



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

September 21, 2012

VIA FACSIMILE ONLY

Ms. Patricia Armstrong  
Administrator  
The Connecticut Eye Surgery Center South, LLC  
60 Wellington Road  
Milford, CT 06460

RE: Certificate of Need Determination Report Number 12-3178<sup>3</sup>~~4~~-DTR  
The Connecticut Eye Surgery Center South, LLC  
Proposal to Sell 49% Ownership Interest to AMSURG Holdings, Inc.

Dear Ms. Armstrong:

On August 29, 2012, the Office of Health Care Access ("OHCA") received a Certificate of Need ("CON") determination request on behalf of The Connecticut Eye Surgery Center South, LLC ("Petitioner" or "Center") with respect to whether a CON is required for the acquisition of a 49% ownership interest in the Center to AMSURG Holdings, Inc ("AMSURG") of Nashville Tennessee. The Center is a licensed outpatient surgical facility located at 60 Wellington Road in Milford and provides ophthalmic surgical procedures.

Information provided by the Petitioner in the CON determination request includes, in part, the following: the Center is currently solely owned by its physician members. Prior to the proposed sale of 49% of ownership interest in the Center, the Petitioner's existing physician members intend to amend and restate the Operating Agreement for the Center. This will include establishing of a four (4) person Board of Managers for the Center. These managers will be selected by the existing physician members. The Board of Managers of the Center will act as its governing body and will have overall responsibility for governance of the Center. Most importantly, the Petitioner has represented that the physician members will continue to own and control the center and the establishment of a Board of Managers will not result in any change in governance control for the Center.

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Subsequent to the acquisition, AMSURG will assume the day to day administrative management of the Center in place of the existing management company, Constitution Surgery Centers. Connecticut General Statutes § 19a-630(14) defines a transfer of ownership, in relevant part, as “a transfer that impacts or changes the governance or controlling body of a health care facility or institution...” Based upon the Petitioner’s representations that the physician Board representatives will maintain control and governance of the Center, no CON is required in order to effectuate the transfer contemplated by the Petitioner.

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

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

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\*\*\* TX REPORT \*\*\*  
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FAX SHEET

TO: PATRICIA ARMSTRONG

FAX: 203.877.2119

AGENCY: CT EYE SURGERY CENTER SOUTH, LLC

FROM: OHCA/STEVEN LAZARUS

DATE: 09/21/2012 Time: \_\_\_\_\_

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Comments:  
  
CON Determination 12-31784-DTR

PLEASE PHONE  
TRANSMISSION PROBLEMS

IF THERE ARE ANY