

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Acting Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Office of Health Care Access

November 30, 2016

Barbara A. Durdy
Director, Strategic Planning
Hartford HealthCare
181 Patricia M. Genova Blvd.
Newington, CT 06111

RE: Closure of Orthopedics at Crossroads

Dear Ms. Durdy:

The State of Connecticut Department of Public Health, Office of Health Care Access ("OHCA") has learned from various media reports and concerned citizens that Hartford HealthCare has ceased offering orthopedic services in Waterford, Connecticut. Specifically, orthopedic services previously offered at the Backus Family Health Center, 196 Parkway South, Waterford, Connecticut (the "Center") have been terminated as of October 31, 2016.

Pursuant to Connecticut General Statutes § 19a-638(a)(5), Certificate of Need ("CON") authorization from OHCA is required for "[T]he termination of inpatient or outpatient services offered by a hospital,..."

Based upon the aforementioned law, it appears that the termination of orthopedic services previously offered at the Center requires CON authorization. However, OHCA wants to provide Hartford HealthCare an opportunity to provide further information. Therefore, please provide any information that you believe negates the need for CON authorization by OHCA. Please respond to the above inquiry via mail by December 9, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Martone".

Kimberly R. Martone
Director of Operations

cc: Anne Grabowy



Phone: (860) 418-7001 • Fax: (860) 418-7053
410 Capitol Avenue, MS#13HCA
Hartford, Connecticut 06134-0308
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Affirmative Action/Equal Opportunity Employer

From: Anne Grabowy [mailto:annegrabowy@yahoo.com]

Sent: Friday, November 25, 2016 3:32 PM

To: Martone, Kim

Subject: HARTFORD HOSPITAL Closure of New London Orthopedic Practice

I just spoke with Lee Howard at The Day. Your office should be able to address this issue as it is a HOSPITAL based issue not a private practice.

The practice was bought by HHS a little over 2 years ago.

They CANNOT leave 61,000 with NO coverage locally for routine appointments & prescription refills. These are ORTHOPEDIC patients. Often just sitting in a vehicle is painful if they have transportation at all.

If this is due to the new Bone & Joint Institute grand opening, that is all very nice but it is totally UNREASONABLE for these folks to have to trek there. It is ABANDONMENT.


A group of ABANDONED PATIENTS is meeting Monday at 1 pm to alert the public to this despicable decision and plan further action including a request for a court injunction.



Waterford orthopedic practice being closed by Hartford HealthCare

Published October 04, 2016 2:45PM | Updated October 04, 2016 8:32PM

By **Judy Benson** (/apps/pbcs.dll/personalia?ID=j.benson) Day staff writer

✉ j.benson@theday.com (mailto:j.benson@theday.com)  [BensonJudy](https://twitter.com/BensonJudy)
(<http://www.twitter.com/BensonJudy>)

Waterford — After 38 years of fixing broken bones, caring for workers injured on the job and operating on the backs and shoulders of southeastern Connecticut residents, Dr. Frank Maletz reluctantly is preparing to stop doing orthopedic surgeries and seeing patients, at least temporarily.

“I am not retiring,” Maletz, 64, said during an interview last week, between a busy week of patient appointments and making arrangements to close his office in the Crossroads Professional Building on Parkway South by the end of the month. “I was not planning this. I wanted to go out on my own terms, in six or seven more years.”

Last month, patients of Maletz and the three other orthopedic surgeons in the office received a letter from Hartford HealthCare informing them that the practice would be closing Oct. 31.

Hartford HealthCare, the hospital network The William W. Backus Hospital in Norwich is part of, gave no reason for the closure. It advised patients to have their medical records transferred to one of six practices located in five communities: North Franklin, Niantic, Norwich, Farmington and New Haven.

Maletz’s practice, previously called Crossroads Orthopedics, joined the Backus network in 2014 and became known as Backus Physician Services Orthopedic Surgery. It was subsequently folded into Hartford HealthCare when Backus became part of the larger network. He said he joined the Backus network at a time when Lawrence + Memorial Hospital in New London, where he had been affiliated, appeared unstable and he wanted to ensure his practice would remain viable.

By becoming part of the hospital network, Maletz and his colleagues were something of an anomaly among fellow orthopedic surgeons, most of whom have retained their own practices, said Dr. F. Scott Gray, president of the Connecticut Orthopedic Society. While many primary care doctors and some specialists are leaving private practices for hospital-run groups, orthopedic surgeons generally are “fiercely independent” and have resisted giving up their autonomy, Gray said.

“None of us want to have happen what happened to Dr. Maletz,” he said. “I feel really bad for him. The practice was railroaded. And now there are thousands of patients who can’t see the doctors who used to care for them.”

Instead of joining a hospital network to remain viable, Gray said he and about 50 other orthopedic surgeons around the state recently have formed Orthopedics New England, a consortium of private practices that can get discounts on malpractice insurance and negotiate as a group for reimbursement rates with insurance companies, but still retain control over hiring, firing and other areas.

"Dr. Maletz made a decision (to join the hospital network) so patients wouldn't lose access to him, and now look what those businessmen did to him," Gray said.

Under the agreement to turn over ownership of the practice to the network, Maletz and his colleagues were paid a salary and bonuses by Hartford HealthCare. Now, a month after state regulators approved the affiliation of L+M with the larger Yale-New Haven Health network, Maletz feels like a victim of Hartford HealthCare's corporate indifference rather than a doctor who did the right thing for his patients and himself.

Hartford HealthCare, he said, never faulted his performance or that of the other doctors there — Joseph Noonan, Jeffrey Salkin and Thomas Cherry. Of these three, only Cherry is ready for retirement, Maletz said. All three declined to comment for this story.

"We hooked our nag to the wrong horse," Maletz said. "They're just cutting their losses and acting as if all the patient charts are theirs. This is very disruptive to the patients."

The closure of the practice comes at a time when some patients and doctors question whether there are enough orthopedic specialists to serve southeastern Connecticut's population, which will be needing more care for bones, joints and muscles as they age. Maletz said he and the other three doctors saw about 125 patients per week and performed about 500 surgeries annually.

Though the practice was part of the Hartford HealthCare network, it retained operating room privileges at L+M and did all surgeries there.

Bud Menghi of Niantic, for one, is angry. A patient of Noonan, whom he called a caring and highly competent physician, Menghi said Hartford HealthCare's decision "stinks."

"You've got to wait four to six weeks now to get an appointment," he said. "I don't see how these other guys are going to handle all these patients. It's horrible."

Gray, the orthopedic society president, said some regions of the state have an oversupply of this specialty, while other areas have too few.

"There are access problems in certain pockets of the state," he said.

The Hartford area, where Hartford HealthCare is based, has more orthopedic surgeons than it needs, while southeastern Connecticut has a shortage. Hartford HealthCare officials, however, believe southeastern Connecticut is adequately supplied with orthopedic doctors, said Shawn Mawhiney, spokesman for the network.

"It is the intention of Hartford HealthCare not to compete with our own resources," he said. "We have determined that adequate coverage for orthopedic services in the New London and Waterford markets with a relationship to Backus Hospital already exists. We are confident that our decision to terminate our relationship with the group of surgeons at the Crossroads Professional Building will not impact patient access to quality orthopedic care."

None of the six practices where Crossroads patients are being referred is owned by Hartford HealthCare; they're either independent practices or affiliated with other networks. Hartford HealthCare is, however, seeking to purchase a majority share of the Constitution Surgery Center East, which performs eye and orthopedic surgeries at its standalone center on Cross Road in Waterford, less than two miles from Maletz's office. That practice includes five orthopedic surgeons. Mawhiney said the decision to close the practice had nothing to do with the decision to purchase Constitution.

Mawhiney said Hartford HealthCare plans to open neurology and oncology services in the Crossroads building, where it also has offices that provide primary care and physical rehabilitation services.

"Backus Hospital will continue to focus our resources on providing more access to primary care services in New

London County, which has been identified as a service of greater need to our patients,” he said.

Dr. Jeffrey Miller, a private practice orthopedic physician in New London, said he believes the region has a sufficient number of orthopedic surgeons. L+M, on its website, lists 11 orthopedic surgeons affiliated there, while Backus lists 17. Several of the doctors are affiliated with both hospitals.

“There are great orthopedic surgeons in this region who I believe will be able to continue to provide the orthopedic services that are needed,” he said. “I believe we have an adequate supply of fine orthopedic surgeons to treat the population.”

Maletz, however, questions whether patients will agree, especially if they are covered by Medicaid or TriCare — the health insurance for military families — or are seeking care for a worker’s compensation-related injury. Maletz said his practice handled a large portion of those kinds of cases for the region.

“I don’t know where all these patients are going to go,” he said.

Attorney Lance Proctor of Waterford has been both a patient of Maletz and worked with him as the lawyer for about 50 clients with worker’s compensation injuries cared for by Maletz. Several of his family members also have been cared for by Maletz.

“He’s the best patient advocate I’ve ever seen,” Proctor said. “It’s an immense loss. He’s getting the rug pulled out from him by corporate America. And you’ve got waiting lists now to see doctors.”

Maletz said he is hoping to reopen his practice in the future, possibly under the Yale-New Haven-L+M umbrella.

“But we have to go through this process of practice closure first,” he said.

L+M spokesman Mike O’Farrell said his hospital is aware of the situation with Maletz and his colleagues. He declined to comment specifically other than to say that joint replacement and orthopedic care is “a hugely important part” of services provided by L+M.

“There’s clearly a need in this area,” he said.

j.benson@theday.com (mailto:j.benson@theday.com)

Olejarz, Barbara

From: Microsoft Outlook
To: Barbara Durdy; annegrabowy@yahoo.com
Sent: Wednesday, November 30, 2016 2:59 PM
Subject: Relayed: Inquiry

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[Barbara Durdy \(Barbara.Durdy@hhchealth.org\)](mailto:Barbara.Durdy@hhchealth.org)

[annegrabowy@yahoo.com \(annegrabowy@yahoo.com\)](mailto:annegrabowy@yahoo.com)

Subject: Inquiry



November 30, 2016

Kimberly Martone
Director of Operations
State of Connecticut Department of Public Health
Office of Health Care Access
410 Capital Avenue, MS#13HCA
PO Box 340308
Hartford, CT 06134



Re: Hartford HealthCare Medical Group Closure of Crossroads Orthopedic Physician Group Practice

Dear Ms. Martone,

In response to your letter dated November 30, 2016, I am writing on behalf of Hartford HealthCare Medical Group ("HHCMG") to provide the Office of Health Care Access an explanation as to why Certificate of Need approval was not required to close Crossroads Orthopedic Group practice ("Crossroads") in Waterford, Connecticut.

Certificate of Need approval is required for the termination of inpatient and outpatient hospital-based services. Crossroads was not a hospital-based service. It was an orthopedic physician practice affiliated with Backus Physician Services, LLC ("BPS"). BPS, a multispecialty physician group practice, is now managed by HHCMG. The services provided by Crossroads were provided and billed as physician services and were not provided or billed under the auspices of The William W. Backus Hospital or any other hospital. It is our understanding that termination of services provided by a physician practice does not require Certificate of Need approval.

In October 2016, HHCMG chose to end its contractual relationship with the group of surgeons who practiced at Crossroads. These surgeons were employed by BPS. Effective October 31, 2016, HHCMG and its physician affiliates no longer provided orthopedic services at the Crossroads group practice location in Waterford, CT.

HHCMG has offered to waive a non-compete clause in the contract with the Crossroads physicians, thus allowing the Crossroads physicians to establish a separate practice, or become affiliated with another practice, if they so choose.

On September 7, 2016, HHCMG / BPS sent a letter to the patients of these providers informing them of the change and also providing a list of other orthopedic providers in the area.

It is our position that Certificate of Need approval is not required to make changes to services offered by physician group practices.

Thank you for this opportunity to provide these facts in response to concerns you have heard.

Sincerely,


Barbara A. Durdy
Director, Strategic Planning
Hartford HealthCare

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Office of Health Care Access

December 6, 2016

Barbara A. Durdy
Director, Strategic Planning
Hartford HealthCare
181 Patricia M. Genova Blvd.
Newington, CT 06111

RE: Closure of Orthopedics at Crossroads

Dear Ms. Durdy:

Thank you for your letter dated November 30, 2016 wherein you provide information regarding the orthopedic services previously offered at the Backus Family Health Center, 196 Parkway South, Waterford, Connecticut (the "Center"). The Office of Health Care Access ("OHCA") requires further information regarding the closure. Therefore, please provide OHCA with responses to the following questions on or before December 16, 2016:

1. What specific legal entity billed for the orthopedic services at the Center under its provider number prior to and following Hartford HealthCare Medical Group ("HHCMG") assuming a managerial role?
2. What specific legal entity recorded all revenues expenses and volumes on their books, prior to and following the assumption of control of the Center by HHCMG?
3. What specific entity employed the staff and physicians that provided the orthopedic services prior to and following HHCMG's involvement?
4. Were there any fees beyond professional fees charged by the Center? If so, please identify the fees charged.

Sincerely,

Handwritten signature of Kimberly R. Martone in blue ink.

Kimberly R. Martone
Director of Operations

cc: Anne Grabowy



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410 Capitol Avenue, MS#13HCA
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Olejarz, Barbara

From: Microsoft Outlook
To: Barbara Durdy; annegrabowy@yahoo.com
Sent: Tuesday, December 06, 2016 11:58 AM
Subject: Relayed: Hartford HealthCare Closure at Crossroads inquiry

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[Barbara Durdy \(Barbara.Durdy@hhchealth.org\)](mailto:Barbara.Durdy@hhchealth.org)

[annegrabowy@yahoo.com \(annegrabowy@yahoo.com\)](mailto:annegrabowy@yahoo.com)

Subject: Hartford HealthCare Closure at Crossroads inquiry



Hartford
HealthCare

December 6, 2016

Kimberly Martone
Director of Operations
State of Connecticut Department of Public Health
Office of Health Care Access
410 Capital Avenue, MS#13HCA
PO Box 340308
Hartford, CT 06134



Re: Crossroads Physicians – Nonrenewal of Employment

Dear Ms. Martone:

This letter responds to your letter dated December 6, 2016 with respect to your request for additional information regarding the nonrenewal of employment of the physicians at Crossroads in Waterford, Connecticut.

The physicians providing orthopedic services at Crossroads (the “Crossroads Physicians”) were formerly associated with Crossroads Orthopaedic Subspecialists, LLC (TIN# 42-1677524). On June 1, 2014, the Crossroads Physicians became employed by Backus Physician Services, LLC (TIN# 26-2673705)(“BPS”). During the time that the Crossroads Physicians were employed by BPS, BPS billed for the physician services rendered by the Crossroads Physicians, recorded all revenue and expenses for the Crossroads Physicians and employed the staff. The employment agreements with the Crossroads Physicians were not renewed by BPS.

According to Connecticut General Statutes § 19a-638, no Certificate of Need (“CON”) is required for the nonrenewal of an employment agreement with a physician by a physician practice. According to Connecticut General Statutes § 19a-630, BPS is not a “health care facility” and, therefore, is not subject to CON requirements related to a termination of a service. Since BPS is not a “health care facility” subject to CON requirements and since there is no CON requirement for the nonrenewal of an employment agreement with a physician by a physician practice, no CON is required.

Thank you for this opportunity to provide this additional information.

Sincerely,



Barbara A. Durdy
Director, Strategic Planning
Hartford HealthCare

Olejarz, Barbara

From: Greer, Leslie on behalf of User, OHCA
Sent: Thursday, December 08, 2016 1:07 PM
To: Lazarus, Steven; Riggott, Kaila; Hansted, Kevin; Martone, Kim
Cc: Olejarz, Barbara
Subject: Backus Family Healthcare termination of Orthopaedic Services

From: lin2cu [mailto:lin2cu@aol.com]
Sent: Wednesday, December 07, 2016 7:29 PM
To: User, OHCA
Subject: Backus Family Healthcare termination of Orthopaedic Services

My name is Linda Hunter. I was a patient at this location and was abandoned by Hartford Healthcare when I was waiting for outstanding MRI results. It was two and a half months before I could find someone who would explain my results. My condition had worsened and any kind of new treatment to lessen my pain was also delayed. Finding a physician in this area who accepts Medicare and treats back problems is difficult. Traveling to Hartford or Farmington is out of the question. Sitting for the length of time to get there would exacerbate the pain.

I am forwarding to you a copy of a letter I recently wrote to the Editor of the New London Day.

Linda Hunter

Sent from my Verizon Wireless 4G LTE smartphone

Olejarz, Barbara

From: Greer, Leslie on behalf of User, OHCA
Sent: Thursday, December 08, 2016 1:08 PM
To: Lazarus, Steven; Riggott, Kaila; Hansted, Kevin; Martone, Kim
Cc: Olejarz, Barbara
Subject: State steps in over orthopedics office closure.

From: lin2cu [mailto:lin2cu@aol.com]
Sent: Wednesday, December 07, 2016 7:31 PM
To: User, OHCA
Subject: Fwd: State steps in over orthopedics office closure.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: lin2cu <lin2cu@aol.com>
Date: 12/06/2016 10:14 AM (GMT-05:00)
To: k.edgecomb@theday.com
Subject: State steps in over orthopedics office closure.

After reading this article in the December 3rd issue, I felt it was time for me to be heard. I was also abandoned by Hartford Healthcare. During my last visit there my Doctor ordered an MRI. I was not afforded to opportunity to have my Doctor explain the results. Repeated messages to this office went unanswered. When I picked up my records and complained about not getting a response I was told that Hartford Healthcare had already started eliminating staff from that office and it was compromising patient care. Hartford Healthcare acted recklessly and with indifference to patients at this location. They really should change their name because Hartford Healthcare obviously doesn't care.

Linda Hunter
Waterford, CT

Sent from my Verizon Wireless 4G LTE smartphone

Temporary Injunction - Memorandum/Motion Re: Abandoned Patients

DOCKET NO. : SUPERIOR COURT
: FOR CRIMINAL MATTERS
IN RE : AT NEW LONDON
ABANDONED PATIENTS : November 28, 2016

MOTION FOR INJUNCTIVE RELIEF

Over 61,000 patients of Crossroads Orthopedics, 196 Parkway South in Waterford, who say they have been abandoned by Backus Hospital and Hartford Healthcare's decision to close the practice at the end of the year, are seeking a court injunction to stop the closing. Patient abandonment is a Federal crime.

The Abandoned Patients are asking the court to act as Hartford HealthCare is threatening their health and well being by closing the practice as part of a marketing plan to funnel orthopedic patients from SE Connecticut to their new Bone and Joint Institute in Hartford. The facility is, coincidentally, opening in mid-December. The Abandoned Patients submit the timing is no coincidence.

The Abandoned Patients say Backus Hospital and Hartford HealthCare sent them misleading and untrue letters in mid-September notifying patients of the closing and listing 6 other practices, 4 in Southeastern Connecticut, 1 in Farmington and 1 in New Haven as choices for patients.

The Abandoned Patients say, when called, none were aware that Crossroads Orthopedics was closing and that of the four local practices, three cannot take new patients and NONE accept Tricare, Worker's Compensation or Medicare.

Those patients literally will have no place to go locally for routine care and follow-up visits or prescription refills that require a written copy. The one practice taking new patients cannot absorb 61,000.

The Abandoned Patients say this planned closure has also become an issue of patient safety and public health as the police have been called to the office twice and now have to have a Security Guard in the office.

The Abandoned Patients say Hartford HealthCare and Backus Hospital have acted with reckless disregard for these 61,000 orthopedic patients in Southeastern Connecticut. The economic and human impact and the time and distance required to travel due to this closure is overwhelming to many for whom sitting for any length of time or traveling any distance is excruciating. Some are beginning to use street drugs, such as heroin, for pain relief.

These Abandoned Patients therefore request injunctive relief for the 61,000 patients who are about to lose their ability to obtain local, quality, routine orthopedic care as the small local practices cannot absorb thousands of new cases.

These Abandoned Patients therefore request this Court to issue an order enjoining Hartford HealthCare and the Backus Hospital cease and desist with the planned closing of Crossroads Orthopedic and ensure continuing orthopedic care in the New London area.

These Abandoned Patients request this Court issue an order that Hartford HealthCare hold a series of public hearings to discuss this decision, hear the concerns of the Abandoned Patients and come to a more reasonable resolution to both parties concerns.

These Abandoned Patients request this Court issue an order stating that the remaining doctors and staff be offered contracts immediately to stay in the Waterford facility for at least 3 years.

These Abandoned Patients also request this Court issue an order stating that Backus Hospital and Hartford HealthCare cease and desist with the planned closing of Crossroads Orthopedic.

User, OHCA

From: Anne Grabowy <annegrabowy@yahoo.com>
Sent: Friday, December 09, 2016 8:58 AM
To: User, OHCA
Subject: Addition to Crossroads inquiry

Contact Info: Anne Grabowy, 122 Slater Ave., Jewett City, CT 06351
Email: Annegrabowy@yahoo.com Twitter: @ABANDONEDPATIE1

ABANDONED ORTHOPEDIC PATIENTS IN NEW LONDON AREA PLAN PROTEST AGAINST HARTFORD HEALTHCARE

FOR IMMEDIATE RELEASE

WATERFORD -- There is a deadly tsunami building in Southeastern Connecticut as 61,000 patients of Crossroads Orthopedics in Waterford, who have been abandoned by Hartford Healthcare, are seeking a court injunction to prevent plans to close the practice. Patient abandonment is a Federal crime.

The wave of patient and physician concerns is building as these patients stand to have no orthopedic physician in Southeastern Connecticut that will accept them or their insurance carriers.

A campaign to stop the closure and seek relief through the courts was begun by Anne Grabowy of Jewett City, a patient of Dr. Frank Maletz who learned in a follow up visit with Maletz on Monday there were no plans to keep the practice.

After her visit Monday, Grabowy created a flyer that she posted at the Crossroads Medical Building late Tuesday morning. "I had my first call from an outraged patient in 10 minutes! Since then, I am hearing from frightened, handicapped people, many of whom are nearly immobile but are ready to fight." The flyer states that patients have been ABANDONED, they intend to PROTEST and DEMAND Hartford HealthCare keep the practice in place.

"We all got carefully worded letters in mid-September but no one dreamed Hartford HealthCare would just pull all orthopedic services leaving total chaos, pain and suffering in their wake. The letter listed 6 other practices, 4 in Southeastern Connecticut, 1 in Farmington and 1 in New Haven as choices for patients. When called, none of the 6 practices had been notified that Crossroads was closing, several cannot take new patients; none accept Tricare, Worker's Compensation or Medicare.

The letter from Backus Hospital and Hartford HealthCare Medical Group appears to be totally misleading. It suggests patients contact the Connecticut State Medical Society for "assistance in choosing a new physician" when, according to Ken Ferrucci, Sr. VP of Governmental Affairs, that is not one of their functions nor were they aware of the closure.

"These physicians were waiting in August for new contracts that never came. They were deceived and lied to by HHC. Now they are being legally threatened as they fight to keep their Hippocratic Oath and do what's right," Grabowy stated. "They have had to call the police twice and now have to have a

Security Guard in the office. Patients and their families are becoming very, very upset and emotional at the loss of care and the callousness and unprofessional way with which the decision was communicated to all. As patients come for their files or last appointments and come to the stark realization of the gravity of their new medical situation, tensions often run high.

It's traumatizing and depressing for all concerned. Many have been patients for decades. Many are in tears and many are angry. It's just terrible," Grabowy continued. "That 61,000 patients, these irreplaceable orthopedic physicians and their staff truly ARE being abandoned is illegal and we are going to do our best to get it reversed."

The group is planning an organizational meeting in the lobby of the building at 196 Parkway South early next week. "We intend to inform patients, plan strategy and possible protests and hold a public forum, Grabowy says. "We are also working with the Connecticut State Medical Society and the Department of Public Health, Office of Healthcare Access to request a meeting with HHC."

A Twitter account entitled ABANDONEDPATIENTS has also been established. Contact Anne Grabowy at 860-608-8229 or at annegrabowy@yahoo.com for more information or to help.

[Sent from Yahoo Mail on Android](#)

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Office of Health Care Access

December 13, 2016

Barbara A. Durdy
Director, Strategic Planning
Hartford HealthCare
181 Patricia M. Genova Blvd.
Newington, CT 06111

RE: Closure of Orthopedics at Crossroads

Dear Ms. Durdy:

Thank you for your letter dated December 6, 2016 wherein you provide information regarding the orthopedic services previously offered at the Backus Family Health Center, 196 Parkway South, Waterford, Connecticut (the "Center"). The Office of Health Care Access ("OHCA") requires further information regarding the closure:

1. Please identify the number of physicians who are/were part of Backus Physician Services, LLC ("BPS").
2. Is BPS still an active Connecticut limited liability company?
3. Has BPS merged with any other entities within the past year? If so, is BPS the surviving entity?
4. If BPS has merged with another entity or was involved in any other legal transaction wherein the legal structure of BPS changed, please provide copies of any and all legal documents showing that the governance or controlling body of BPS was not changed or impacted by such action.
5. Did Hartford HealthCare and/or BPS engage the patient population base in the affected neighborhoods prior to the closure of BPS in Waterford?
6. How did Hartford HealthCare and/or BPS notify the patients of BPS in Waterford of the planned closure? Please provide a copy of any notifications sent to the patients.
7. How is Hartford HealthCare and/or BPS addressing any patient transportation issues that may have arisen due to the closure of BPS in Waterford?
8. To the best of your knowledge, do any of the physicians previously associated with BPS in Waterford plan to re-establish their practices in the Waterford or surrounding areas?

Sincerely,

Handwritten signature of Kimberly R. Martone in black ink.

Kimberly R. Martone
Director of Operations
cc: Anne Grabowy



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Affirmative Action/Equal Opportunity Employer

Olejarz, Barbara

From: Microsoft Outlook
To: Barbara Durdy; annegrabowy@yahoo.com
Sent: Tuesday, December 13, 2016 11:54 AM
Subject: Relayed: Inquiry

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[Barbara Durdy \(Barbara.Durdy@hhchealth.org\)](mailto:Barbara.Durdy@hhchealth.org)

[annegrabowy@yahoo.com \(annegrabowy@yahoo.com\)](mailto:annegrabowy@yahoo.com)

Subject: Inquiry

Olejarz, Barbara

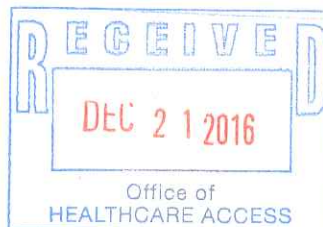
Subject: FW: Crossroads orthopedics

From: Mayer Jr., Philip E [<mailto:PMayer@trcc.commnet.edu>]
Sent: Wednesday, December 14, 2016 4:19 PM
To: Martone, Kim
Subject: FW: Crossroads orthopedics

Ms. Martone: As a taxpayer, I am very concerned that the state allowed Hartford Hospital/Backus to close Crossroads Orthopedics. This closure will force many thousands of patients who have mobility and transportation challenges to drive 45 minutes to Hartford for routine orthopedic care. If Hartford Health Care /Backus were truly concerned about serving its community, it would keep Crossroads Orthopedics open. The fact that the state allowed this closure to happen without ensuring that patients were properly notified and that patients had a reasonable alternative is a disgrace. Many of the 60,000 patients at Crossroads have no reasonable alternative since the only local orthopedic doctors don't take medicare, Medicaid, or Tricare. SHAMEFUL!

Phil Mayer
193 Lake Rd
Griswold, CT 06351

Donna Brodeur
61 Sea Spray Avenue
Niantic, CT 06357



Dept. of Health Care Access
410 Capitol Avenue
Hartford, CT 06106
Attn: Kimberly Martone, Director

December 6, 2016

Dear Ms. Martone,

I am a patient of Dr. Maletz of Crossroads Orthopedics in Waterford, and one of the victims of Hartford Healthcare's underhanded act of putting thousands of people with broken bodies on the street with no doctor. I am convinced that this was a subversive act. How can this be ethical? When I received the letter from them I thought that my doctor was retiring. It was not until an article in The Day that I knew that Dr. Maletz, who is very respected, was unwillingly being forced to close his business.

Somewhere I heard that there are eleven other orthopedic physicians in New London County. If this is the case, how are they going to absorb the 6500 patients that received letters? This would mean 600 more patients on average per physician.

I am a spinal surgery patient and need medication for my chronic pain. I am also on Medicare and doubt that I would be accepted anywhere just to receive my medicine.

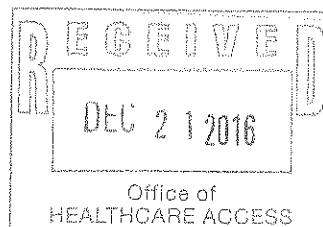
I thank you and the State for stepping in and hope you will not let Hartford Healthcare get away with this move. It has devastated many and will set a very dangerous precedent. I don't think they care about health at all. It may be just business to them but it is cruel and is hurting people.

Respectfully,

Donna Brodeur

Donna Brodeur

Donna Brodeur
61 Sea Spray Avenue
Niantic, CT 06357



Dept. of Health Care Access
410 Capitol Avenue
Hartford, CT 06106
Attn: Kimberly Martone, Director

December 6, 2016

Dear Ms. Martone,

I am a patient of Dr. Maletz of Crossroads Orthopedics in Waterford, and one of the victims of Hartford Healthcare's underhanded act of putting thousands of people with broken bodies on the street with no doctor. I am convinced that this was a subversive act. How can this be ethical? When I received the letter from them I thought that my doctor was retiring. It was not until an article in The Day that I knew that Dr. Maletz, who is very respected, was unwillingly being forced to close his business.

Somewhere I heard that there are eleven other orthopedic physicians in New London County. If this is the case, how are they going to absorb the 6500 patients that received letters? This would mean 600 more patients on average per physician.

I am a spinal surgery patient and need medication for my chronic pain. I am also on Medicare and doubt that I would be accepted anywhere just to receive my medicine.

I thank you and the State for stepping in and hope you will not let Hartford Healthcare get away with this move. It has devastated many and will set a very dangerous precedent. I don't think they care about health at all. It may be just business to them but it is cruel and is hurting people.

Respectfully,

A handwritten signature in cursive script that reads "Donna Brodeur".

Donna Brodeur

Olejarz, Barbara

From: Greer, Leslie on behalf of User, OHCA
Sent: Tuesday, January 03, 2017 2:20 PM
To: Martone, Kim; Hansted, Kevin
Cc: Olejarz, Barbara
Subject: Crossroads Orthopedics

Please forward to anyone else that should receive this.

From: Judi Sevin [mailto:sev5453@gmail.com]
Sent: Wednesday, December 28, 2016 11:33 AM
To: User, OHCA
Subject: Crossroads Orthopedics

To whom it may concern;

I was a patient of Crossroads for many years. Dr. Frank Maletz aided in my workers comp case and fought vigorously alongside my other physicians at the time. Changes with Lawrence and Memorial Hospital resulted in me losing a physician who worked along with Dr. Maletz providing me care for Reflex Sympathetic Dystrophy or Complex Regional Pain Syndrome . Dr. Maletz took over the primary care after Lawrence & Memorial changed the physicians duties of seeing outpatients to only inpatients.

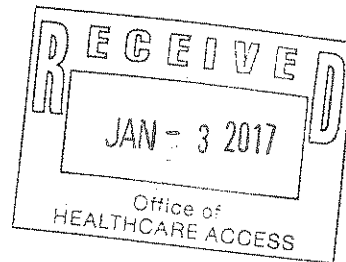
Hartford Health did not provide adequate time for patients to locate new physicians. The list was erroneous!. There was no adequate reason for closing crossroads other than greed! HH wanted to monopolize this area and did not care who they shut out or why! Yale has been creeping its way up the 95 corridor and HH wanted to get in before Yale! Greed at its corner stone.

Now, can not locate a good orthopedic surgeon: 1. told don't take your insurance(I called my insurance company first to aid me in locating a new orthopedic doctor and they assured me the places take my insurance) 2. former patient of cross roads and they don't want to take us.3. too many people in need of an orthopedic doctor because HH closed Crossroads in less than 2 months. It takes 2-6 months to get an appointment because you are new! If the place will take you!

Sincerely

Judy Sevin

sev5453@gmail.com



December 28, 2016

Kimberly Martone
Director of Operations
State of Connecticut Department of Public Health
Office of Health Care Access
410 Capital Avenue, MS#13HCA
PO Box 340308
Hartford, CT 06134

Re: Crossroads Physicians – Nonrenewal of Employment

Dear Ms. Martone:

This is a response to your letter dated December 13, 2016 regarding your request for additional information concerning the nonrenewal of employment of the orthopedic physicians at Crossroads in Waterford, Connecticut (the "Crossroads Physicians"). We appreciate this opportunity to respond to your inquiry for the purpose of continuing to establish that no Certificate of Need ("CON") is required for the nonrenewal of an employment agreement with a physician by a physician practice. This letter responds to each of your inquiries as follows:

1. **Please identify the number of physicians who are/were part of Backus Physician Services, LLC ("BPS").**

In the last year, BPS was composed of 11 physicians.

2. **Is BPS still an active Connecticut limited liability company?**

BPS is an active LLC.

3. **Has BPS merged with any other entities within the past year? If so, is BPS the surviving entity?**

BPS has not merged with any other entity in the past year.

4. **If BPS has merged with another entity or was involved in any other legal transaction wherein the legal structure of BPS changed, please provide copies of any and all legal documents showing that the governance or controlling body of BPS was not changed or impacted by such action.**

This is not applicable; please see the response to question 3 above.

5. **Did Hartford HealthCare and/or BPS engage the patient population base in the affected neighborhoods prior to the closure of BPS in Waterford?**

Patients were notified via a letter (please see the response below for additional detail) and in the daily newspaper that serves that community.

6. **How did Hartford HealthCare and/or BPS notify the patients of BPS in Waterford of the planned closure? Please provide a copy of any notifications sent to the patients.**

All of the patients seen by the Crossroads Physicians during their employment with BPS, starting on June 1, 2014, were provided notice in a letter in the form attached dated September 1, 2016. Notice to patients was also published in The Day in the form attached on September 23, 2016 and September 30, 2016. The notice provided to patients by BPS complies with the regulations of the Connecticut Department of Public Health regarding the discontinuation of practice in § 19a-14-44. BPS ensured that two of the Crossroads

Physicians provided services through October 31, 2016 and one Crossroads Physician continues to provide services through December 31, 2016.

7. **How is Hartford HealthCare and/or BPS addressing any patient transportation issues that may have arisen due to the closure of BPS in Waterford?**

BPS is not aware of any patient transportation issues related to this matter.

8. **To the best of your knowledge, do any of the physicians previously associated with BPS in Waterford plan to re-establish their practices in the Waterford or surrounding areas?**

To the best of my knowledge, we are not aware of the plans of the Crossroads Physicians.

Hartford HealthCare works diligently to comply with the CON laws. Connecticut General Statutes § 19a-638 sets forth the situations when a CON is required. The only potentially relevant CON requirement relates to the termination of an outpatient hospital service. The services rendered by BPS are not covered by any hospital's license and are not billed by any hospital and as such are not outpatient hospital services. Therefore, like in the matter involving the discontinuation of clinical pediatric services by the University of Connecticut Health Center's University Medical Group in OHCA Certificate of Need Determination Report Number 16-32111-DTR where OHCA determined that a CON was not required, no CON is required in this matter for the discontinuation of orthopedic services at Crossroads due to the nonrenewal of employment agreements with the Crossroads Physicians.

Thank you for the opportunity to provide this additional information. Please feel free to contact me if you have any additional questions.

Sincerely,



David Mack, JD, MPH
Vice President for Legal Affairs
On behalf of Backus Physician Services, LLC

Backus Physician Services – Orthopedic Surgery

September 1, 2016

Dear valued patient,

Thank you for choosing Backus Physician Services Orthopedic Surgery, part of Hartford Healthcare, for your surgical needs. It has been our pleasure to have you as a patient.

We regret to inform you the Backus Physician Services Orthopedics, formerly Crossroads Orthopaedics, will be closing the practice effective October 31, 2016. Dr. Maletz will be providing post-operative management care through December 31, 2016.

To assist you with choosing a new orthopedic physician, we have provided contact information for local orthopedic practices below. We suggest that you contact your insurance company prior to choosing a new physician to be sure that the physician is a “participating provider” with your insurance company. You may also contact the Connecticut State Medical Society at (203) 865-0587 for assistance in choosing a new physician.

Orthopedic Partners
82 New Park Ave
North Franklin, CT 06254
(860) 889-7345

William Cambridge, MD
28 Case St
Norwich, CT 06360
(860) 886-8345

John Giacchetto, MD
105 Wawecus St, Suite 2
Norwich, CT 06360
(860) 889-1116

Orthopedic Partners
11 Industrial Park Rd
Niantic, CT 06357
(860) 889-7345

UCONN Musculoskeletal Institute
263 Farmington Ave
Farmington, CT 06030
(860) 679-6600

Yale Orthopedics
800 Howard Ave
New Haven, CT 06510
(203) 785-2579

Once you have identified a physician or practice, please contact our office by December 31, 2016 to have your medical records sent to your new physician. For your convenience, we have attached a records release authorization. If you choose to pick up the copy of your record so that you may personally take it to your new physician, please do so by December 31, 2016.


As of January 1, 2017, your medical records will be retained by Backus Physician Services. Please call (860) 889-8331 x2501 for requests and pick-up arrangements.

We sincerely apologize for this inconvenience and want to assure you that we are here to assist with anything you may need during this transition.

Sincerely,

The Backus Physician Services Orthopedic Team

The Day



47 Eugene O'Neill Drive
New London, CT 06320
860-442-2200
www.theday.com

Classified Advertising Proof

Order Number: d00682438

MINTZ & HOKE/HARTFORD HEALTHCARE
40 TOWER LANE
AVON, CT 06001
860-679-9742

Title: The Day | **Class:** Public Notices 010
Start date: 9/23/2016 | **Stop date:** 9/30/2016 |
Insertions: 2 | **Lines:** 0 ag

Title: Day Website | **Class:** Public Notices 010
Start date: 9/23/2016 | **Stop date:** 9/30/2016 |
Insertions: 2 | **Lines:** 0 ag

A preview of your ad will appear between the two solid lines.

21837

PUBLIC NOTICE

Backus Physician Services Orthopedic practice located at 196 Parkway South, Suite 201 in Waterford will be closed effective October 31, 2016
RECORDS: If you would like to obtain a copy of your medical records, call the office at (860) 440-0688 for an Authorization to Disclose / Obtain Health Information Form. This needs to be completed and returned to BPS Orthopedics 196 Parkway South, Suite 201 Waterford, CT 06385 prior to 12/31/16.
After 1/1/17, please call Medical Records at (860) 889-8331 x2501
It is our sincere hope to make this transition as smooth as possible. Our staff is available to assist you. If you have any questions, please do not hesitate to contact our office at (860) 440-0688.

Total Order Price: \$407.84

Please call your ad representative by 3PM today with any ad changes.

Salesperson: Billie Jean Durgin | **Printed on:** 9/19/2016
Telephone: 860-701-4276 ext 4276 | **Fax:** 860-442-5443
Email: b.durgin@theday.com

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Office of Health Care Access

January 10, 2017

VIA EMAIL ONLY

David Mack, JD, MPH
Vice President for Legal Affairs
Backus Physician Services, LLC
One State Street, Suite 19
Hartford, CT 06103

RE: Certificate of Need Determination Report Number 17-32043-DTR
Closure of Orthopedics at Crossroads

Dear Attorney Mack:

Thank you for the information you provided regarding the closure of Orthopedics at Crossroads ("Crossroads") and Backus Physician Services, LLC ("BPS").

According to the information provided by yourself and Ms. Barbara Durdy, Crossroads was not a hospital-based service. Rather, the services offered at Crossroads were provided and billed as private practice physician services by BPS, which is not a department or service of the Hospital. BPS is a multispecialty physician practice group comprised of eleven physicians that is managed by Hartford Healthcare Medical Group. The physicians that had been practicing at the Crossroads site were employed by BPS. However, BPS is an independent legal entity, separate from Backus Hospital. A review of the licensing records within the State of Connecticut Department of Public Health confirmed that BPS is not included in Backus Hospital's license. Additionally, BPS is still an active limited liability company that has not merged with any other entity within the past year.

Connecticut General Statutes § 19a-638(a)(5) requires a Certificate of Need ("CON") for the "termination of inpatient or outpatient services offered by a hospital...". BPS is the entity that provided and billed for the physician services offered at Crossroads. Since BPS is a physician practice rather than a hospital, the closure of Crossroads does not constitute a termination of inpatient or outpatient services by a *hospital* over which the Office of Health Care Access has regulatory authority.



Phone: (860) 418-7001 • Fax: (860) 418-7053
410 Capitol Avenue, MS#13HCA
Hartford, Connecticut 06134-0308
www.ct.gov/dph

Affirmative Action/Equal Opportunity Employer

Additionally, Conn. Gen. Stat. § 19a-638(a)(3) requires CON authorization for a “transfer of ownership of a large group practice to any entity other than a (A) physician, or (B) group of two or more physicians, legally organized in a partnership, professional corporation or limited liability company formed to render professional services and not employed by or an affiliate of any hospital, medical foundation, insurance company or other similar entity;”. Conn. Gen. Stat. § 19a-630(10) a large group practice as:

[E]ight or more full-time equivalent physicians, legally organized in a partnership, professional corporation, limited liability company formed to render professional services, medical foundation, not-for-profit corporation, faculty practice plan or other similar entity (A) in which each physician who is a member of the group provides substantially the full range of services that the physician routinely provides, including, but not limited to, medical care, consultation, diagnosis or treatment, through the joint use of shared office space, facilities, equipment or personnel; (B) for which substantially all of the services of the physicians who are members of the group are provided through the group and are billed in the name of the group practice and amounts so received are treated as receipts of the group; or (C) in which the overhead expenses of, and the income from, the group are distributed in accordance with methods previously determined by members of the group. An entity that otherwise meets the definition of group practice under this section shall be considered a group practice although its shareholders, partners or owners of the group practice include single-physician professional corporations, limited liability companies formed to render professional services or other entities in which beneficial owners are individual physicians.

BPS qualifies as a large group practice. However, BPS has not merged with any other entity and remains an active limited liability company.

OHCA would have jurisdiction over this matter if the services offered at Crossroads were provided by a hospital or if the ownership of BPS had been transferred to another entity not excluded under Conn. Gen. Stat. § 19a-630(10). However, based upon the foregoing, a *CON was not required* for the closure of Crossroads.

Sincerely,



Kimberly R. Martone
Director of Operations

C: Barbara Durdy, Hartford HealthCare
Rose McLellan, License and Applications Supervisor, DPH, DHSR
Anne Grabowy

Olejarz, Barbara

From: Microsoft Outlook
To: david.mack@hhchealth.org; Barbara Durdy; annegrabowy@yahoo.com
Sent: Tuesday, January 10, 2017 12:03 PM
Subject: Relayed: Determination for Closure of Orthopedics at Crossroads

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

david.mack@hhchealth.org (david.mack@hhchealth.org)

Barbara Durdy (Barbara.Durdy@hhchealth.org)

annegrabowy@yahoo.com (annegrabowy@yahoo.com)

Subject: Determination for Closure of Orthopedics at Crossroads

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Office of Health Care Access

January 11, 2017

VIA EMAIL ONLY

David Mack, JD, MPH
Vice President for Legal Affairs
Backus Physician Services, LLC
One State Street, Suite 19
Hartford, CT 06103

RE: Certificate of Need Determination Report Number 17-32143-DTR
Closure of Orthopedics at Crossroads

Dear Attorney Mack:

Thank you for the information you provided regarding the closure of Orthopedics at Crossroads ("Crossroads") and Backus Physician Services, LLC ("BPS").

According to the information provided by yourself and Ms. Barbara Durdy, Crossroads was not a hospital-based service. Rather, the services offered at Crossroads were provided and billed as private practice physician services by BPS, which is not a department or service of the Hospital. BPS is a multispecialty physician practice group comprised of eleven physicians that is managed by Hartford Healthcare Medical Group. The physicians that had been practicing at the Crossroads site were employed by BPS. However, BPS is an independent legal entity, separate from Backus Hospital. A review of the licensing records within the State of Connecticut Department of Public Health confirmed that BPS is not included in Backus Hospital's license. Additionally, BPS is still an active limited liability company that has not merged with any other entity within the past year.

Connecticut General Statutes § 19a-638(a)(5) requires a Certificate of Need ("CON") for the "termination of inpatient or outpatient services offered by a hospital...". BPS is the entity that provided and billed for the physician services offered at Crossroads. Since BPS is a physician practice rather than a hospital, the closure of Crossroads does not constitute a termination of inpatient or outpatient services by a *hospital* over which the Office of Health Care Access has regulatory authority.



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Additionally, Conn. Gen. Stat. § 19a-638(a)(3) requires CON authorization for a “transfer of ownership of a large group practice to any entity other than a (A) physician, or (B) group of two or more physicians, legally organized in a partnership, professional corporation or limited liability company formed to render professional services and not employed by or an affiliate of any hospital, medical foundation, insurance company or other similar entity;”. Conn. Gen. Stat. § 19a-630(10) a large group practice as:

[E]ight or more full-time equivalent physicians, legally organized in a partnership, professional corporation, limited liability company formed to render professional services, medical foundation, not-for-profit corporation, faculty practice plan or other similar entity (A) in which each physician who is a member of the group provides substantially the full range of services that the physician routinely provides, including, but not limited to, medical care, consultation, diagnosis or treatment, through the joint use of shared office space, facilities, equipment or personnel; (B) for which substantially all of the services of the physicians who are members of the group are provided through the group and are billed in the name of the group practice and amounts so received are treated as receipts of the group; or (C) in which the overhead expenses of, and the income from, the group are distributed in accordance with methods previously determined by members of the group. An entity that otherwise meets the definition of group practice under this section shall be considered a group practice although its shareholders, partners or owners of the group practice include single-physician professional corporations, limited liability companies formed to render professional services or other entities in which beneficial owners are individual physicians.

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Sincerely,



Kimberly R. Martone
Director of Operations

C: Barbara Durdy, Hartford HealthCare
Rose McLellan, License and Applications Supervisor, DPH, DHSR
Anne Grabowy

Olejarz, Barbara

From: Olejarz, Barbara
Sent: Wednesday, January 11, 2017 12:07 PM
To: 'david.mack@hhchealth.org'; Barbara Durdy
Cc: McLellan, Rose; 'annegrabowy@yahoo.com'
Subject: Determination
Attachments: 32143.pdf

Tracking:	Recipient	Delivery	Read
	'david.mack@hhchealth.org'		
	Barbara Durdy		
	McLellan, Rose	Delivered: 1/11/2017 12:08 PM	
	'annegrabowy@yahoo.com'		
	Downes, Maura	Delivered: 1/11/2017 12:08 PM	Read: 1/11/2017 1:22 PM
	Martone, Kim	Delivered: 1/11/2017 12:08 PM	
	Hansted, Kevin		
	Riggott, Kaila		Read: 1/11/2017 2:18 PM
	Kevin.Hansted@ct.gov	Delivered: 1/11/2017 12:08 PM	
	Kaila.Riggott@ct.gov	Delivered: 1/11/2017 12:08 PM	

1/11/17

Attached is the determination for Backus Physician Services, LLC. There was an incorrect docket number (32043) in the determination sent to you yesterday. Please replace the one sent to you yesterday with the attached.

Sorry for any inconvenience this may be causing.

Thank you

Barbara K. Olejarz
Administrative Assistant to Kimberly Martone
Office of Health Care Access
Department of Public Health
Phone: (860) 418-7005
Email: Barbara.Olejarz@ct.gov



Olejarz, Barbara

From: Microsoft Outlook
To: david.mack@hhchealth.org; Barbara Durdy; annegrabowy@yahoo.com
Sent: Wednesday, January 11, 2017 12:08 PM
Subject: Relayed: Determination

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

david.mack@hhchealth.org (david.mack@hhchealth.org)

Barbara Durdy (Barbara.Durdy@hhchealth.org)

annegrabowy@yahoo.com (annegrabowy@yahoo.com)

Subject: Determination