



M. JODI RELL  
GOVERNOR

**STATE OF CONNECTICUT**  
OFFICE OF HEALTH CARE ACCESS

CRISTINE A. VOGEL  
COMMISSIONER

January 14, 2009

Jennifer L. Groves, Esquire  
Updike, Kelly & Spellacy  
One Century Tower  
265 Church Street  
New Haven, CT 06510

RE: **Docket Number 08-30955-MDF**; An OHCA initiated modification of the Certificate of Need issued under Docket Number 07-30955-CON

Dear Attorney Groves:

On August 16, 2007, the Office of Health Care Access (“OHCA”) granted a Certificate of Need (“CON”) to HealthSouth Corporation (“HealthSouth”) and ASC Acquisition LLC (“ASC”) in order for HealthSouth to terminate its Ambulatory Surgery Division in Connecticut by selling its four Connecticut ambulatory surgery centers to ASC Acquisition LLC at a total capital cost of \$60,047,000. Condition #7 of the CON authorization required each of the four Connecticut ambulatory surgery centers to “*provide OHCA with utilization reports on a quarterly basis*”.

On December 12, 2008, OHCA issued to ASC, a *PROPOSED MODIFICATION NOTICE REGARDING THE DISCONTINUANCE OF THE COLLECTION OF PATIENT LEVEL DATA RELATED TO CERTAIN CERTIFICATES OF NEED AUTHORIZATIONS*. Such Notice indicated OHCA’s intent to discontinue the collection of the data provided to OHCA by ASC in compliance with Condition #7 and explained that OHCA was initiating a modification process to vacate the condition and relieve ASC from further submission of data in compliance with such condition.

OHCA determines that this OHCA initiated modification does not affect the relationship of the CON authorization to Section 19a-637 of the Connecticut General Statutes and, as such, OHCA hereby modifies the CON authorized under Docket Number 07-30955-CON. OHCA specifically **VACATES** Condition #7 as well as Attachment 1 of the CON order under Docket Number 07-30955-CON. All other conditions set forth in the CON decision issued under Docket Number 07-30955-CON and not modified herein, will remain in full effect.

So Ordered by the Office of Health Care Access on January 14, 2009.

*Signed by Commissioner Vogel on January 14, 2009*

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Cristine A. Vogel  
Commissioner

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Date

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