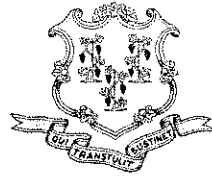


# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.  
Commissioner

Dannel P. Malloy  
Governor  
Nancy Wyman  
Lt. Governor

Office of Health Care Access

### State of Connecticut Department of Public Health Office of Health Care Access

#### Final Decision

#### Modification of a Previously Authorized Certificate of Need

**Applicant:** Medical Specialty Group, P.C.  
917 Bridgeport Avenue, Shelton, CT 06484

**Docket Number:** 16-22929-MDF

**Project Description:** Modification of Previous Certificate of Need  
Authorization 02-22929-CON

**Procedural History:** On February 14, 2003, the Office of Health Care Access ("OHCA") granted a Certificate of Need ("CON") to Medical Specialty Group, P.C. f/k/a Robert D. Russo, M.D. & Associates Radiology, P.C. ("MSG") under Docket Number 02-22929-CON (f/k/a 02-556) for the replacement of three computerized tomography ("CT") scanners located in Bridgeport, Fairfield and Stratford.

On April 12, 2016, OHCA received a Request for Modification seeking to modify the entity that retains ownership of and operates two of the three CT scanners. Deputy Commissioner Brancifort has reviewed the entire record in this matter.



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*Affirmative Action/Equal Opportunity Employer*

## Findings of Fact

1. MSG is a radiology group, wholly owned by Robert D. Russo, M.D., that owns and operates imaging equipment, including two CT scanners located at 425 Post Road, Fairfield, Connecticut and 2909 Main Street, Stamford, Connecticut (the "Subject Scanners").
2. Under Docket Number 02-22929, it was found that MSG was the owner of three CT scanners, including the Subject Scanners, which did not require CON approval when purchased and installed. *See*, Docket No. 02-556, Finding of Fact #3.
3. All three CT scanners, including the Subject Scanners, were acquired by, and owned by, a single legal entity, MSG.
4. Dr. Russo is now planning to retire and is in the midst of succession planning.
5. Dr. Russo wishes to place the Subject Scanners in a separate entity wholly owned by him in order to operate them at low cost for Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients.
6. The Subject Scanners will be owned and operated solely by Dr. Russo under an entity known as RDR Radiology, LLC.

## Discussion

Connecticut General Statutes § 4-181a (b) provides in relevant part: "On a showing of changed conditions, the agency may reverse or modify the final decision, at any time, at the request of any person or on the agency's own motion." The Applicant is seeking to modify the entity holding title to the Subject Scanners as a result of changed conditions related to Dr. Russo's planned retirement and continued desire to serve Medicaid, indigent, uninsured, undocumented and federally funded health care clinics patients. The Applicant has sufficiently identified a change in conditions that warrant the requested modification.

## Order

Based upon the foregoing, the request to modify the CON issued under Docket Number 02-22929-CON is hereby **APPROVED**. Ownership and operation of the Subject Scanners may be transferred to the legal entity known as RDR Radiology, LLC.

May 13, 2016  
Date

Janet M. Brancifort  
Janet M. Brancifort, MPH, RRT  
Deputy Commissioner

\* \* \* COMMUNICATION RESULT REPORT ( MAY. 13. 2016 10:43AM ) \* \* \*

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REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWER

E-2) BUSY  
E-4) NO FACSIMILE CONNECTION



STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
OFFICE OF HEALTH CARE ACCESS

FAX SHEET

TO: ROBERT D. RUSSO, MD  
FAX: 203 926-1410  
AGENCY: MEDICAL SPECIALTY GROUP, PC  
FROM: OHCA  
DATE: 5/13/16 Time: \_\_\_\_\_  
NUMBER OF PAGES: \_\_\_\_\_  
*(including transmittal sheet)*

**Comments:**  
Please see attached final decision for a modification of a previously authorized Certificate of Need. DN: 16-22929-MDF

**PLEASE PHONE Barbara K. Olejarz IF THERE ARE ANY TRANSMISSION PROBLEMS.**

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