



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

December 8, 2006

Jeanette C. Schreiber, Attorney
Wiggin and Dana, LLP
One Century Tower
265 Church Street
New haven, CT 06510-7001

Re: Certificate of Need Determination, Report Number 06-30847-DTR
Lawrence & Memorial Hospital
Lawrence & Memorial Hospital, Emergency Department Physician Staffing Arrangement

Dear Attorney Schreiber:

On October 17, 2006, the Office of Health Care Access ("OHCA") received your letter regarding the agreement between Lawrence & Memorial Hospital ("LMH or Hospital") and Emergency Medicine Physicians of New London County ("EMP"). OHCA has reviewed the information contained in your letter and makes the following findings:

1. Lawrence & Memorial Hospital ("LMH") is an acute care hospital located at 365 Montauk Avenue, New London, Connecticut.
2. Emergency Medicine Physicians of New London County ("EMP"), a limited liability company is organized for the purpose of providing emergency medical services to hospitals and health care facilities.
3. LMH intends to contract with EMP to provide the services of appropriately trained and credentialed physicians and physician assistants to staff the Hospital's Emergency Department ("ED") at the 365 Montauk Avenue location.
4. EMP will employ emergency physicians and physician assistants to staff the ED and provide Hospital emergency services on a full-time basis, twenty-four (24) hours per day and seven (7) days per week.
5. LMH will continue to employ ED nursing and other personnel and will remain responsible for the ED equipment and facilities. LMH will retain day-to-day operational management of the ED as well as ultimate legal responsibility for clinical and non-

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clinical decision making of the ED, except for the clinical decisions made by EMP physicians and physician assistants.

6. The purpose of the Hospital's engagement of EMP is to:
 - Provide continuous and uninterrupted coverage of emergency services at the ED according to usual and customary community standards;
 - Promote the proper maintenance of complex medical equipment;
 - Promote consistency and standardization of the emergency services at the ED;
 - Improve the efficiency in the operation of the ED;
 - Promote better scheduling, economy and availability of emergency services at the ED;
 - Promote better supervision and supplemental training of other Hospital personnel;
 - Facilitate the exchange of information among all Hospital physicians, and
 - Enhance patient care at the Hospital.
7. LMH states that there will be no change in the following:
 - Medical Staff and Hospital Bylaws;
 - Hospital or Hospital-affiliated Board of Trustee membership;
 - Hospital charity care policy;
 - Hospital policies and procedures;
 - Hospital Articles of Incorporation;
 - Hospital service area;
 - Hospital payers, and
 - Hospital services.
8. LMH affirms that its contractual relationship with EMP will not result in any change of control of Hospital services and that the Hospital will retain all ownership, control, operation and management of the ED.
9. This agreement shall be for an initial term of three (3) years commencing 12:00 am January 1, 2007, even if executed at a later date, and ending 12:00 am January 1, 2010. Thereafter, the term of this agreement shall automatically renew for successive one (1) year periods unless terminated by the parties as provided herein.
10. There is no projected capital expenditure associated with this agreement.

Based on the above findings OHCA has determined that the proposal for the agreement between LMH and EMP will not include a transfer of ownership or control, increase or decrease of beds or the provision of new health care services pursuant to Section 19a-638, C.G.S. Therefore, CON approval will not be required for the agreement between LHM and EMP to proceed at this time.

Thank you for keeping OHCA informed of your plans regarding the agreement between Lawrence & Memorial Hospital and Emergency Medicine Physicians of New London County. If you have any questions concerning this letter, please feel free to contact Paolo Fiducia, Associate Health Care Analyst at (860) 418-7035.

Sincerely,

Signed by Cristine A. Vogel
Commissioner

CAV:pf

C: Rose McLellan, DPH