



**Department of Public Health**  
*Office of Health Care Access*  
**Certificate of Need**

**Applicant:** Robert D. Russo M.D. & Associates Radiology P.C.  
**Docket Number:** 09-31485-CON  
**Project Title:** Proposal to combine the GE LightSpeed CT unit and the GE Advance PET unit into the integrated Discovery LS PET/CT  
**Statutory Reference:** Section 19a-639 of the Connecticut General Statutes  
**Decision Date:** October 21, 2009

**Project Description:** The combination of the GE Light Speed CT unit and the GE Advance PET unit into an integrated Discovery LS PET/CT at the 2660 Main Street, Bridgeport location of Robert D. Russo, M.D. & Associates Radiology P.C.

**Nature of Proceedings:** On June 6, 2006, the Office of Health Care Access ("OHCA") commenced a Certificate of Need ("CON") determination process as it had come to OHCA's attention that Robert D. Russo, M.D. & Associates Radiology, P.C ("Russo") was providing PET/CT services at its 2660 Main Street Bridgeport location. On November 9, 2006, pursuant to Section 19a-633 of the Connecticut General Statutes ("C.G.S."), OHCA initiated an investigation into the acquisition of a PET scanner and/or PET-CT scanner and related costs and the acquisition of a CT scanner for 2660 Main Street, Bridgeport practice location of Russo. Pursuant to Section 19a-633, C.G.S., OHCA may conduct any inquiry, investigation or hearing under the provisions of Chapter 368z, C.G.S.

On December 12, 2006, OHCA conducted an investigative proceeding regarding this subject matter and found that Russo had acquired the GE Advance PET unit in accordance with section 19a-639 of the C. G. S., and that Russo had maintained a CON for the GE Light Speed CT unit. However, OHCA concluded that the GE Light Speed CT unit and the GE Advance PET unit could not be combined, used, and/or integrated as a PET/CT Unit without first obtaining CON authorization from OHCA, and that Russo did not obtain this CON authorization.

Russo continued to operate the two pieces of equipment as a PET/CT Unit after OHCA's investigatory findings. Accordingly, the Office of the Attorney General filed a complaint in

the Superior Court for the State of Connecticut seeking an injunction against Russo on July 16, 2007. On October 21, 2009 the parties entered into an agreement settling OHCA's Superior Court injunction action brought against Russo, whereby Russo agreed to pay \$2,500 and acknowledged that a CON should have been obtained prior to combining or using the GE Light Speed CT unit and the GE Advance PET unit as an integrated Discovery LS PET/CT, and OHCA agreed to issue a CON for a PET/CT unit.

### Findings of Fact

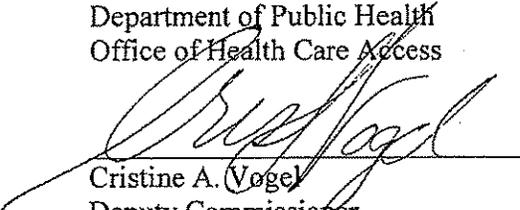
1. In May 2005, Russo acquired the GE Light Speed CT unit pursuant to a Certificate of Need issued under Docket Number 02-556.
2. In June 2005, Russo acquired the GE Advance PET Unit in accordance with Section 19a-639 of the C. G. S.
3. On October 21, 2009, Russo and OHCA agreed that Russo could continue to operate the GE Light Speed CT unit and the GE Advance PET unit as an integrated PET/CT unit.

### Order

Based upon the foregoing, the Office of Health Care Access ("OHCA") concludes that Robert D. Russo M.D. and Associates Radiology P.C.'s proposal to combine the GE Light Speed CT unit and the GE Advance PET unit as an integrated PET/CT unit is hereby **approved.**

By Order of the  
Department of Public Health  
Office of Health Care Access

10-21-09  
Date

  
Cristine A. Vogel  
Deputy Commissioner