

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

M. JODI RELL  
GOVERNOR

CRISTINE A. VOGEL  
COMMISSIONER

November 22, 2006

Lynda Godkin  
Senior Vice President  
In Vitro Services, Inc.  
General Counsel  
22 Waterville Road  
Avon, CT 06001

RE: CON Determination 06-30819-DTR  
Center for Advanced Reproductive Services, P.C. and Reproductive Medical  
Associates of Connecticut, P.C.  
Exemption Pursuant to Section 19a-643b, Connecticut General Statutes

Dear Ms. Godkin:

On November 9, 2006 the Office of Health Care Access (“OHCA”) received your completed Certificate of Need Determination requesting exemption pursuant to Section 19a-643b Connecticut General Statutes (“C.G.S.”) for the services provided by Center for Advanced Reproductive Services, P.C. (“CARS”) and Reproductive Medical Associates of Connecticut, P.C. (“RMACT”).

OHCA has reviewed the information contained in your request and makes the following findings:

1. CARS is a 100% physician-owned private practice with a single specialty of OB-GYN. All CARS physicians are board certified or board eligible sub-specialists in reproductive endocrinology.
2. RMACT is a 100% physician-owned private practice with a single specialty of OB-GYN. All RMACT physicians are board certified or board eligible sub-specialists in reproductive endocrinology.

3. CARS and RMACT have no common physician owners.
4. On April 19, 2000, under CON Determination, Report No.: 00-G1a, OHCA determined that CARS was not required to obtain a CON authorization from OHCA for the in-office egg retrieval program as part of its medical practice specializing in fertility services at 10 Glover Avenue, Norwalk, CT, and that CARS should register with OHCA as an exempt clinical laboratory for the location pursuant to Section 19a-639a C.G.S.
5. On May 24, 2002, under CON Determination, Report No.: 02-F1, OHCA determined that Richard T. Scott, Jr., M.D., and Mark Leondires, M.D., P.C. (who purchased CARS) was not required to obtain a CON authorization from OHCA for the reproductive endocrinology program as part of a medical practice specializing in fertility services to be located at 10 Glover Avenue, Norwalk, CT and Richard T. Scott, Jr., M.D., and Mark Leondires, M.D., P.C. should register with OHCA as an exempt clinical laboratory for this location pursuant to Section 19a-639a C.G.S.
6. Richard T. Scott, Jr., M.D., and Mark Leondires, M.D., P.C., owner of CARS has registered CARS in the OHCA's Registry of the Exempt Facilities.
7. CARS and RMACT's are requesting a CON exemption under Sections 19a-643b C.G.S. for the services currently provided by CARS and RMACT.
8. Services currently provided including deep sedation by CARS by location are as follows:

<b>Office Location</b>	<b>Services Provided</b>	<b>Anesthesia Used</b>
Dowling South Building 263 Farmington Avenue Farmington, CT 06030 (UConn Medical Center Campus)	Consultations	None
	Infertility evaluation and diagnosis	None
	Intra-Uterine Insemination	None
	Ultra sound monitoring	None
	In vitro fertilization including non-surgical egg retrieval	Deep sedation utilizing Propofol
2080 Whitney Avenue Hamden, Ct 06518	Consultations	None
	Infertility evaluation and diagnosis	None
	Intra-Uterine Insemination	None
	Ultra sound monitoring	None
100 Retreat Avenue Hartford, Ct 06160	Consultations	None
	Infertility evaluation and diagnosis	None
	Intra-Uterine Insemination	None
	Ultra sound monitoring	None

9. Services currently provided including deep sedation by RMACT by location are as follows

Office Locations	Services Provided	Anesthesia Used
10 Glover Avenue Norwalk, CT 06850	Consultations	None
	Infertility evaluation and diagnosis	None
	Intra-Uterine Insemination	None
	Ultra sound monitoring	None
	In vitro fertilization including non-surgical egg retrieval	Deep sedation utilizing Propofol
41 Germantown Road Danbury, CT 06810	Consultations	None
	Infertility evaluation and diagnosis	None
	Intra-Uterine Insemination	None
	Ultra sound monitoring	None

10. There will be no change in the patient population currently served with this proposal.
11. There will be no new services offered as a result of this proposal.
12. There is no capital expenditure associated with this proposal.
13. CARS and RMACT have provided OHCA evidence that it has been performing obstetrics and gynecology and reproductive endocrinology services including egg retrieval services including deep sedation at its office locations in Norwalk and Farmington, prior to July 1, 2003.
14. Pursuant to Section 19a-493b C.G.S., an entity must provide OHCA satisfactory evidence that it was in operation on or before July 1, 2003, or obtained, on or before July 1, 2003, from the OHCA, a determination that a certificate of need is not required.
15. Pursuant to Section 19a-638 C.G.S., each health care facility or institution which intends to introduce any additional function or service into its program of health care shall submit to the office, prior to the proposed date of the institution of such function or service, a request for permission to undertake such function or service.

Based on the above findings and pursuant to Sections 19a-638, and 19a-643b, C.G.S., OHCA has determined that CARS and RMACT have been providing obstetrics and gynecology and reproductive endocrinology services including egg retrieval services with deep sedation at its Norwalk and Farmington offices, prior to July 1, 2003 and therefore do not represent a new function or service. Therefore, Certificate of Need approval from OHCA is not required for CARS and RMACT to continue to provide its existing obstetrics and gynecology and

reproductive endocrinology services including egg retrieval services with deep sedation at 10 Glover Avenue, Norwalk, CT (RMACT) and 263 Farmington Avenue, Farmington, CT (CARS).

Please be advised, however, that if CARS or RMACT add or change the scope of services provided at the Norwalk or Farmington location, Certificate of Need approval from OHCA is required.

If you have any questions concerning the above, please feel free to contact Steven W. Lazarus, Associate Health Care Analyst, at (860) 418-7012.

Sincerely,

Signed by Cristine A. Vogel  
Commissioner

CAV:swl