



VIA ELECTRONIC CERTIFICATE OF NEED PORTAL

October 23, 2020

Dr. Robert Leventhal
Naugatuck Valley Endoscopy Center, LLC
Waterbury Surgery Center
1312 West Main Street
Waterbury, CT 06708

RE: Certificate of Need Determination Report Number 20-32397-DTR
Transfer of Ownership of Outpatient Surgical Facility

Dear Dr. Leventhal:

On September 22, 2020 the Health Systems Planning (“HSP”) Unit of the Office of Health Strategy received your Certificate of Need (“CON”) Determination Form on behalf of Waterbury Surgery Center and Prospect Waterbury Ambulatory Surgery, LLC, (collectively, the “Petitioners”) with regard the sale of a minority ownership interest in Waterbury Surgery Center to Prospect Waterbury Ambulatory Surgery.

Waterbury Surgery Center (the “Center”) is an outpatient surgical facility located at 1312 West Main Street in Waterbury, CT. The Center’s ownership interest is broken down as follows: 78.6% physician ownership and the remaining 21.4% by Merritt Healthcare Holdings, LLC (“Merritt”). The Center’s governing body is comprised of four (4) physician members and one (1) member who is a representative of Merritt.

The Petitioners seek to transfer all of Merritt’s minority ownership interest to Prospect Waterbury Ambulatory Surgery (“Prospect”). The Petitioners assert that there will be no change in the composition or control of the governing body as the physicians will maintain their majority ownership interest in the Center, and the composition of the governing body will remain the same. The Petitioners further attest that the Center will participate with the same payers, including Medicare, Medicaid and commercial insurers, offer the same surgical services and serve the same patient population. Essentially, the only change contemplated by the Petitioners will be the substitution of Prospect for Merritt.

Connecticut General Statutes (“Conn.Gen. Stat.”) §19a-638(a)(2) requires a CON for the “transfer of ownership of a healthcare facility.” Conn. Gen. Stat. §19a-630(15) defines a transfer of ownership as a transfer that impacts or changes the governance or controlling body of a health care facility. As the transfer of the minority interest of the Center from Merritt to Prospect will not impact or change the governance or controlling body of the Center, OHS concludes that a CON is not required for the proposal.

Sincerely,

Kimberly R. Martone, Deputy Director
Chief of Staff, Director of Health Systems Planning
Office of Health Strategy

CC: DPH Licensing

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