

Members of the Public Health Committee,

My name is Martin Pressman. I am a licensed Connecticut Podiatrist. I am a shareholder in Milford Podiatry Associates, a professional practice of doctors of podiatry. I also am the Chairman of the Connecticut State Board of Podiatry Examiners. Milford Podiatry owns the Connecticut Foot surgery Center, the only podiatric ambulatory surgery center in the State. I am here today to ask you support for legislative proposals for the Department of Public Health to add simple provisions to Raised Bill No. 6618 to correct inadvertent technical oversights in Connecticut General Statutes Section 19a-493b that work a serious hardship on podiatrists, and Milford Podiatry Associates in particular.

Connecticut General Statutes Section 19a-493b is a statute that was developed in part so as to allow outpatient surgical facilities owned by physicians to be reorganized or transferred between physicians without having to secure CON approval from the Office of Health Care Access. The statute, in subsection (c), provides that an outpatient surgical facility exclusively owned by physicians may transfer some or all of its ownership interests without CON approval, provided that after the transfer physicians still control at least 60% of the facility. Milford Podiatry's surgical facility is owned exclusively by professional members of Milford Podiatry Associates and would appear to qualify for treatment under the statutes. Further, Medicare and other bodies recognize and treat podiatrists as physicians in certain instances.

The difficulty with the current text of the statute relates to a technical drafting error, in that the statute references facilities "owned or controlled exclusively by persons licensed pursuant to section 20-13." Section 20-13 deals with physicians who receive Connecticut licenses for the practice of medicine or surgery. Podiatrists are also licensed under Title 20 of the Connecticut General Statutes, but podiatrists are licensed pursuant to Chapter 375 of the General Statutes. This drafting error works a real hardship for Milford Podiatry in that unlike physicians licensed under Section 20-13, we are unable to allow for transfers of ownership interests in our outpatient surgical facility without CON approval, despite the fact that our facility is licensed under the exact same provisions of the Public Health Code as other physician-owned facilities. This materially impacts our ability to structure succession planning for our practice and plan for our personal financial affairs. There is nothing in the legislative history to suggest that there was an intention to exclude podiatrists from the benefit of this statute. Additionally, these hardships are particularly unfair in light of the fact that we are the only podiatric surgical facility in the State of Connecticut.

The amendment to the statutes to correct this error is a simple one. Subsection (c) of Connecticut General Statutes Section 19a-493b will simply be revised so that the references to "persons licensed pursuant to section 20-13" would instead read "persons licensed pursuant to section 20-13 or chapter 375" in each instance.

I encourage you to adopt this correction. This will not affect any other facility, and will only allow our facility to be treated in the same fashion as other physician owned-facilities in Connecticut, while remaining subject to all applicable licensure and operational requirements under state and federal law. I thank you for your attention to this matter and urge the adoption of this much-needed technical correction.

Respectfully submitted,

Martin Pressman D.P.M.