



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

December 2, 2008

Kristian Mineau
Administrator
Constitution Eye Surgery Center, LLC
505 Willard Avenue
Newington, CT 06111

Re: CON Determination Request; Report Number: 08-31267-DTR
Addition of Physician-Members
Constitution Eye Surgery Center, LLC

Dear Mr. Mineau:

On November 7, 2008, the Office of Health Care Access ("OHCA") received your Certificate of Need ("CON") Determination form regarding the transfer of membership units from Constitution Eye Surgery Center, LLC to Constitution Surgery Center at no capital expenditure.

OHCA has reviewed the information contained in the submitted CON Determination form and makes the following findings:

1. Constitution Eye Surgery Center, LLC ("CESC"), located at 505 Willard Avenue, Newington, is licensed by the State of Connecticut Department of Public Health as an Outpatient Surgical Facility.
2. Theodore Krawiec, MD, currently holds a 9% interest in CESC. The remaining 91% interest in CESC is held by 29 physicians. The interest held by each physician is between 1% and 4.2%.
3. Dr. Krawiec proposes to transfer his membership interest in CESC to Connecticut Surgery Centers, LLC ("CSC"). CSC is the management company for CESC and does not currently own any membership interest in CESC.
4. The proposal will not affect the scope of services provided by CESC.

An Equal Opportunity Employer

410 Capitol Ave., MS#13HCA, P.O. Box 340308, Hartford, CT 06134-0308
Telephone: (860) 418-7001 Toll-Free: 1-800-797-9688
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5. There is no capital expenditure by CESC associated with the proposal.
6. Subsection (c) of Section 19a-493b states, in part, that a transfer or change of ownership or control shall not be required if the outpatient surgical facility was owned and controlled exclusively by persons licensed pursuant to Section 20-13 and that after any such transfer or change of ownership or control, persons licensed pursuant to Section 20-13 shall own and control no less than a sixty percent interest in the outpatient surgical facility.

OHCA finds that prior to the transfer of ownership CESC was wholly owned and controlled by licensed physicians. After the transfer of Dr. Krawiec membership interest from CESC to CSC, ownership, over ninety percent of the membership interest in the CESC will continue to belong to licensed physicians.

OHCA further concludes that the transfer of Dr. Krawiec's membership interests to Connecticut Surgery Center, LLC does not require a Certificate of Need as the transfer satisfies the conditions of Subsection (c) of Section 19a-493b of the Connecticut General Statutes, as referenced above.

However, any change or ownership or change in scope or services from those presented may require that the Applicant file a Certificate of Need Determination from OHCA and OHCA should be notified in a timely manner regarding any such change. Thank you for providing OHCA with the information concerning the ownership of the constitution Eye Surgery Center, LLC. If you have any questions regarding this letter, please contact Laurie K. Greci, Associate Research Analyst, at (860) 418-7001.

Sincerely,

Signed by Commissioner Vogel on December 2, 2008

Cristine A. Vogel
Commissioner

CAV:lkg

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