



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

M. JODI RELL  
GOVERNOR

CRISTINE A. VOGEL  
COMMISSIONER

June 28, 2005

Patricia A. Gerner  
The Law Office of Patricia A. Gerner, LLC  
240 Ramstein Road  
New Hartford, CT 06092

Re: Certificate of Need Determination; Report Number 05-30527-DTR  
Stamford Eye Surgery Center, LLC and New Vision Cataract Center, LLC  
Change of Ownership Pursuant to Section 19a-493b(c) of the Connecticut General  
Statutes

Dear Attorney Gerner:

The Office of Health Care Access ("OHCA") is in receipt of your request for a CON Determination Report for the change in ownership of New Vision Cataract Center, LLC, an Outpatient Ophthalmic Surgical Facility in Norwalk, Connecticut.

Upon review of the information contained in the request, OHCA finds the following:

1. New Vision Cataract Center, LLC ("NVCC") is a single specialty outpatient ophthalmic surgical facility owned exclusively by Scott M. Spector, M.D.
2. Stamford Eye Surgery Center, LLC ("SESC") is a group of eight ophthalmologists.
3. Constitution Surgery Centers ("CSC"), a member of SESC, is a Connecticut limited liability company engaged in the business of providing non-clinical administrative and business management services.
4. A change of ownership is being proposed as follows:
  - Scott M. Spector, M.D. will retain 25% ownership;
  - SESC will acquire 60% ownership; and
  - CSC will acquire the remaining 15% share of ownership.
5. CSC will provide administrative services after the proposed change of ownership.

6. As a result of the change of ownership, 85% ownership will be retained by licensed physicians and 15% by a corporation.
7. The current target population consists of individuals who need eye surgery and who live in the existing service area which includes the towns of Norwalk, Westport, Bridgeport, Wilton, Redding and Stamford. There will be no change in the target population.
8. The total capital expenditure associated with the proposed change in ownership is \$950,000.
9. The total capital expenditure of \$950,000 will be funded through SESC equity.

Based on these findings, OHCA has determined that the proposed change in ownership is consistent with requirements of Section 19a-493b(c) which states that a CON is not required if after the transfer of ownership no less than 60% interest of the outpatient surgical facility is owned by physicians. Therefore, a Certificate of Need is not required.

If you have any questions concerning the above, please feel free to contact Steven Lazarus, Associate Health Care Analyst, at (860) 418-7012.

Sincerely,

Signed by Cristine A. Vogel  
Commissioner

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

CAV:swl