



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

M. JODI RELL  
GOVERNOR

CRISTINE A. VOGEL  
COMMISSIONER

May 10, 2007

Adrian M. Marcus, D.C.  
President  
Back and Neck Pain Center of Greenwich, P.C.  
100 Melrose Avenue, Suite 101  
Greenwich, CT 06830

Re: CON Determination Report Number 07-30960-DTR  
Back and Neck Pain Center of Greenwich, P.C  
Addition of Outpatient Rehabilitation Services

Dear Dr. Marcus:

On April 20, 2007, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination request on behalf of the Back and Neck Pain Center of Greenwich, P.C to provide outpatient rehabilitation services. OHCA has reviewed your request and makes the following findings:

1. Back and Neck Pain Center of Greenwich, P.C. ("Center") is a for-profit professional corporation providing chiropractic services at 100 Melrose Avenue in Greenwich, Connecticut.
2. The Center is seeking to provide outpatient physical therapy services and extend treatment to Medicare patients. The Center is also planning to add occupational therapy services at some time in the future.
3. Medicare requires that rehabilitation facilities be certified in order to receive reimbursement.
4. The Center proposes to hire a licensed physical therapy and an occupational therapist to provide the services. Billing for the rehabilitation therapy services will be under the Center's name.

5. There is a capital expenditure of \$13,000 associated with the proposal.
6. Section 19a-630 (1) of the Connecticut General Statutes ("C.G.S.") states that a "health care facility or institution" means any facility or institution engaged primarily in providing services for the prevention, diagnosis or treatment of human health conditions, including, but not limited to: Outpatient clinics; outpatient surgical facilities; imaging centers; home health agencies, as defined in section 19a-490; clinical laboratory or central service facilities serving one or more health care facilities, practitioners or institutions; hospitals; nursing homes; rest homes; nonprofit health centers; diagnostic and treatment facilities; rehabilitation facilities; and mental health facilities.
7. Section 19a-638 (a) (2), C.G.S., states, in part, (2) 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.
8. Section 19a-639a, C.G.S., states, in part, that the provisions of section 19a-638 shall not apply to: (1) An outpatient clinic or program operated exclusively by, or contracted to be operated exclusively for, a municipality or municipal agency, a health district, or a board of education; (2) a residential facility for the mentally retarded; (3) an outpatient rehabilitation service agency that was in operation on January 1, 1998, that is operated exclusively on an outpatient basis and that is eligible to receive reimbursement under section 17b-243; (4) a clinical laboratory; (5) an assisted living services agency; (6) an outpatient service offering chronic dialysis; (7) a program of ambulatory services established and conducted by a health maintenance organization; (8) a home health agency; (9) a clinic operated by the Americares Foundation; (10) a nursing home; or (11) a rest home.

Under Section 19a-630, Back and Neck Pain Center of Greenwich, P.C. is a health-care facility and therefore required under Section 19a-638 to obtain a Certificate of Need in order to add the rehabilitation services. There is no provision under Section 19a-639a that will exempt the Center from the Certificate of Need process. Based on these findings, OHCA has determined that Certificate of Need approval is required from OHCA for Back and Neck Pain Center of Greenwich, P.C. to proceed with its proposal to offer outpatient physical therapy and, in the future, occupational therapy services pursuant to Section 19a-638 of the Connecticut General Statutes.

OHCA considers the submission of information received on April 20, 2007, as the Letter of Intent for this matter. Therefore, Back and Neck Pain Center of Greenwich, P.C may file a completed CON application with OHCA between June 19, 2007, and August 18, 2007. The CON application is being mailed to your attention separately.

If you have any questions concerning this letter, please contact Laurie K. Greci at (860) 418-7001.

Sincerely,

Signed by Cristine A. Vogel  
Commissioner

Attachment

c: Rose McLellan, Licensing Examination Assistant, DHSR, DPH

CAV:lkg