



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

July 22, 2010

Ms. Nancy M. Hamson
Director of Planning
Greenwich Hospital
5 Perryridge Road
Greenwich, CT 06830

Re: Docket Number 10-30813-MDF; A Request to Modify Docket Number 06-30813-CON
Establishment and operation of an ambulatory surgery center at 55 Holly Hill Lane, Greenwich
Greenwich Hospital and Greenwich Ambulatory Surgery Center, LLC

Dear Ms. Hamson:

On January 11, 2010, the Office of Health Care Access ("OHCA") received a request from Greenwich Hospital and Greenwich Ambulatory Surgery Center, LLC ("GASC, LLC"), both referred to herein as Applicants, to modify the Certificate of Need ("CON") authorized by OHCA on January 31, 2008 under Docket Number 06-30813-CON pursuant to Sections 19a-638 and 19a-639 of the Connecticut General Statutes for the establishment and operation of an ambulatory surgery center at 55 Holly Hill Lane in Greenwich at a total capital expenditure of \$8,552,992. That CON decision has been modified by OHCA under Docket Numbers 08-30813-MDF and 09-30813-MDF in order to vacate Conditions #12 and #13 requiring the filing of utilization data and to increase the authorized capital expenditure to \$10,056,982.

Additional information or clarification was received from the Applicants on March 8, 2010 and May 17, 2010. The Applicants request that several conditions set forth in the original CON authorization be revised in order to extend the CON expiration date to January 31, 2011, to allow GASC, LLC to own 51% in one or more joint venture entities which will provide surgical services at the Center, to allow these joint venture entities to provide multi-specialty surgical services rather than being limited to ophthalmologic procedures, to allow the Hospital to utilize the facility at least one day per week instead of the four days previously authorized, to allow the GASC, LLC related joint venture entities to provide procedures at the surgery center a maximum of four days per week.

The Applicants indicate that, at this time, discussions and negotiations are underway concerning one or more single specialty or multispecialty joint ventures to be owned 51% by GASC, LLC, a holding company which will be wholly owned by Greenwich Health Care Services, Inc.¹ and 49% by one or more Physician Holding Company (ies), which will be wholly owned by Greenwich Hospital affiliated physicians and that additional time is needed to finalized these arrangements. These ongoing negotiations have created a need for the Applicants to seek modification of the wording of the CON conditions in order to complete the project and commence GASC related surgical services at the authorized Center. The Hospital has already commenced its hospital outpatient services at the Center and the Center had its formal opening on January 12, 2009.

OHCA has reviewed the Applicants' modification request and finds the request to be reasonable. As such, OHCA allows these changes and modifies Conditions # 4, 5, 6 and 8 and 11 as follows:

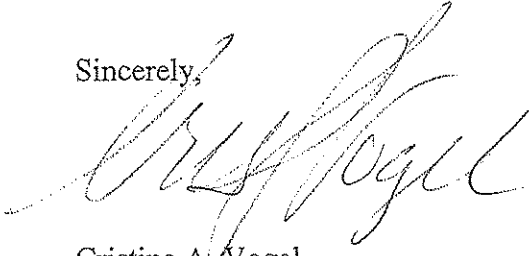
4. The Hospital may shift outpatient and/or ambulatory procedures as it deems necessary and appropriate from the Hospital to the Hospital ASC during the Hospital's operation of the Center as an Outpatient Department of the Hospital at least one day per week. GASC, LLC may allow its affiliated joint venture entity(ies) to provide ambulatory surgery procedures at the Center a maximum of four days per week. The Applicants must provide OHCA with any and all finalized agreements regarding the operation of the Center within one month of finalization of these agreements.
5. Should the Hospital, GASC, LLC or any GASC, LLC related or affiliated joint venture entity expand or terminate services at the Center, the Applicants shall provide timely and appropriate documentation to OHCA regarding such plans for expansion or termination the Center or its services for OHCA's review.
6. The Applicants are authorized to enter into one or more single or multi-specialty joint ventures to provide services at the authorized Center. The ownership of each such joint venture is authorized to be as follows: fifty-one percent (51%) owned by CON Applicant, GASC, LLC and forty-nine percent (49%) owned by to-be-formed Physician Holding Companies (each owned 100% by private physicians affiliated with Greenwich Hospital). The addition or deletion of physicians to the Physician Holding Companies will not constitute a change of control of any of the joint ventures. The Hospital is authorized to lease the Center to each joint venture as needed. The Applicants shall provide OHCA with any and all finalized agreements regarding the Hospital's lease of the Center to the joint venture entities.
8. By January 31, 2011, the Applicants must provide OHCA with an update on the full implementation of the authorized project, including the names of GASC related joint venture entities providing services at the Center.

¹ Greenwich Health Care Services, Inc. is the tax-exempt parent corporation of Greenwich Hospital.

11. The GASC must provide to OHCA the date of its commencement of GASC related or affiliated operations at the Center and a copy of any outpatient surgical facility license or licenses related to such.

If you have any questions regarding this modification approval, please contact Karen Roberts, Principal Health Care Analyst, at (860) 418-7041.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cristine A. Vogel".

Cristine A. Vogel
Deputy Commissioner

CAV:kr

Copy: Rose McLellan, Department of Public Health