

Greer, Leslie

From: Martone, Kim
Sent: Tuesday, April 12, 2016 10:38 AM
To: Hansted, Kevin
Cc: Greer, Leslie
Subject: FW: CON Modification Request - Medical Specialty Group, P.C.
Attachments: CON Modification Request - Medical Specialty Group P.C. (4.12.16).pdf

From: Kathleen Gedney [<mailto:kgg@bvmlaw.com>]
Sent: Tuesday, April 12, 2016 9:19 AM
To: Martone, Kim; User, OHCA
Cc: Michele Volpe; Jennifer O'Donnell
Subject: CON Modification Request - Medical Specialty Group, P.C.

Good Morning Ms. Martone:

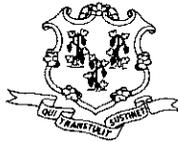
Attached please find a CON Modification Request regarding Medical Specialty Group, P.C. Please confirm receipt of this email and its attachment. Please do not hesitate to call if you have any questions. Thank you.

Regards,

Kathleen Gedney-Tommaso
Attorney at Law
Bershtein, Volpe & McKeon P.C.
105 Court Street, 3rd Floor
New Haven, CT 06511
Tel: (203) 859-6238
Fax: (203) 777-5806
Email: kgg@bvmlaw.com

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State of Connecticut Office of Health Care Access Form for Modification of a Previously Authorized Certificate of Need

All persons who are requesting a modification to a previously authorized Certificate of Need must complete this form. Completed forms should be submitted to the Director of the Office of Health Care Access, 410 Capitol Avenue, MS#13HCA, P.O. Box 340308, Hartford, Connecticut 06134-0308.

SECTION I. PETITIONER INFORMATION

If more than 2 Petitioners, please attach a separate sheet of paper and provide additional information in the format below:

	Petitioner	Petitioner
Full legal name	Medical Specialty Group, P.C.	
Doing Business As	Same	
Name of Parent Corporation	N/A	
Mailing Address, if Post Office Box, include a street mailing address for Certified Mail	917 Bridgeport Ave, Shelton, CT 06484-4679	
Petitioner type (e.g., P for profit and NP for Not for Profit)	P	
Name of Contact person, including title	Robert D. Russo, M.D.	
Contact person's street mailing address	917 Bridgeport Ave, Shelton, CT 06484-4679	
Contact person's phone, fax and e-mail address	203-683-4500 (phone) 203-926-1410 (fax) drrdrusso@aol.com	

SECTION II. GENERAL PROPOSAL INFORMATION

- a. Title of Previously Authorized Project and Associated Docket Number(s):
Replacement of Three CT Scanners located in Bridgeport, Fairfield and Stratford Offices (Docket Number 02-556); Relocation of an Existing CT Scanner within Fairfield, CT (Report Number 05-30485)

- b. Location of proposal (Town including street address):
425 Post Road, Fairfield, CT 06824 and 2909 Main Street, Stratford, CT 06614

- c. Type of Modification Request:
 - Change in the Scope of the Authorized Certificate of Need Project
 - Extension of CON Expiration Date
 - Change in a CON Order Condition (*other than to extend expiration date*)
 - Other – Describe: Modification of CT Scanners Holding Entity

SECTION III. IF REQUESTING A CHANGE IN THE SCOPE OF AUTHORIZED PROJECT:

- a. Provide a one page description of the requested change in the scope of a previously authorized Certificate of Need project and provide a detailed rationale for such change:

SECTION IV. IF REQUESTING AN EXTENSION OF THE CON EXPIRATION DATE:

- a. Certificate of Need expiration date per CON Final Decision: n/a

- b. Requested revised CON expiration date: n/a

- c. Rationale for increased time to fully complete and implement the authorized project:
n/a

**SECTION V. IF REQUESTING A CHANGE IN A CON FINAL DECISION CONDITION
(other than extension of the CON expiration date)**

- a. Identify the CON Condition that you are requesting to be revised or vacated.

n/a

- b. Provide the rationale for such requested change:

n/a

SECTION VI. OTHER

- a. Submit a completed CON Modification Affidavit.

See attached affidavit.

- b. Identify any other pertinent changes to the findings of facts upon which the original CON authorization was based as a result of this requested modification.

The CT scanners were acquired by and owned just by one entity, Applicant's radiology practice, rather than separate legal entities as is common among other radiologists who own equipment at different office locations. Dr. Russo now needs to place the scanners located in Fairfield and Stratford in a separate entity in order to continue to operate the scanners at low cost for Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients. Without this CON Modification, Dr. Russo will not be able to continue to provide CT Scanner services and Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients will be restricted in advanced imaging choice and will be required to forgo care or seek care at higher costs.

- c. Identify what has been accomplished to date in terms of full project implementation.

The project has been fully implemented.

CON MODIFICATION AFFIDAVIT

Applicant: Medical Specialty Group, P.C.

Project Title: Modification of CT Scanners Holding Entity

I, Robert D. Russo, M.D., President
(Name) (Position – CEO or CFO)

of Medical Specialty Group, P.C. being duly sworn, depose and state that the information provided in this CON Modification form is true and accurate to the best of my knowledge.

Robert D. Russo
Signature

9/11/16
Date

Subscribed and sworn to before me on Sept 11 2016

Elena Spinelli
Notary Public/Commissioner of Superior Court
Elena Spinelli

My commission expires: January 31, 2021

Medical Specialty Group, P.C. ("MSG") (f/k/a Robert D. Russo, M.D. & Associates Radiology, P.C.) is a radiology practice wholly owned by Robert D. Russo, M.D. serving patients in the cities and towns located in greater Fairfield County ("Service Area") including Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients. Pursuant to CON Docket Number 02-556, MSG owns and operates advanced imaging equipment including two CT scanners which are the basis of this CON Modification request. These two computerized tomography scanners ("CT Scanners") at issue are located at 425 Post Road, Fairfield, Connecticut and 2909 Main Street, Stratford, Connecticut.

MSG seeks a CON Modification because Dr. Russo now needs to place the scanners in a separate entity for purposes of retirement and succession planning in order to be able to continue to operate the two CT Scanners at low cost for Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients. The CT Scanners will be owned and operated by an entity wholly owned by Robert D. Russo, M.D. called RDR Radiology, LLC.

The CON Docket Number 02-556 Final Decision held that Robert D. Russo, M.D. & Associates Radiology, P.C. was the owner of three CT scanners located in Bridgeport, Fairfield¹ and Stratford which did not require CON approval when purchased and installed.² The CT scanners were acquired by and owned just by one entity, Dr. Russo's practice (Robert D. Russo, M.D. & Associates Radiology, P.C.), rather than separate legal entities as is common among other radiologists who own equipment at multiple office locations. Dr. Russo is seeking to place the CT Scanners in a separate entity wholly owned by him in order to continue to operate the two CT Scanners at low cost for Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients. It is critical that Dr. Russo obtain OHCA approval to modify the CON accordingly in order for Dr. Russo to continue this service. Dr. Russo is committed to serving the advanced imaging needs of the most vulnerable populations in the community. Dr. Russo desires to continue serving these patients and for business reasons, Dr. Russo must utilize another wholly owned entity.

The CT Scanners will be owned and operated solely by Dr. Russo in RDR Radiology, LLC. No new services are proposed; the same CT services will continue to be provided by RDR Radiology, LLC. The same patient population will continue to be served with an emphasis on Medicaid, indigent, uninsured and undocumented patients and patients referred from federally funded health care clinics in the community. No licensure categories will be sought.

If this CON Modification is not approved, Dr. Russo will not be able to continue to provide CT Scanner services and Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients will be restricted in advanced imaging choice and will be required to forgo care or seek care at higher costs. For many of these patient populations, Dr. Russo is the lowest cost provider. This is very important to certain payor populations including, but not limited to, indigent, uninsured, and underinsured/high deductible plan patients.

For these reasons, we respectfully submit that OHCA approve the modification that the CT Scanners be owned and operated by RDR Radiology, LLC.

¹ Pursuant to CON Determination Request Report Number 05-31485, the Fairfield CT Scanner was relocated to its current location.

² Docket Number 02-556, Finding of Fact #3, page 2.

Olejarz, Barbara

From: drrdrusso@aol.com
Sent: Friday, May 13, 2016 11:44 AM
To: Olejarz, Barbara
Subject: Re: Modification request

Thank you and your colleagues for all their hard work. I appreciate the help.

Robert D. Russo, M.D.
rrusso@russomd.com

-----Original Message-----

From: Olejarz, Barbara <Barbara.Olejarz@ct.gov>
To: drrdrusso <drrdrusso@aol.com>
Cc: Hansted, Kevin <Kevin.Hansted@ct.gov>; Martone, Kim <Kimberly.Martone@ct.gov>
Sent: Fri, May 13, 2016 11:23 am
Subject: Modification request

5/13/16

Dr. Russo,

Attached is the final decision for the modification request regarding replacement of three CT Scanners and relocation of an existing scanner. Docket Number: 26-22929-MDF

Barbara K. Olejarz
Administrative Assistant to Kimberly Martone
Office of Health Care Access
Department of Public Health
Phone: (860) 418-7005
Email: Barbara.Olejarz@ct.gov



Olejarz, Barbara

From: Olejarz, Barbara
Sent: Friday, May 13, 2016 11:46 AM
To: 'Michele Volpe'; 'Kathleen Gedney'; 'jlo@bvmlaw.com'
Cc: Martone, Kim
Subject: RE: CON Modification Request - Medical Specialty Group, P.C.
Attachments: 22929.pdf

Tracking:	Recipient	Delivery	Read
	'Michele Volpe'		
	'Kathleen Gedney'		
	'jlo@bvmlaw.com'		
	Martone, Kim	Delivered: 5/13/2016 11:46 AM	Read: 5/13/2016 11:48 AM

5/13/16

Modification is attached. I sent it by email to Dr. Russo as well.

Barbara K. Olejarz
Administrative Assistant to Kimberly Martone
Office of Health Care Access
Department of Public Health
Phone: (860) 418-7005
Email: Barbara.Olejarz@ct.gov



From: Kathleen Gedney [<mailto:kgg@bvmlaw.com>]
Sent: Friday, May 13, 2016 10:56 AM
To: Martone, Kim
Cc: Hansted, Kevin; Michele Volpe (michelemvolpe@aol.com); Jennifer O'Donnell
Subject: FW: CON Modification Request - Medical Specialty Group, P.C.

Good Morning Ms. Martone:

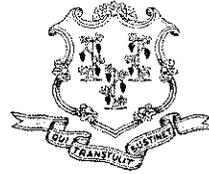
We are following up on the CON Modification Request below which has been assigned Docket Number 16-22929-MDF. Please let us know when we can expect a response from OHCA.

Thank you,

Kathleen Gedney-Tommaso
Attorney at Law
Bershtein, Volpe & McKeon P.C.
105 Court Street, 3rd Floor
New Haven, CT 06511
Tel: (203) 859-6238
Fax: (203) 777-5806
Email: kgg@bvmlaw.com

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Office of Health Care Access

State of Connecticut Department of Public Health Office of Health Care Access

Final Decision

Modification of a Previously Authorized Certificate of Need

Applicant: Medical Specialty Group, P.C.
917 Bridgeport Avenue, Shelton, CT 06484

Docket Number: 16-22929-MDF

Project Description: Modification of Previous Certificate of Need
Authorization 02-22929-CON

Procedural History: On February 14, 2003, the Office of Health Care Access ("OHCA") granted a Certificate of Need ("CON") to Medical Specialty Group, P.C. f/k/a Robert D. Russo, M.D. & Associates Radiology, P.C. ("MSG") under Docket Number 02-22929-CON (f/k/a 02-556) for the replacement of three computerized tomography ("CT") scanners located in Bridgeport, Fairfield and Stratford.

On April 12, 2016, OHCA received a Request for Modification seeking to modify the entity that retains ownership of and operates two of the three CT scanners. Deputy Commissioner Brancifort has reviewed the entire record in this matter.



Phone: (860) 509-8000 • Fax: (860) 509-7184
410 Capitol Avenue, P.O. Box 340308
Hartford, Connecticut 06134-0308
www.ct.gov/dph

Affirmative Action/Equal Opportunity Employer

Findings of Fact

1. MSG is a radiology group, wholly owned by Robert D. Russo, M.D., that owns and operates imaging equipment, including two CT scanners located at 425 Post Road, Fairfield, Connecticut and 2909 Main Street, Stamford, Connecticut (the "Subject Scanners").
2. Under Docket Number 02-22929, it was found that MSG was the owner of three CT scanners, including the Subject Scanners, which did not require CON approval when purchased and installed. *See*, Docket No. 02-556, Finding of Fact #3.
3. All three CT scanners, including the Subject Scanners, were acquired by, and owned by, a single legal entity, MSG.
4. Dr. Russo is now planning to retire and is in the midst of succession planning.
5. Dr. Russo wishes to place the Subject Scanners in a separate entity wholly owned by him in order to operate them at low cost for Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients.
6. The Subject Scanners will be owned and operated solely by Dr. Russo under an entity known as RDR Radiology, LLC.

Discussion

Connecticut General Statutes § 4-181a (b) provides in relevant part: "On a showing of changed conditions, the agency may reverse or modify the final decision, at any time, at the request of any person or on the agency's own motion." The Applicant is seeking to modify the entity holding title to the Subject Scanners as a result of changed conditions related to Dr. Russo's planned retirement and continued desire to serve Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients. The Applicant has sufficiently identified a change in conditions that warrant the requested modification.

Order

Based upon the foregoing, the request to modify the CON issued under Docket Number 02-22929-CON is hereby **APPROVED**. Ownership and operation of the Subject Scanners may be transferred to the legal entity known as RDR Radiology, LLC.

May 13, 2016
Date

Janet M. Brancifort
Janet M. Brancifort, MPH, RRT
Deputy Commissioner

* * * COMMUNICATION RESULT REPORT (MAY. 13. 2016 10:43AM) * * *

FAX HEADER:

TRANSMITTED/STORED : MAY. 13. 2016 10:30AM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

618 MEMORY TX

912039261410

OK

4/4

REASON FOR ERROR OR LINE FAIL
E-1) HANG UP OR
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH CARE ACCESS

FAX SHEET

TO: ROBERT D. RUSSO, MD
FAX: 203 926-1410
AGENCY: MEDICAL SPECIALTY GROUP, PC
FROM: OHCA
DATE: 5/13/16 Time: _____
NUMBER OF PAGES: _____
(including transmittal sheet)

Comments:
Please see attached final decision for a modification of a previously authorized Certificate of Need. DN: 16-22929-MDF

PLEASE PHONE Barbara K. Olejarz IF THERE ARE ANY TRANSMISSION PROBLEMS.

Phone: (860) 418-7001

Fax: (860) 418-7053

410 Capitol Ave., MS#13HCA
P.O.Box 340308
Hartford, CT 06134