

**SALAME HEART
& VASCULAR CLINIC, LLC**

Mahomed Y. Salame, M.D., MRCP
Cristin L. Prater, CRNP
Amy K. Holley, AGACNP
Board Certified, Interventional Cardiology & Vascular Medicine

October 2, 2020

RV2021-002

RECEIVED

Oct 16 2020

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

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 Salame Heart and Vascular Clinic, LLC

Dear Ms. Marsal:

On behalf of Salame Heart and Vascular Clinic, LLC, I am writing pursuant to Ala. Admin. Code r. 410-1-7-.02 to request a determination of non-reviewability in accordance with the Alabama State health Planning and Development Agency's certificate of need ("CON") program rules and regulations. Specifically, we respectfully request a determination of non-reviewability with respect to the addition of an office-based lab in our office located at **1031 Quintard Avenue, Suite 1A, Anniston, Alabama 36201**. There is no proposed relocation. Salame Heart and Vascular Clinic, LLC is a physician practice solely owned by Dr. Mahomed Y. Salame.

Healthcare services currently offered at Salame Heart and Vascular Clinic include: Comprehensive outpatient cardiovascular services including office consultations, EKG, echocardiography, cardiac stress testing, vascular ultrasound and holter monitoring.

Dr. Salame intends to perform low risk peripheral angiography and peripheral interventional procedures at the above location. No novel procedures will be performed, and all of the procedures requested are standard, commonly performed in both inpatient and outpatient settings. The procedures are low risk, minimally invasive, and general anesthesia is not required, nor will it be used in the office lab setting.

Salame Heart and Vascular has an established emergency care plan including the identification of involved personnel and equipment to deal with any unexpected changes in the patient's status. This includes oxygen, masks for ventilation, medications for arrhythmias and reversal of sedation, defibrillation and pacing as well as a pathway to transfer to a higher level of care as needed. The practice has two BLS/ACLS certified nurse practitioners on staff as well as two BLS/ACLS registered nurses. In addition, four other staff members are BLS certified. Dr. Salame has admitting privileges at Northeast Alabama Regional Medical Center and Stringfellow Memorial Hospital for direct admissions to his service as well as through emergency room services.

Our goal with this letter is to demonstrate that our request falls within the criteria of the Physician Office Exemption and outside of the thresholds established for CON review. Offices of private physicians are not "health care facilities" per Ala Code 22-21-260(6), and "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" under Ala Code 22-21-260(6).

The service area for this request is rural Calhoun County and surrounding rural counties of Etowah, Cherokee, Talladega, Cleburne, and Randolph. The physician owner of Salame Heart and Vascular Clinic, Dr. Mahomed Y. Salame, is licensed in the state of Alabama and certified to perform the procedures listed above. The physician will not perform any acute emergency cardiac interventions nor any coronary angioplasty in the private practice setting. In addition, the private practice facility will not be used for inpatient care.

The criteria as adopted by the Supreme Court for the Physician Office Exception in *Ex parte Sacred Heart Health Systems, Inc.*, 1455 So. 3rd 980, 988 (Ala. 2012) are as follows:

1. The proposed services are to be provided, and the related equipment used, exclusively by the physicians identified as owners or employees of the physicians' 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 patient billings 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 healthcare facility.

Salame Heart and Vascular Clinic will meet the four requirements set forth by the Alabama Supreme Court as follows:

1. Procedures will be performed only by Dr. Salame or physicians employed by Salame Heart and Vascular Clinic, and the related equipment shall be used exclusively by physician owners or physician employees of Salame Heart and Vascular Clinic for the care of their patients.
2. All procedures will be performed in the office of Salame Heart and Vascular Clinic. All equipment necessary for the performance of the procedures will be used only in the office of Salame Heart and Vascular Clinic.
3. The patient billing related to such services will be done through, or expressly on behalf of the private physician offices of Salame Heart and Vascular Clinic.
4. At no time will the equipment identified for the performance of the office-based procedures described in this letter be used for inpatient care, nor by, through or on behalf of a health care facility.

For the purpose of this request, we would like to provide the following financial disclosure:

Total Cost of New Major Medical Equipment purchased for the office-based procedures = \$120,000.00

- a. To include, Diagnostic X-ray system, patient monitoring equipment, patient recovery equipment, and IVUS for arterial procedures. All other equipment is already owned by the private practice.

Estimated annual first year operating cost: Total= \$355,000.00

- a. Equipment Lease- \$130,000.00
- b. Supplies- \$25,000.00
- c. Employee Wages-\$150,000.00
- d. Renovation/Construction Cost- \$50,000

In light of the foregoing analysis, our request meets the criteria adopted by the Alabama Supreme Court for application of the Physician Office Exemption. As noted above, we also affirm that this addition of services within our private physician practice will not exceed any of the certificate of need expenditure thresholds, nor will it constitute a "new institutional health service" under Alabama Code 22-21-263 and the rules due to the following:

- 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 Salame Heart and Vascular Clinic will be provided with the implementation of the procedures described in the 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 respectfully request that the Alabama State Health Planning and Development Agency grant a determination of non-reviewability to Salame Heart and Vascular Clinic, LLC for the proposed procedures described above.

No other healthcare facilities have a financial interest in Salame Heart and Vascular Clinic, LLC.

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Payment of \$1000.00 for the filing fee with respect to request for a reviewability determination will be submitted through the SHPDA Electronic Payment Portal.

Please do not hesitate to call or contact me: Mahomed Y. Salame 256-689-0147- salame@bellsouth.net

We appreciate your time and consideration in this matter.

Sincerely,



Mahomed Y. Salame, M.D.

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RE: Non-Reviewability Determination Request for Salame Heart and Vascular Clinic, LLC

Dear Ms. Marsal:

This is response requested to for clarification on the statement of physicians employed by Salame Heart and Vascular Clinic. As of today, Dr. Salame is the owner and only physician employed by Salame Heart and Vascular Clinic. He will be the only physician providing the proposed services and utilizing the related equipment.

Sincerely,



Mahomed Y. Salame, M.D.

Affirmation of Mahomed Y. Salame, M.D. as Requesting Party

The undersigned, being first duly sworn, hereby makes oath or affirms that he is the owner of Salame Heart and Vascular Clinic, LLC, and has knowledge of the facts in this request, and to the best of his information, knowledge and belief, such facts are true and correct.

_____ (SEAL)
Affiant

SUBSCRIBED AND SWORN to before me this 30th day of October, 2020.

Margaret Porter
Notary Public

My commission expires: 4/16/24