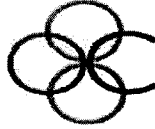


Aug 26 2020

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

August 26, 2020

VIA EMAIL (shpda.online@shpda.alabama.gov)

Hon. Emily T Marsal
Executive Director
State Health Planning and Development Agency
100 North Union Street
RSA Union Building, Suite 870
Montgomery, AL 36130-3025

RE: Non-Reviewability Determination Request for inVision Ophthalmology, PC

Dear Honorable Marsal:

I respectfully request a determination of non-reviewability in accordance with the Alabama State Health and Planning Development Agency's Certificate of Need program rules and regulations, specifically rule 410-1-7-.02.

This letter will demonstrate that my request falls within the criteria of the Physician Office Exemption and outside of the thresholds established for CON review. See Ala. Code 22-21-260(6) offices of private physicians are not "health care facilities" and 22-21-2(8) "health services" do not include "the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state."

My private practice, inVision Ophthalmology, PC/Young H. Choi, MD, is located at 2100 Devereux Circle Suite 100, Vestavia Hills, AL 35243. The service area for this request is Vestavia Hills, Alabama. I am the sole owner and the physician owner of inVision Ophthalmology PC.

My request for a determination of non-reviewability is specifically for the following office-based surgeries: cataract surgery, blepharoplasty, minimally invasive glaucoma surgery (such as goniotomy and iStent), and pterygium excision. These procedures are low risk, minimally invasive and general anesthesia is not required. My office has already been accredited by the American Association for Accreditation for Ambulatory Surgery Facilities (AAAASF) which is the gold standard. My office's ability to deal with any issues related to the above surgeries is supported by the fact that it is already accredited by a nationally recognized body, AAAASF. Moreover, my office has a transfer of care agreement in place if a higher level of care is needed.

For the purpose of this request, I would like to provide the following Financial Disclosure:

1. The new clinic was completed and opened in August, 2018 with two procedure rooms.
2. There is no expense incident to this request.
3. No new medical or other equipment will be required.
4. Any procedures would be staffed by existing support personnel.

**InVision Ophthalmology / Young H. Choi, M.D.
2100 Devereaux Circle Suite 100; Vestavia Hills, AL 35243
Ph: 205. 879. 2221**

Emily T Marsal
August 26, 2020
Page 2

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

1. The proposed services are to be provided, and related equipment used, exclusively by the physicians identified as owners or employees of the physician's practice for the care of their patients.
2. The proposed services are to be provided, and related equipment used, at any office of such physicians.
3. All patients' Billings related to such services are through, or expressly on behalf of, the physician's practice.
4. The equipment shall not be used for inpatient care, nor by, through or on behalf of a healthcare facility.

inVision Ophthalmology, PC will meet the above four requirements set forth by the Supreme Court, respectfully as follows:

1. Procedures will be performed only by physician owner or physicians employed by inVision Ophthalmology, PC and the related equipment shall be used exclusively by the physician identified as an owner or employees.
2. All procedures will be performed in the private physician office of inVision Ophthalmology, PC currently located at 2100 Devereux Circle Suite 100, Vestavia Hills, AL 35243. All equipment necessary for the performance of the procedures will be used only in the office of inVision Ophthalmology, PC.
3. The patient billing related to such services are through, or expressly on behalf of the private physician office of inVision Ophthalmology, PC.
4. At no time will the equipment identified for the performance of the office-based procedures provided in this letter be used for inpatient care, nor by, through or on behalf of a health care facility.

Based on the information given above, the proposed use should meet the criteria adopted by the Alabama Supreme Court for application of the Physician Office Exemption.

Therefore, I respectfully request that the Alabama State Health Planning and Development Agency grant a determination of non-reviewability to inVision Ophthalmology, PC for the proposed procedures as described above.

No other healthcare facilities have any financial interest in inVision Ophthalmology, PC. An electronic payment of \$1000.00 for the filing fee with respect to this request will be sent today via the SHPDA online payment portal.

Please do not hesitate to contact me at 205.520.6371 if you have any questions. Thank you for your time and thoughtful consideration.

Sincerely,



Young H. Choi, MD
Founder, Medical Director
inVision Ophthalmology, PC

InVision Ophthalmology / Young H. Choi, M.D.
2100 Devereaux Circle Suite 100; Vestavia Hills, AL 35243
Ph: 205. 879. 2221

Affirmation of Requesting Party:

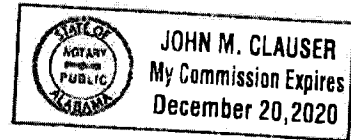
The undersigned, being first duly sworn, hereby make oath or affirm that he, the Founder and Medical Director of inVision Ophthalmology, PC, has knowledge of the facts in this request, and to the best of his information, knowledge and belief, such facts are true and correct.

Affiant [Signature] (SEAL)

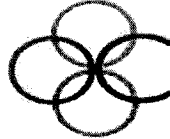
SUBSCRIBED AND SWORN to before me this 26th day of August.

Notary Public [Signature]

My commission expires: December 20, 2020



September 1, 2020



VIA EMAIL (shpda.online@shpda.alabama.gov)

Hon. Emily T Marsal
Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, AL 36104

**RE: RV2020-026
inVision Ophthalmology, PC**

Dear Honorable Marsal:

Thank you for your quick response to our original request for Reviewability Determination Request dated August 26, 2020.

Below is the additional information requested:

1. I am the only healthcare provider. The healthcare services that we currently offer are the following: cataract surgery, minimally invasive glaucoma surgery (specifically goniotomy), blepharoplasty, pterygium excision, yag capsulotomy, and selective laser trabeculoplasty.
2. The service area is Jefferson County, Alabama.

Please do not hesitate if you need any additional information. My cell phone number is 205.520.6371.

Best Regards,



Young H. Choi, MD
Founder, Medical Director
inVision Ophthalmology, PC

**InVision Ophthalmology / Young H. Choi, M.D.
2100 Devereaux Circle Suite 100; Vestavia Hills, AL 35243
Ph: 205. 879. 2221**