



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

July 8, 2005

Rick Rosen, M.D.
91 East Avenue
Norwalk, CT 06851

Re: Certificate of Need Determination, Report Number 05-30532-DTR
Rick Rosen, M.D, P.C.
Proposal to Establish a Single Specialty Office-Based Surgical Suite in Norwalk

Dear Dr. Rosen:

On June 24, 2005, the Office of Health Care Access (“OHCA”) received a letter from you regarding your intent to establish a single specialty office-based surgical suite in Norwalk, CT. OHCA has reviewed the information contained in your request and makes the following findings:

1. Dr. Rosen proposes to establish a single specialty office-based surgical suite in Norwalk, CT. The surgical suite would be used primarily for cosmetic surgical procedures, such as blepharoplasty, rhinoplasty, liposuction, and breast augmentation.
2. The anesthesia levels will include conscious sedation, deep sedation, regional blocks, and general anesthetia.
3. The proposal has a total associated capital expenditure of under \$150,000.
4. Section 1 of Public Act No. 04-240 (“Act”), “An Act Concerning Regulation of Outpatient Surgical Facilities” states that an “outpatient surgical facility” means an entity, individual, firm, partnership, corporation, limited liability company or association, other than a hospital, engaged in providing surgical services or diagnostic procedures for human health conditions that include the use of moderate or deep sedation, moderate or deep analgesia or general anesthesia, as such levels of anesthesia are defined from time to time by the American Society of Anesthesiologists.

5. Section 1(a) of the Act, states that an outpatient surgical facility shall not include a medical office owned and operated exclusively by a person or persons licensed pursuant to Section 20-13, provided such medical office (1) has no operating room or designated surgical area; (2) bills no facility fees to third party payers; (3) administers no deep sedation or general anesthesia; (4) performs only minor surgical procedures incidental to the work performed in said medical office of the physician or physicians that own and operate such medical office; and (5) uses only light or moderate sedation or analgesia in connection with such incidental minor surgical procedures.

It appears that the purpose of the office you propose to establish in Norwalk is primarily for the performance of surgical procedures and not simply minor procedures incidental to your practice. In addition, the anesthesia levels proposed for use include conscious sedation and general anesthesia. Based on the above findings, OHCA has determined that Certificate of Need approval would be required for the establishment of a single specialty office-based surgical suite in Norwalk, CT.

OHCA considers your letter of June 24, 2005, to be your Letter of Intent for the CON proposal. The CON application forms specific to this proposal will be sent to you under separate cover. You may file the completed CON application with OHCA between August 23, 2005, and October 22, 2005.

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

Sincerely,

Signed by Cristine A. Vogel
Commissioner

c: Rose McLellan, Licensing Examination Assistant, DHSR, DPH

CAV:lkg