



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

April 4, 2013

Gordon A. Zimmermann, M.D., President
Orthopedic Associates of Hartford, P.C.
85 Seymour Street, Suite 607
Hartford, CT 06106

Ethan B. Foxman, M.D., President
Jefferson Radiology, P.C.
111 Founders Plaza, Suite 400
East Hartford, CT 06108

RE: Certificate of Need Determination; Report Number 13-31830-DTR
Acquisition and Operation of MRI scanner at 399 Farmington Avenue
in Farmington, Connecticut
Orthopedic Associates of Hartford, P.C. and Jefferson Radiology, P.C.

Dear Drs. Zimmermann: and Foxman:

On January 7, 2013, the Office of Health Care Access ("OHCA") initiated an inquiry regarding the acquisition of a Magnetic Resonance Imaging ("MRI") scanner by Orthopedic Associates of Hartford, P.C. ("OAH") located at 399 Farmington Avenue in Farmington, Connecticut and the relationship of OAH and Jefferson Radiology, P.C. (Jefferson Radiology) regarding the operation of that MRI scanner. OHCA received information from OAH in response to OHCA questions on January 22, 2013 and February 27, 2013 and OHCA received information from Jefferson Radiology in response to OHCA questions on January 23, 2013 and February 27, 2013. OHCA's determination issued herein is based on the following information:

1. On December 6, 2012, OHCA received a Certificate of Need Equipment Replacement Notification Form from OAH wherein OAH informed OHCA that:
 - a. OAH has replaced its 1.0 Tesla OrthOne MRI unit located at 85 Seymour Street, Suite 607 in Hartford with a 1.5 Tesla General Electric Optima MRI scanner which became operational on December 3, 2012; and
 - b. OAH has located the replacement MRI scanner at 399 Farmington Avenue, Suite 110 in Farmington, CT.

2. On December 27, 2012, OHCA received a letter from Radiology Associates of Bristol and Farmington, P.C. and University of Connecticut Health Center/John Dempsey Hospital regarding the operational structure of this MRI unit located in Farmington and the relationship between OAH and Jefferson Radiology regarding this MRI scanner and requesting that OHCA review this matter further. OHCA requested information and/or clarification from OAH and Jefferson Radiology on January 7, 2013.
3. Effective July 9, 2012, Jefferson Radiology amended its lease at 399 Farmington Avenue in Farmington with the landlord, 399 Farmington Avenue, LLC, to release 1,540 square feet of space from its lease. OAH entered into a lease with that landlord for some or all of this space released by Jefferson Radiology with the intent of installing its MRI scanner there. This space is exclusively used by and leased to OAH and Jefferson Radiology is not a party to the lease of this space by OAH.
4. A physician employed by OAH is exclusively responsible for overall direction and control of the medical imaging services related to this MRI scanner. Jefferson Radiology provides management services for the operation of this MRI scanner and is the radiology group that provides professional reading and interpretation for the MRI services as an independent contractor. These professional services are provided in coordination and consultation with the OAH supervising physician.
5. Jefferson Radiology provided the professional reads/interpretation for OAH's MRI unit when it was operated at 85 Seymour Street in Hartford.
6. Under the arrangement between Jefferson Radiology and OAH, OAH is responsible for and bills for the technical component of all MRI services. Jefferson Radiology does not refer its patients to the MRI.
7. OAH is a professional corporation solely owned by licensed physicians and is the sole owner of the MRI at 399 Farmington Avenue in Farmington. OAH has not performed and has no binding commitments or plans to perform, MRI scans that do not have orthopedic applications. OAH is using the MRI scanner as part of its office practice and is not accepting outside referrals.
8. OAH indicates that it has not and does not lease time on this MRI unit or sub-lease or sub-contract this MRI unit to Jefferson Radiology or any other entity.
9. Jefferson Radiology indicates that, neither Jefferson Radiology nor any of its various members or affiliated entities leases, sub-leases or sub-contracts this MRI unit directly from OAH.

Based upon a review of the matter outlined above, pursuant to facts represented by Orthopedic Associates of Hartford, P.C. and Jefferson Radiology, P.C., OHCA determines that neither Orthopedic Associates of Hartford, P.C. nor Jefferson Radiology, P.C. is required to seek Certificate of Need authorization regarding the acquisition or operation of the MRI scanner owned by Orthopedic Associates of Hartford, P.C. and located at 399 Farmington Avenue in Farmington pursuant to General Statute § 19a-638.

Sincerely,



Kimberly R. Martone
Director of Operations, OHCA

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C: Adam C. Rose, Esq., Reid and Riege, P.C. (Fax Only)
Rose McLellan, License and Applications Supervisor, DPH, DHSR