



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

**100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104**

November 8, 2021

Sim Penton, Esquire
Baptist Health
Post Office Box 244001
Montgomery, Alabama 36124-4001

RE: TW2021-026
Montgomery Surgical Center, LLC
SHPDA ID: 101-U5101

Dear Mr. Penton:

On August 20, 2021, TW2021-026 was issued pursuant to ALA. ADMIN. CODE r 410-1-10-.05 and 410-2-5-.09 on behalf of the referenced facility to establish an emergency alternate care site for overflow patients from Baptist Medical Center South, Baptist Medical Center East, and Prattville Baptist Hospital in the provision of healthcare services due to COVID.

On November 4, 2021, the Agency was notified that the waiver to establish an emergency alternate care site was not instituted. As a result of this notification, this waiver is now deemed closed and all services are limited to Certificate of Need authorized services only.

Should you have any questions please contact the Agency at (334) 242-4103.

Sincerely,

A handwritten signature in black ink that reads "Emily T. Marsal".

Emily T. Marsal
Executive Director

ETM/kwm

Nov 04 2021

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCYSimeon F. Penton
Vice President/General CounselBaptist Health
501 Brown Springs Road
PO Box 244001
Montgomery, AL 36124-4001
Tel: 334-747-4410 (Main)
Tel: 334-747-4443 (Direct)
Fax: 334-747-4422
sfpenton@baptistfirst.org

November 3, 2021

Emily T. Marsal, Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, AL 36104
shpda.online@shpda.alabama.gov**Re: TW2021-026**
Montgomery Surgical Center, LLC

Dear Ms. Marsal:

Thank you for the communication dated November 1, 2021, regarding the above-referenced Temporary Waiver, and please allow this correspondence to affirm that the services/facilities approved by the Waiver were not instituted. If you should require any further information, please do not hesitate to contact me.

Sincerely,

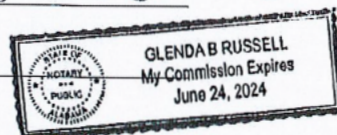
A handwritten signature in blue ink, appearing to be "Sim Penton".

Sim Penton
VP/General Counsel
Baptist HealthSWORN TO and subscribed before me
on this the 3 day of November, 2021.

A handwritten signature in black ink, appearing to be "Glenda B Russell".

NOTARY PUBLIC

My Commission Expires: _____





STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

NOTICE FOR ISSUANCE OF TEMPORARY WAIVER

In the State of Emergency issued on August 13, 2021, for the COVID-19 pandemic, Governor Ivey directed the State Health Planning and Development Agency (Agency) to provide for temporary waivers to the Certificate of Need process to permit new services, facilities, and other resources needed for treatment of patients affected by the appearance of Covid-19, or to free up bed and treatment space at existing health care facilities to permit such needed treatment in accordance with ALA. ADMIN. CODE r. 410-1-10-.05 and ALA. ADMIN. CODE r. 410-2-5-.09.

By filling out this attached form, the applicant has requested a temporary waiver and it has been signed and notarized that this request is directly related to the COVID-19 pandemic. The affirmation by the SHPDA Executive Director is related solely to the addition and/or provision of any beds, stations, or services during the State of Emergency and succeeding 60-day period and does not affirm any permanent CON authority for such request. The affirmation shall also not be considered to be a waiver of any requirements related to the Alabama Department of Public Health or any other regulatory agency.

Pursuant to ALA. ADMIN. Code r. 410-2-5-.09 (3), the request as affirmed, "shall automatically terminate on the earlier of (i) as applicable, the discontinuation of services subject to the waiver; or (ii) sixty (60) days following the termination of the State of Emergency as recognized in the Declaration." Furthermore, the rule states, "[a]ny continued operation of institutional health services authorized under a waiver granted pursuant to this section will require a CON, subject to regular CON criteria and procedures, including compliance with the SHP, without regard to this rule."

In addition, ALA. ADMIN. CODE r. 410-2-5-.09 (4) provides that "[e]xcept as specifically provided in ALA. ADMIN. CODE § 410-2-5-.09.1(A)(1) and (2), the construction, development or other establishment of a new health care facility, as defined in Section 410-1-2-.05, shall not be eligible for a waiver under this rule."

For any questions or concerns, please contact the Agency at (334) 242-4103.

FOR STAFF USE ONLY:

WAIVER IDENTIFICATION: TW2021-026

REQUEST FOR CERTIFICATE OF NEED WAIVER

FACILITY ID NO.: 101-U5101 COUNTY: MONTGOMERY

FACILITY/PROVIDER NAME: MONTGOMERY SURGICAL CENTER, LLC

STREET ADDRESS: 470 Taylor Road, Suite 100

CITY: Montgomery ZIP CODE: 36117

AUTHORIZED REPRESENTATIVE: Julia Henig, MSHA, MBA, FACHE

TITLE: Vice President, Baptist Health EMAIL ADDRESS: jhenig@baptistfirst.org

DIRECT TELEPHONE NUMBER: (334) 747-4405

TYPE OF FACILITY/PROVIDER: Ambulatory Surgical Center

Pursuant to a declaration issued by Governor Ivey on August 13, 2021, the following additional services are being enacted pursuant to Ala. Admin. Code r 410-2-5-.09-E and 410-1-10-.05-E.

Establish Montgomery Surgical Center as an emergency alternate care site for overflow patients from Baptist Medical Center South, Baptist Medical Center East and Prattville Baptist Hospital.

Does this request involve an increase in: Beds No [] Yes [X] Number 51

ESRD Stations No [X] Yes [] Number

Provide a brief explanation of how these services will assist in the health and safety of citizens during the emergency (attach additional sheets if necessary):

Please see attached sheet.

Projected Construction/Renovation Costs: \$ 5,000.00

Projected Equipment Costs: \$ 100,000.00

Projected date additional services/equipment will be available for service: 8/19/2021

If this Waiver request involves construction of a new facility and/or acquisition of new equipment, provide a brief description of the proposal on a separate sheet of paper and return with this form.

The undersigned, being first duly sworn, hereby affirms that he/she has direct knowledge of the facts contained this request, and to the best of their information, knowledge, and belief, such facts are true and correct. The undersigned agrees to comply with the requirements and limitations outlined by Rules 410-2-5-.09-E and 410-1-10-.05-E

Julia Henig
Signature of Authorized Officer

8/19/21
Date

Julia Henig
Printed Name

Vice President
Title

Sworn to and subscribed before me this 20 day of August, 2021.



(Seal)

Marilyn R. Hart
OFFICIAL SEAL
MARILYN R. HART
Notary Public,
ALABAMA STATE AT LARGE
My Commission Expires April 3, 2022

AFFIRMED BY EXECUTIVE DIRECTOR:

Emily T. Marsal
Emily T. Marsal

8/20/2021
Date

Montgomery Surgical Center Request for CON Waiver

Brief Explanation of Services

In order to better meet the demands of the COVID-19 Public Health Emergency, the Healthcare Authority for Baptist Health, an Affiliate of UAB Health System, d/b/a Baptist Medical Center South (BMCS), Baptist Medical Center East (BMCE) and Prattville Baptist Hospital (PBH) has established an emergency alternate care site at its affiliated facility, Montgomery Surgical Center (MSC) for the duration of the Public Health Emergency. BMCS is a 432-bed acute care general hospital located at 2105 East South Boulevard, Montgomery, Alabama 36111. BMCE is a 150-bed acute care general hospital, located at 400 Taylor Road, Montgomery, Alabama 36117. PBH is an 85-bed acute care general hospital, located at 124 South Memorial Drive, Prattville, Alabama 36067. MSC is a Medicare-enrolled Ambulatory Surgical Center located at 470 Taylor Road, Montgomery, Alabama 36117.

If approved as an emergency alternate care site, MSC will provide overflow for patients seeking hospital-level critical care at BMCS, BMCE or PBH during the COVID-19 Public Health Emergency. MSC will be able to serve up to 51 patients within its existing procedure rooms and pre-operative and post-operative bays. Each bay contains two beds divided by a curtain. In terms of equipment, each patient will be afforded not less than an infusion pump and an individual patient care monitor. MSC has bathroom facilities for staff and patient use, and the staff snack room will be repurposed for the preparation of patient meals and snacks. MSC will not provide emergency services, pediatric, OB, or surgical services during the COVID-19 Public Health Emergency.