



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

October 24, 2007

Timothy Taylor
Practice Administrator
Orthopedic Associates of Hartford, PC
85 Seymour Street, Suite 607
Hartford, CT 06106-5501

Re: Orthopedic Associates of Hartford, PC
CON Determination Report 07-31018-DTR
Proposal to Utilize Third Operating Room at Orthopedic Associates Surgery Center

Dear Mr. Taylor:

On August 2, 2007, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination Form 2020 concerning the conversion of an existing examination room into an operating room at the Orthopedic Associates Surgery Center, at a proposed capital expenditure of \$241,736. Upon review of the information contained in Form 2020, OHCA finds the following:

1. Orthopedic Associates of Hartford, PC ("OAH"), operates the Orthopedic Associates Surgery Center, a single-specialty ambulatory surgery center ("Center"), at 1111 Cromwell Avenue, Rocky Hill, Connecticut.
2. OAH proposes to convert an existing examination room into an operating room at the Center to accommodate surgical volume demand.
3. Under CON Determination Report Number 03-30021-DTR, issued by OHCA on February 7, 2003, OAH did not require a Certificate of Need from OHCA to develop a single-specialty surgical suite for the exclusive use of OAH's group practice.
4. OHCA authorized an exception to the CON process to the Center on June 30, 2003, under CON Determination Report 03-30108-DTR. At that time, OHCA concluded that OAH had commenced development of its facility based upon the following:
 - a. An executed lease for the building located at 1111 Cromwell Avenue in Rocky Hill and a deposit in the amount of \$33,338 made by OAH for the lease;

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- b. Consultative and legal fees incurred as of June 27, 2003, in the amount of \$22,243; and
 - c. Binding obligations for equipment purchased totaling \$99,710 and OAH paying \$24,928 of the total amount.
5. The floor plans for the Center, identified as Exhibit B and appended to the CON Determination Form, identify two operating rooms and one examination room. The floor plans indicate that the two operating rooms each have approximately 450 square feet of gross floor space; the examination room has approximately 350 square feet.
6. The floor plans for the Center were initially prepared by the architect on November 12, 2003. The last modification to the floor plans was performed on March 24, 2004.
7. The State of Connecticut's Department of Public Health ("DPH") received the floor plans for the Center on March 30, 2004.
8. The floor plans demonstrate that the examination room was ultimately intended to be used as an operating room in the future, as it included the following "roughed in provisions": (a) the overall size of the room; (b) monolithic floors; (c) roughed in plumbing for scrub sink outside the room; (d) capped med gas lines; and (e) provision for a "future x-ray view box."
9. The floor plans also show that there are two rooms adjacent to the examination room labeled as "Flash Ster", and "Instr. Washing #2". OAH maintains that neither of these rooms is currently in use because the examination room has not been utilized as an operating room.
10. The examination room, which is adjacent to the procedure room, has been used as a storage room to date, but OAH maintains that they always intended to utilize the examination room as an operating room in the future.
11. The examination room was built with three doors, one leading to the adjacent sterilizing room, another leading to the instrument washing room, and the third leading to a sterile hallway almost directly across from where patients enter the surgery area from Pre-Op.
12. OAH maintains that it would have been unnecessary to expend the additional costs associated with building the room to its current size and including a monolithic floor and adjacent wash room and sterilization room if they had not intended to eventually utilize the examination room as an operating room.
13. Correspondence from Steven Long, Health Services Fire Safety & Construction Unit Supervisor at DPH, confirms that DPH approved "a two (2) O.R. ambulatory surgical center with provisions made to add one (1) additional O.R. in the future; i.e., the current large storage room adjacent to the Procedure Room as 'roughed-in' to easily convert to an O.R. as might be needed in the future"

14. Based upon the floor plans and the correspondence from DPH, it appears that OAH intended to convert the examination room to an operating room at the time that they layout of the Center was originally developed.
15. The total capital expenditure for the proposal is \$241,736 for renovations and minor equipment purchases. There will be no change in the overall footprint of the Center.
16. There will be no change in the clinical services provided at the Center or in the function of the Center.
17. The Center will continue to be exclusively utilized by OAH physicians providing treatment exclusively to OAH patients.

Based on the above findings, OHCA has determined that the proposal of OAH to perform renovations and make minor equipment purchases to convert an existing examination room to a third operating room in its outpatient ambulatory surgical center located at 1111 Cromwell Avenue, Rocky Hill, Connecticut does not require Certificate of Need approval pursuant to Sections 19a-638 or 19a-639, Connecticut General Statutes. The Center will remain a single-specialty ambulatory surgery center providing orthopedic-related surgical care exclusively to OAH patients. If OAH changes the existing scope of its services from a single-specialty ambulatory surgery center, undergoes further expansion of its facility and/or services, purchase major medical equipment or incurs total capital expenditures exceeding three million dollars, Certificate of Need approval from OHCA would be required.

If you have any questions concerning this letter or the Certificate of Need process, please contact Laurie Greci, Associate Research Analyst, at (860) 418-7001.

Sincerely,

Signed by Commissioner Vogel on October 24, 2007

Cristine A. Vogel
Commissioner

CAV:lkg