general hospital.

Thank you for informing OHCA of your plans and if you have any questions regarding this letter, please contact Steven W. Lazarus, Associate Health Care Analyst at (860) 418-7012.

Sincerely,



Kimberly R. Martone
Director of Operations, OHCA

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