



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

M. JODI RELL  
GOVERNOR

CRISTINE A. VOGEL  
COMMISSIONER

June 29, 2006

Andrew J. Levi, M.D.  
Andrew J. Levi, M.D., LLC d/b/a  
Park Avenue Fertility & Reproductive Medicine  
5520 Park Avenue, Suite 103  
Trumbull, CT 06611

Re: **Report Number 06-30749-DTR**; A Certificate of Need Determination  
Park Avenue Fertility & Reproductive Medicine

Dear Dr. Levi:

On May 19, 2006, the Office of Health Care Access ("OHCA") initiated a Certificate of Need ("CON") Determination regarding Park Avenue Fertility & Reproductive Medicine at 5520 Park Avenue in Trumbull in order to determine whether the provisions of Section 19a-493b of the Connecticut General Statutes are applicable to this matter. On May 30, 2006, 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. Andrew J. Levi, M.D., LLC (the "Practice") d/b/a Park Avenue Fertility & Reproductive Medicine is located at 5520 Park Avenue, Suite 103 in Trumbull. Dr. Andrew J. Levi is the sole owner and only full-time physician of the LLC.
2. Dr. Levi began the Practice on February 1, 2005. He began treating patients at 5520 Park Avenue in Trumbull under the trade name Park Avenue Fertility and Reproductive Medicine on December 12, 2005.
3. The Practice is structured as a private medical practice. Dr. Levi is a physician licensed to practice medicine in the State of Connecticut, with a specialty in reproductive endocrinology and infertility.
4. Dr. Levi treats women and couples who are having difficulty becoming pregnant or in bringing a pregnancy to term. His practice includes diagnosis and treatments such as in vitro fertilization (IVF), with intracytoplasmic sperm injection (ICSI), ovulation induction and superovulation, and intrauterine insemination (IUI).

5. The Practice also offers reproductive services such as egg donation, traditional and gestational surrogacy, preimplantation genetic diagnosis, and embryo and sperm cryopreservation. Dr. Levi performs reproductive surgery such as operative laparoscopic and operative hysteroscopy at local hospitals, such as Bridgeport Hospital and Griffin Hospital. He also specializes in treatment of recurrent miscarriage, endocrine disorders and male infertility.
6. Dr. Levi performs the following procedures in his office as a necessary and incidental part of his practice:
  - a. Oocyte (egg) Retrieval
  - b. Embryo Transfer
  - c. Cyst Aspiration
  - d. Intrauterine Insemination
  - e. Sonohysterogram
  - f. Diagnostic Hysteroscopy
  - g. Ultrasound

As defined by the American Society of Anesthesiologists, none of these procedures requires the use of moderate or deep sedation, moderate or deep analgesia or general anesthesia.

7. In Dr. Levi's office, Oocyte (Egg) Retrieval is performed with the use of a local anesthetic and light sedation. The local anesthetic is administered by Dr. Levi, who injects the patient's cervix with a 1% xylocaine solution containing lidocaine to create a paracervical block. Board certified anesthesiologists (Medical Anesthesiology Associates, P.C.) such as Dr. Thomas Bladdek, administer propofol, an anesthetic agent, to achieve light sedation, as that term is defined by the American Society of Anesthesiologists.
8. Two other office procedures, Cyst Aspiration and Diagnostic Hysteroscopy, are performed by Dr. Levi, and occasionally a local anesthetic is used.
9. The Practice has not and will not be charging a facility fee. The Practice is not seeking to be licensed as an ambulatory surgical center by the Department of Public Health.
10. There are no operating rooms or dedicated surgical areas in Dr. Levi's office. There is one procedure room that is used approximately 6-7 days per month. The rest of the time it is used for exams, storage and miscellaneous purposes.
11. Patients come primarily from Fairfield and New Haven Counties and, in particular, Trumbull, Stratford, Bridgeport, Fairfield, Easton, Monroe, Shelton, Milford, Orange, Westport, Weston, Redding, Newtown, Oxford, Seymour, Ansonia, Derby, New Haven and West Haven.
12. The only imaging equipment acquired for this project is an Ultrasound unit at a cost of \$17,289. The total estimated capital expenditure associated with this project is \$281,530.

13. 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 ...*”

OHCA has determined that, based on the information provided to OHCA, Andrew J. Levi, M.D., LLC d/b/a Park Avenue Fertility & Reproductive Medicine 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, Andrew J. Levi, M.D., LLC d/b/a Park Avenue Fertility & Reproductive Medicine is not required to file a Certificate of Need request in regard to its provision of its services.

Andrew J. Levi, M.D., LLC d/b/a Park Avenue Fertility & Reproductive Medicine should keep OHCA informed of any future significant changes to its service line or organizational structure. Please note that this determination is made solely dependent on the continuation of this practice using only light levels of sedation or local anesthesia. Any change in the Practice’s use of anesthesia may result in this practice being required to obtain an ambulatory surgical facility license from the Department of Public Health and a Certificate of Need application from the Office of Health Care Access.

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) 418-7041.

Sincerely,

***Signed by Commissioner Cristine A. Vogel on June 29, 2006***

Cristine A. Vogel  
Commissioner

CAV:kr

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