

CON Determination Form 2020

All persons who are requesting a determination from the Office of Health Strategy (“OHS”) as to whether a CON is required for their proposed project must complete this Form 2020. The completed form **must be filed electronically** through the OHS’ single point of access, its [CON Web Portal](#).

First time Portal users must register prior to submitting any documents. To register, click here: [Certificate of Need Web Portal](#)

For any questions, please email HSP@ct.gov or call (860) 418-7001.

SECTION I. PETITIONER INFORMATION

If this proposal has more than two Petitioners, please attach a separate sheet, supplying the same information for each Petitioner in the format presented in the following table.

	Petitioner	Petitioner
Full Legal Name	New Vision Cataract Center, LLC	
Doing Business As	New Vision Cataract Center	
Name of Parent Corporation	None. As discussed below, no entity holds a controlling interest in Facility.	
Petitioner’s Mailing Address, if Post Office (PO) Box, include a street mailing address for Certified Mail	605 West Ave, Norwalk, CT 06850	
What is the Petitioner’s Status: P for profit and NP for Nonprofit	P	

Contact Person at Facility, including Title/Position: This Individual at the facility will be the Petitioner's Designee to receive all correspondence in this matter.	Amy Andharia, Chief Operating Officer	
Contact Person's Mailing Address, if PO Box, include a street mailing address for Certified Mail	825 East Gate Boulevard, Suite 111, Garden City, NY 11530	
Contact Person's Telephone Number		
Contact Person's Fax Number	N/A	
Contact Person's e-mail Address		

SECTION II. GENERAL PROPOSAL INFORMATION

- a. Proposal/Project Title: **Acquisition of 28% Indirect Minority Ownership Interest in New Vision Cataract Center, LLC**
- b. Estimated Total Project Cost: **There is no capital cost associated with this proposal.**
- c. Location of proposal, identifying Street Address, Town and Zip Code: **605 West Ave, Norwalk, CT 06850**
- d. List each town this project is intended to serve: **Norwalk, CT**
- e. Estimated starting date for the project: **January 1, 2027**

SECTION IV. PROPOSAL DESCRIPTION

Please provide a description of the proposed project, highlighting each of its important aspects, on at least one, **but not more than two separate 8.5" X 11" sheets of paper**. At a minimum each of the following elements need to be addressed, if applicable:

1. If applicable, identify the types of services currently provided and provide a copy of each Department of Public Health (DPH) license held by the Petitioner. **New Vision Cataract**

Center, LLC's clinical services include ophthalmic surgical procedures including cataract surgery, glaucoma surgery, plastic ophthalmic procedures and ophthalmic laser surgery.

New Vision Cataract Center, LLC operates an ophthalmic outpatient surgical facility pursuant to Connecticut Out-Patient Surgical Facility License No. 267, a copy of which is attached hereto as Exhibit A, and which was initially granted on September 25, 2000. New Vision Cataract Center, LLC also holds Connecticut Controlled Substances Registration CSP.0082169-FAC, a copy of which is attached hereto as Exhibit B.

2. Identify the types of services that are being proposed and what DPH licensure categories will be sought, if applicable. **The proposed acquisition of a 28% indirect minority ownership interest in New Vision Cataract Center, LLC will not result in any changes to the services offered or require additional licensure.**
3. Identify the current population served and the target population to be served. **New Vision Cataract Center, LLC operates an ophthalmic outpatient surgical facility that serves patients across the full eye care services continuum: retina, cataract, glaucoma, cornea, and oculoplastics. The proposed acquisition of a 28% indirect minority ownership interest in New Vision Cataract Center, LLC will not result in any changes to the population served.**

SECTION V. AFFIDAVIT

(Each Petitioner must submit a completed Affidavit.)

Petitioner: New Vision Cataract Center, LLC

Project Title: Acquisition of 28% Indirect Minority Ownership Interest in New Vision Cataract Center, LLC

I, Thomas F. Burke, C.E.O.
(Name) (Position – CEO or CFO)

of Spectrum Vision Partners, LLC being duly sworn, depose and state that the
(Organization Name)

information provided in this CON Determination form is true and accurate to the best of my knowledge.

Thomas F. Burke
Signature

08/12/26
Date

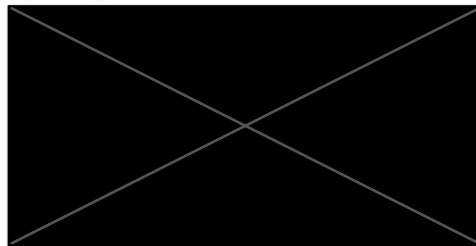
Subscribed and sworn to before me on 08/10/26



Notary Public, Commissioner of Superior Court

My commission expires:





Background and Transaction Structure

This Determination Request relates to New Vision Cataract Center, LLC (“**Facility**”) and the acquisition of a 28% indirect minority ownership interest occurring several ownership levels above Facility (the “**Proposed Transaction**”). The Proposed Transaction is expected to close on or around January 1, 2027.

Facility is currently owned by NVCC Management, LLC (40%) (“**NVCC Management**”) and four individual, Connecticut-licensed physician owners (60%) (the “**Physician Owners**”). NVCC Management is owned by the Physician Owners (30%) and Spectrum Vision Holdings, LLC (70%) (“**SV Holdings**”). SV Holdings is wholly owned by Spectrum Vision Partners, LLC (100%) (“**SV Partners**”). In connection with the Proposed Transaction, NJEYE, LLC (“**NJEYE**”) will acquire 100% of the equity interests in SV Partners, resulting in NJEYE’s indirect acquisition of a 28% indirect ownership interest in Facility (40% NVCC Management interest × 70% SV Holdings interest). No equity interests in Facility, NVCC Management, or SV Holdings are being transferred as part of the Proposed Transaction. Pre- and post-closing organizational structure charts are attached as **Exhibit C**.

Facility is governed by a board of managers consisting of five managers. The Physician Owners designate three managers, constituting a majority of the board. NVCC Management designates two managers, constituting a minority of the board, and SV Holdings, as the manager of NVCC Management, exercises NVCC Management’s designation right. Because the Physician Owners retain majority designation rights both before and after closing, the Proposed Transaction will not result in a change in the control of Facility.

Facility requests a determination that Certificate of Need (“**CON**”) approval is not required for the Proposed Transaction. SV Partners is not a parent company of Facility and is not an affiliate of Facility, as it does not control, and is not under common control with, Facility. Accordingly, the change of ownership of SV Partners does not itself require CON approval. In addition, although SV Partners indirectly holds a minority economic interest in Facility and, through NVCC Management, participates in the designation of two of five managers, SV Partners does not possess the authority to control Facility’s governance, management, or operations. The Proposed Transaction will not alter this fact, and, accordingly, will not result in any change in control requiring a CON.

CON Analysis

Under Conn. Gen. Stat. § 19a-638(a)(2), the transfer of ownership of a health care facility requires CON approval. “Transfer of ownership” is defined as any transfer that “impacts or changes the governance or controlling body of a health care facility ... including, but not limited to, all affiliations, mergers or any sale or transfer of net assets” Conn. Gen. Stat. § 19a-630(16). As a licensed outpatient surgical facility, Facility qualifies as a health care facility. Conn. Gen. Stat. § 19a-630(10). A health care facility is also defined as including any “parent company, subsidiary, affiliate or joint venture” of an entity otherwise defined as a health care facility. Conn. Gen. Stat. § 19a-630(10).

Furthermore, Facility does not qualify for the exemption available under Conn. Gen. Stat. § 19a-493b(c) for transfers of ownership of an ambulatory surgical center that, immediately before the transfer, is owned and controlled exclusively by licensed physicians (or physician-owned entities) and that remains at least 60% owned and controlled by licensed physicians (or physician-owned entities) immediately after the transfer. While Facility satisfied this exemption at the time of a 2017 ownership change, Facility’s current ownership structure no longer meets the exemption’s threshold. Accordingly, the determination of whether the Proposed Transaction requires CON approval turns on whether it “impacts or changes the governance or controlling body” of Facility under Conn. Gen. Stat. § 19a-630(16), independent of the Conn. Gen. Stat. § 19a-493b(c) exemption.

SV Partners is Not a Healthcare Entity under the CON Requirements

SV Partners’ acquisition of a 28% indirect minority ownership interest in Facility does not make it a parent company or an affiliate of Facility. The term “parent company” is not defined in the CON statutes, but a “parent corporation” can be generally defined as “a corporation that has a controlling interest in another corporation, usually through ownership of more than one-half of the voting stock.” Black’s Law Dictionary, 12th ed. 2024. In a limited liability company, there is no voting stock; rather, equity is owned by the company’s members, and

control of the company is delegated through the company's operating agreement. SV Partners does not have the ability to control Facility. In addition, SV Partners' indirect ownership of NVCC Management through SV Holdings does not make SV Partners a parent company, since NVCC Management also does not control Facility, as it only has the right to appoint a minority of Facility's board of managers. Therefore, SV Partners is not a "parent company."

Further, SV Partners is not an "affiliate" of a healthcare facility. "Affiliate" is defined as "a person, entity or organization controlling, controlled by or under common control with another person, entity or organization." Conn. Gen. Stat. § 19a-630(1). SV Partners does not control Facility and is not controlled by or under common control with Facility. In addition, its indirect ownership of NVCC Management does not make it an affiliate, since NVCC Management likewise does not control Facility and is not controlled by or under common control with Facility.

Thus, because SV Partners is not a parent company or an affiliate of Facility, it is not a healthcare facility, and the Proposed Transaction does not impact or change on the governance or controlling body of a healthcare facility for CON purposes with respect to SV Partners.

The Proposed Transaction Will Not Impact or Change the Governance or Controlling Body of Facility

Each of SV Holdings and SV Partners hold an indirect 28% ownership interest in Facility. Through NVCC Management, SV Holdings designates two managers to Facility's five-member board, constituting a non-controlling minority. Neither SV Partners nor SV Holdings has the ability to control Facility, and the Proposed Transaction will not alter that fact.

Specifically, as a result of the Proposed Transaction:

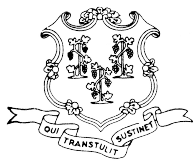
- No equity interests in Facility itself, NVCC Management, LLC, or SV Holdings are being transferred as part of the Proposed Transaction.
- There are no expected changes to the governance and control of Facility, including to the composition, designation rights, powers, and responsibilities of Facility's board of managers.
- Facility's operating agreement is not expected to be amended in connection with the Proposed Transaction.
- SV Partners' 28% indirect minority ownership interest in Facility will remain unchanged immediately following closing.

The Proposed Transaction Will Not Result in Any Changes to Facility's Services or Operations

The Proposed Transaction will not result in any changes to the services provided by Facility. Facility will remain the owner of the outpatient surgical facility and the provider of services, and the Proposed Transaction is not expected to have any impact on Facility's operations.

Specifically, as a result of the Proposed Transaction:

- Facility will continue to operate under the same federal tax identification number and National Provider Identifier.
- There will be no changes to the Facility's address or professional staffing, except for those in the ordinary course of business.
- Facility will continue to engage Physician Owners to provide professional medical services.
- Facility will continue to abide by all regulations, constraints, conditions, requirements, and commitments, including its obligations under its license.
- Facility does not anticipate any material changes in the services provided or any other changes to the delivery of care currently provided by Facility beyond those expected in the normal course of business.



STATE OF CONNECTICUT
Department of Public Health

In accordance with the provisions of the General Statutes of Connecticut Section 19a-493 the following license to maintain and operate a

Out-Patient Surgical Facility

LICENSE NO:

267

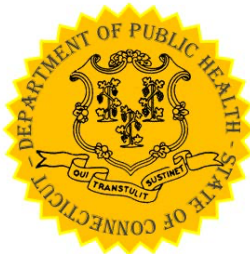
has been granted to
NEW VISION CATARACT CENTER, L.L.C.

d/b/a

NEW VISION CATARACT CENTER

Located at
605 WEST AVE
NORWALK, CT 06850-4000

For the period from 07/01/2024 to 06/30/2026 .



Manisha Juthani, MD
Commissioner

Appendix A: Regulations Waived

STATE OF CONNECTICUT
Department of Public Health
LICENSE APPENDIX A: REGULATIONS WAIVED

Out-Patient Surgical Facility

LICENSE NO:
267

NEW VISION CATARACT CENTER, L.L.C.

For the period from 07/01/2024 to 06/30/2026.

No Regulations Waived



State of Connecticut

Lookup Detail View

Name and Address

NEW VISION CATARACT CENTER

Mailing Address

NEW VISION CATARACT CENTER

605 WEST AVE

LOWER LEVEL

NORWALK, CT 06850-4000

License Address

JONATHAN STEIN, MEDICAL DIRECTOR

605 WEST AVE

LOWER LEVEL

NORWALK, CT 06850-4000

Credential Information

Credential

CSP.0082169-FAC

License Type

CONTROLLED SUBSTANCE REGISTRATION FOR CLINICS AND OTHER FACILITIES

Effective Date

03/01/2025

Expiration Date

02/28/2027

Status

ACTIVE

Medical Director

Medical Director

STEIN, JONATHAN

Controlled Substance Practitioner License

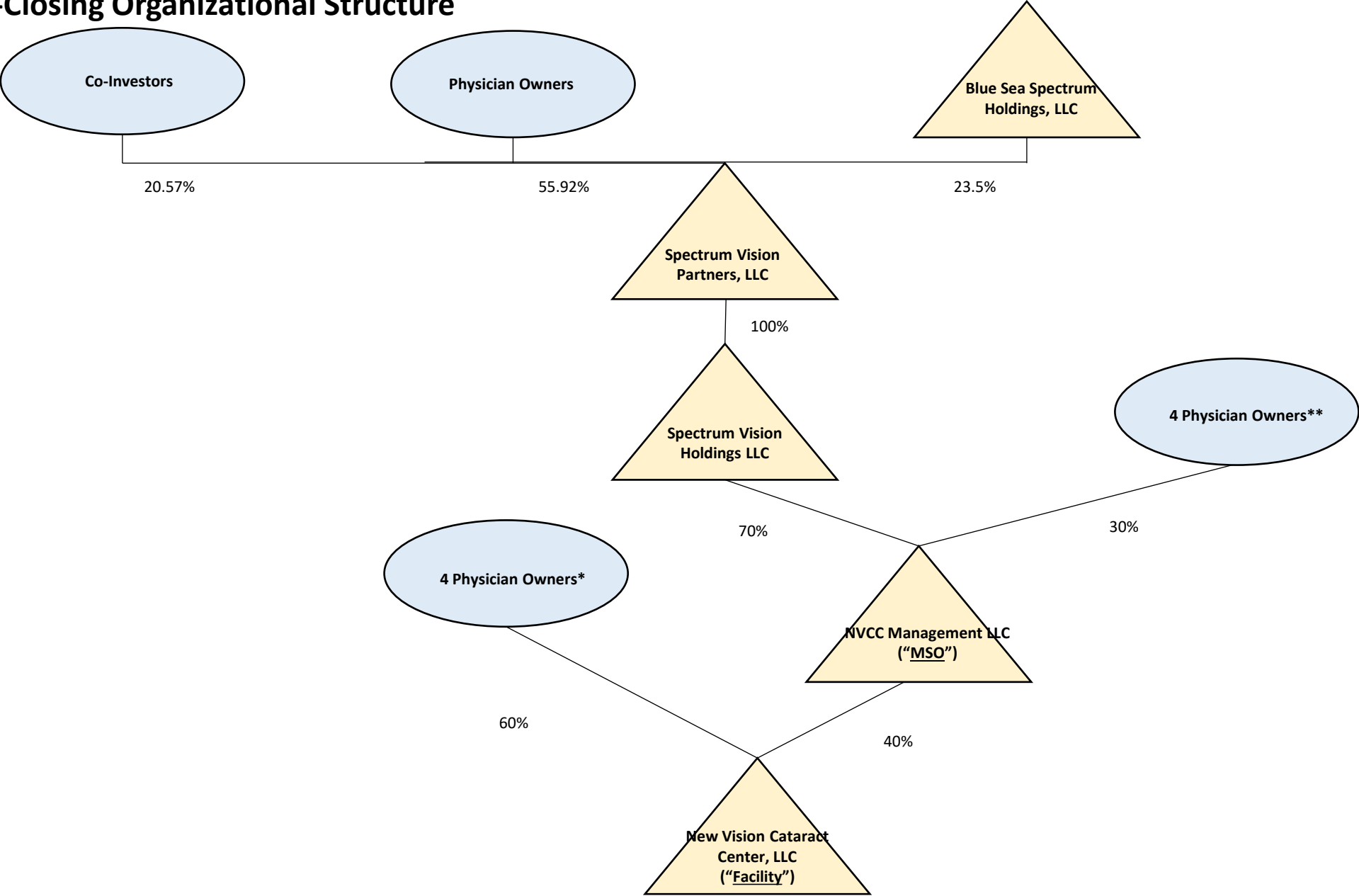


Medical License



6/1/2026 6:01:00 PM

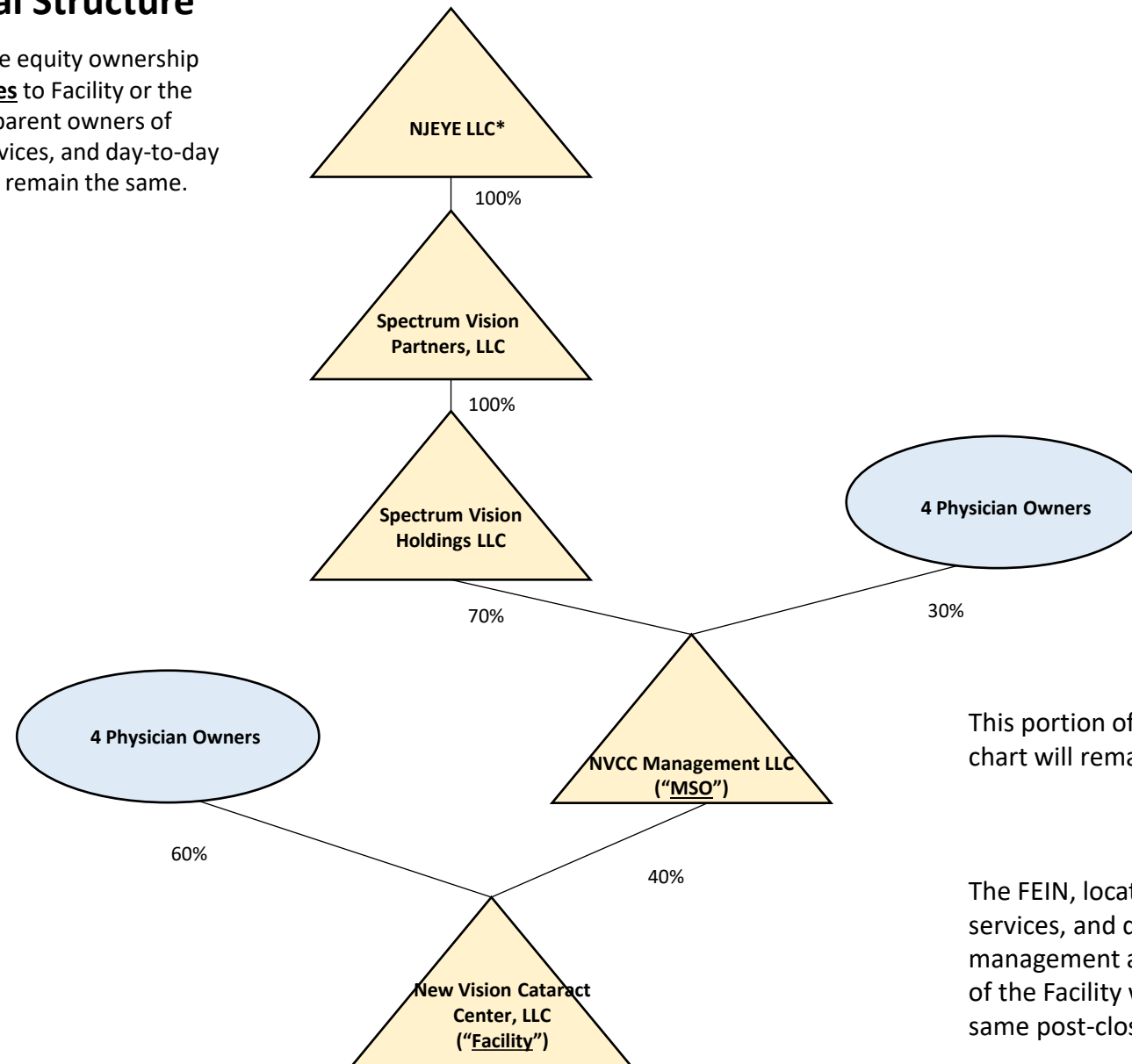
Pre-Closing Organizational Structure



* The 4 physician owners of Facility are: (1) Scott Spector, M.D. – 15%, (2) Eric Donnenfeld, M.D. – 15%, (3) Robert Noecker, M.D. – 15%, and (4) Jonathan Stein, M.D. – 15%.
** The 4 physician owners of MSO are: (1) Scott Spector, M.D. – 10.5%, (2) Eric Donnenfeld, M.D. – 6.5205%, (3) Robert Noecker, M.D. – 6.498%, and (4) Jonathan Stein, M.D. – 6.4995%.

Post-Closing Organizational Structure

NJEYE, LLC will indirectly acquire 28% of the equity ownership interests in Facility. There will be no changes to Facility or the direct parent, grandparent, or great-grandparent owners of Facility. The FEIN, location, name, staff, services, and day-to-day management and operations of Facility will remain the same.



This portion of the structure chart will remain the same.

The FEIN, location, name, staff, services, and day-to-day management and operations of the Facility will remain the same post-closing.

* There are upstream owner entities above NJEYE, LLC – see next slide.

Post-Closing Organizational Structure

