



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

February 1, 2018

NOTICE

RE: Request for letter of non-reviewability – RV2018-013

This is written to notify you that the attached request for a letter of non-reviewability has been received. Any affected person may file written comments regarding this request, per 410-1-7-.02 of the *Alabama Certificate of Need Program Rules and Regulations*.

Enclosure: see attached



ALABAMA HEART & VASCULAR MEDICINE

RECEIVED
Jan 31 2018

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

November 27, 2017

State Health and Planning Development Agency
100 North Union Street
RSA Union Building, Suite 870
Montgomery, Alabama 36130-3025

RE: Non-Reviewability Determination Request for Bama Heart Doc, P.C. dba Alabama Heart and Vascular Medicine

Dear Mr. Lambert:

On behalf of Alabama Heart and Vascular Medicine, I am writing to submit a reviewability request in accordance with the Alabama State Health Planning and Development Agency's Certificate of Need (CON) program rules and regulations (410-1-7-.02). This letter is subsequent to a letter sent on January 11, 2017 – RV-2017-011 – in which we stated that we would perform fluoroscopic-based angiographic, arterial and venous interventions limited to the vessels of the upper and lower extremities. This request was deemed non-reviewable on March 29, 2017.

Alabama Heart and Vascular Medicine (AHVM) would like to further request non-reviewability to include low-risk cardiac procedures, such as left and right diagnostic catheterizations, low-risk ICD and pacemaker implantation, implantable loop recorder insertion, direct current cardioversion, thrombectomy of dialysis grafts, and transesophageal echocardiogram. For precedence of this requested LNR, please see RV-2016-007.

These procedures would be in addition to arterial and venous interventions of the vessels of the upper and lower extremities currently performed in our facility. Since March 29, 2017, AHVM has performed over 80 procedures authorized in RV-2017-011 and can report overwhelmingly positive patient outcomes and patient satisfaction. AHVM would like to further extend to its patients the procedures listed above with the same positive patient outcomes and patient satisfaction. AHVM will not be performing any acute emergency cardiac intervention or any coronary angioplasty in this cardiac catheterization laboratory.

The criteria as adopted by the Supreme Court for the Physician Office Exemption are as follows:

- 1) The proposed services are to be provided, and related equipment used, exclusively by the physicians identified as owners or employee of the physician's practice for the care of their patients.



ALABAMA HEART & VASCULAR MEDICINE

- 2) The proposed services are to be provided, and related equipment used, at any office of such physicians.
- 3) All patient billing related to such services are through, or expressly on behalf of, the physicians' practice.
- 4) The equipment shall not be used for inpatient care, nor by, through or on behalf of a health-care facility.

Alabama Heart and Vascular Medicine will, through the performance of the procedures previously reviewed, meet the above criteria respectively as follows:

- 1) Procedures will be performed only by physician's owners or physician employee of Alabama Heart and Vascular Medicine.
- 2) All procedures will be performed in the office of Alabama Heart and Vascular Medicine currently located at 100 Rice Mine Road Loop, Suite 104, Tuscaloosa, Alabama 35406. All equipment necessary for the performance of the above procedures will be used only in the office of Alabama Heart and Vascular Medicine.
- 3) All patient billing for the procedures performed will be done on behalf of Alabama Heart and Vascular Medicine.
- 4) At no time will the equipment used for the performance of our office-based procedures be used for inpatient care, nor by, through or on behalf of any other healthcare facility.

Based on the information given above, the proposed procedures in this matter should meet the criteria adopted by the Alabama Supreme Court for application of the Physician Office Exemption. Although the Physician Office Exemption serves as a bar to CON review, for your notice and information, we can also affirm that this venture will not exceed the CON expenditure threshold nor will it constitute a "new institutional health service" under Alabama Code 22-21-263 and the Rules because:

- a) No new health care facility or health maintenance organization will be constructed, developed, or acquired;
- b) No major medical equipment will be acquired by or on behalf of a health care facility that exceeds the statutory purchase price or operating expense thresholds;
- c) No new health care facility beds or stations will be added;
- d) No new health service that is currently offered by AHVM will be provided with the implementation of the procedures described in this document; and
- e) No other event reviewable under the CON law or Rules will occur as a result of our implementation of the procedures described in this document.

With the support of this document we request that the Alabama State Health Planning and Development Agency grant a determination of non-reviewability to Bama Heart Doc, P.C. dba Alabama Heart and Vascular Medicine for the proposed procedures as described above.



ALABAMA HEART & VASCULAR MEDICINE

No other healthcare facilities or groups have any financial interests in this reviewability determination request.

An electronic payment for the filing fee in the amount of \$1000.00 will be made today via the SHPDA online portal. Please see the attached financial breakdown.

Please do not hesitate to contact us directly 205-561-5243 if you require any further information or have any questions.

Affirmation of Requesting Party:

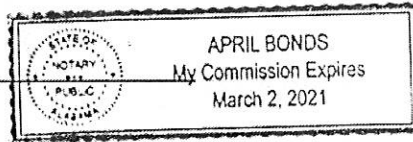
The undersigned, being first duly sworn, hereby make oath or affirm that he is the Owner, has knowledge of the facts in this request, and to the best of his information, knowledge and belief, such facts are true and correct.

Affiant _____

SUBSCRIBED AND SWORN to before me this 27th day of NOVEMBER

Notary Public

My commission expires: _____





ALABAMA HEART & VASCULAR MEDICINE

Financial Breakdown

- 1) Equipment: Total = \$725,000.00
 - a. Medical equipment including c-arm, patient monitoring equipment, defibrillator, and IVUS for arterial and venous procedures = \$725,000
 - b. All other necessary equipment is already owned
- 2) Estimated annual operating costs: Total = \$1,014,637.88
 - a. Building Lease - \$67,279.36
 - b. Equipment Lease - \$153,038.52
 - c. Supplies - \$600,000
 - d. Wages - \$221,320.00
- 3) Capital costs: Total = \$67,279.36
 - a. Building Lease - \$67,279.36