



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

February 10, 2006

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 06-30687-DTR
Connecticut Eye Surgery Center South, LLC
Transfer 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 transfer in ownership of Connecticut Eye Surgery Center South, LLC, an Outpatient Ophthalmic Surgical Center located in Milford, Connecticut.

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

1. Connecticut Eye Surgery Center South, LLC ("CESCS") is a single specialty outpatient ophthalmic surgical center ("Center") located at 60 Wellington Road, Milford, Connecticut.
2. CESCS is presently wholly owned (100%) by the following physicians:

Table 1: List of Current Physician Owners

Theodore Krawiec	Edward Pulice
Jeffrey Kaplan	Martin Shapiro
Delia Manjoney	Philip Silverstone
Charles Oestrich	John Simses
Dan C. Omohundro	Peter Small
James Pinke	Samuel Sprotzer
Marc Weitzman	

3. CESCS would like to transfer part of it's ownership to include the following physicians as part owners:

Table 2: Additional Physician Owners

Aron D. Rose	Mark Milner
Joseph S. Elman	Brian M. Debroff
James F. Martone	Peter Alexander Marks
David E. Silverstone	Paul E. Masi

4. The transfer of ownership is being proposed as follows:
- The existing thirteen physicians will sell 28% ownership;
 - The additional 8 physicians will purchase the 28% at a total cost of \$980,000; and
 - After the transfer of ownership, 100% of the Center will be owned by the 21 physicians.
5. As a result of this transfer in ownership, CESCS will not add any new services.
6. CESCS's current target population consists of individuals who need eye surgery and who live in the existing service area which includes the towns of Shelton, Milford and the municipalities in Southern New Haven and Northeastern Fairfield counties. There will be no change in the target population.
7. The total capital expenditure associated with the proposed change in ownership is \$980,000.
8. The total capital expenditure of \$980,000 will be funded through the 8 new physicians.

Based on these findings, OHCA has determined that the proposed transfer 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 for the proposed transfer of ownership.

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