



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

November 30, 2005

Michele M. Volpe, Esquire
Bershtein, Volpe & McKeon, P.C.
105 Court Street, 3rd Floor
New Haven, CT 06511

Re: Certificate of Need Determination, Report Number 05-30584-DTR
Orthopaedic & Neurosurgery Specialists, P.C.
Pain Management Services in Greenwich, Connecticut

Dear Attorney Volpe:

On September 19, 2005, the Office of Health Care Access ("OHCA") initiated a Certificate of Need ("CON") Determination process regarding the establishment of a pain management center by Orthopaedic & Neurosurgery Specialists, P.C. in Greenwich, Connecticut. On October 7, 2005 and November 28, 2005, OHCA received information in response to OHCA's inquiry in this matter. Please be advised that OHCA has reviewed this matter and makes the following findings:

1. Orthopaedic & Neurosurgery Specialists, P.C. ("ONS, P.C.") has a practice location at 6 Greenwich Office Park in Greenwich, Connecticut. ONS, P.C. currently provides a full array of professional orthopedic and neurosurgical physician services and those services ancillary thereto, which may be performed in an office based practice.
2. The following therapeutic pain management procedures are being provided by ONS, P.C. at this location, each procedure using only Lidocaine, a local anesthetic:
 - Transforaminal epidural injection
 - Paramedian epidural interlaminar spinal nerve block
 - Facet joint block
 - Medial branch block
 - Sacroiliac joint injection
 - Caudel epidural spinal block
3. ONS, P.C. began the provision of these services about March 2005.

An Equal Opportunity Employer

410 Capitol Ave., MS#13HCA, P.O.Box 340308, Hartford, CT 06134-0308
Telephone: (860) 418-7001 Toll-Free: 1-800-797-9688 Fax: (860) 418-7053

4. Pursuant to 19a-493 of the Connecticut General Statutes, an outpatient surgical facility engages 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 ...”*
5. No procedures performed by ONS, P.C. involve the use of moderate or deep sedation, moderate or deep analgesia or general anesthesia.
6. ONS, P.C. will not be seeking an outpatient surgical facility license at this time, as *“the array of professional services rendered by ONS does not require an outpatient surgical facility license.”*
7. The procedures are entirely incidental to the work performed by ONS, P.C. and are performed on their regular or ongoing patient population, to the extent that an orthopedic and neurological practice maintains such.
8. ONS, P.C. does not own, operate or maintain a surgery suite. The procedure or fluoroscopy room wherein the above listed procedures are performed is restricted to the physicians employed by ONS, P.C.
9. ONS, P.C. is wholly owned by physicians who are also employees of the corporation.
10. ONS, P.C.’s Connecticut service area is comprised of the following towns:
 - Cos Cob
 - Danbury
 - Darien
 - Derby
 - Fairfield
 - Greens Farms
 - Greenwich
 - Milford
 - New Canaan
 - New Fairfield
 - Norwalk
 - Old Greenwich
 - Riverside
 - Shelton
 - Stamford
 - Weston
 - Westport
11. In order to perform the above listed procedures, ONS, P.C. has leased fluoroscopy equipment; specifically an OEC 9800 C-Arm Fluoroscopy system, with a fair market value of \$135,154.

12. The payers for this service include private payers, government payers and third party payers.

13. ONS, P.C. will not be charging a facility fee.

14. The following costs have been incurred related to this project:

Fair Market Value of Leased Fluoroscopy Equipment	\$135,154
Four-Year Service Agreement	\$ 45,440
Non-Medical Equipment	\$ 11,500
Sales Tax on Imaging Equipment	\$ 8,106
Sales Tax on Non-Medical Equipment	\$ 690
Delivery and Installation	<u>Included</u>
Total Capital Cost	\$200,890

Based on the above findings, OHCA has determined that, based on the information provided to OHCA, Orthopaedic & Neurosurgery Specialists, P.C. does not appear to be structured as a health care facility or institution and will not be seeking a facility license for the services it provides. Therefore, Orthopaedic & Neurosurgery Specialists, P.C. is not required to file a Certificate of Need request in regard to its provision of pain management services.

Orthopaedic & Neurosurgery Specialists, P.C. should keep OHCA informed of any future significant changes to its service line or organizational structure. Thank you for your cooperation in this matter and if you have any questions concerning this letter, please contact Karen Roberts, Compliance Officer, at (860) 418-7001.

Sincerely,

Signed by Commissioner Cristine A. Vogel on November 30, 2005

Cristine A. Vogel
Commissioner

CAV:kr

Copy: Rose McLellan License and Applications Supervisor, DPH, DHSR