

LAW OFFICES  
**MELTON, ESPY & WILLIAMS, P.C.**

255 DEXTER AVENUE  
MONTGOMERY, AL 36104

JOSEPH C. ESPY, III  
JAMES E. WILLIAMS  
J. FLYNN MOZINGO  
C. MARK BAIN  
BENJAMIN J. ESPY\*  
WILLIAM M. ESPY

\* ALSO ADMITTED IN MISSISSIPPI

January 23, 2024

RV2024-009  
**RECEIVED**

**Jan 26 2024**

STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

OAKLEY W. MELTON, JR.  
(1927-2013)

MAILING ADDRESS:  
P.O. DRAWER 5130  
MONTGOMERY, AL 36103-5130  
TELEPHONE (334) 263-6621  
FAX (334) 269-9515

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

Re: Request for Reviewability Determination  
Baptist Medical Center South

Dear Ms. Marsal:

Our firm represents The Healthcare Authority for Baptist Health, an affiliate of UAB Health System, d/b/a Baptist Medical Center South which is a 432 - licensed bed acute care hospital in Montgomery, Montgomery County, Alabama.

The purpose of this letter is to request your determination, pursuant to Section 410-1-7-.02 of the Alabama Certificate of Need Program Rules & Regulations ("Regulations"), that Baptist Medical Center South (hereinafter referred to as "Baptist") is not required to obtain a Certificate of Need ("CON") from the State Health Planning and Development Agency ("SHPDA") to operate an outpatient dialysis department with two dialysis bays to treat Baptist's hemodialysis dependent patients who are oxygen dependent tracheostomy patients, new hemodialysis patients awaiting insurance approval, undocumented hemodialysis patients awaiting a charity sponsorship at a clinic, and other complex cases that are evaluated and accepted for outpatient dialysis treatment by the Baptist leadership team. The proposed dialysis will only be "transitional," meaning patients will only receive hemodialysis treatments at the proposed outpatient clinic until a permanent outpatient clinic placement can be obtained.

Baptist is a regional safety net hospital and is proposing this Project because of the challenges faced in helping inpatient hemodialysis dependent patients with socially or clinically complex needs find and be accepted for treatment at an existing outpatient dialysis clinic. Historically, such patients are forced to remain as inpatients for many otherwise avoidable days, or they are discharged only to repeatedly return to the emergency department because they cannot find dialysis treatment at any other location. The proposed outpatient transitional dialysis clinic will treat this underserved subset of Baptist's hemodialysis patients who, because of socially or clinically complex needs, struggle to obtain acceptance at a permanent outpatient dialysis clinic. Thus, this Project seeks to serve Baptist's underserved subset of hemodialysis patients who do not qualify for or are not accepted by an outpatient dialysis center and/or would otherwise be treated as "emergency" dialysis patients.

The proposed clinic will be located in an existing room on the Baptist campus at 2105 E. South Blvd., Montgomery, Alabama 36116; will be adjacent to the current inpatient dialysis department; and will house just two dialysis bays. (Please see the attached schematic with the highlighted area in question). Only those underserved dialysis patients who fall into the above defined subsets will be accepted to the proposed outpatient clinic.

Baptist proposes this Project in an effort to continue its commitment to provide high quality hemodialysis services to an underserved post-acute patient population. Operating this proposed clinic will help facilitate timely discharges, decrease overall length of inpatient stays, and open inpatient rooms otherwise occupied by such patients. Without question, this Project will further serve Baptist's Mission Statement "to promote and improve the physical, emotional, and spiritual well-being of the people and communities it serves through the delivery of quality health care services provided within a framework of fiscal responsibility."

This Project will not exceed any of the CON expenditure thresholds specified in Section 410-1-2-.07 of the Regulations: of \$3,322,582.00 for major medical equipment; of \$1,327,734.00 for new annual operating costs, or of \$6,638,679.00 for total capital expenditures. Baptist represents the proposed Project will not exceed the following approximate costs:

Total Construction Cost:	No Cost <sup>1</sup>
Total Equipment Cost:	No Cost <sup>2</sup>
Annual Operating Cost:	\$365,437 <sup>3</sup>

In accordance with SHPDA Rule 410-1-7-.02, the filing fee of \$1,000.00 for this letter of non-reviewability has been paid via the SHPDA electronic payment portal.

Based on the above, we respectfully request your determination that Baptist is not required to obtain a CON in order to complete the above described Project.

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<sup>1</sup>The room where the two dialysis bays will be located already exists and no renovations will be necessary.

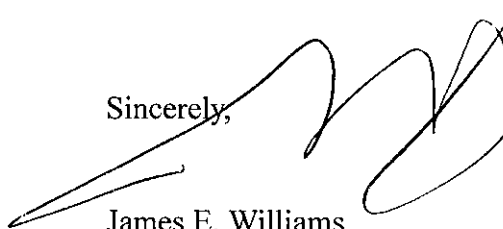
<sup>2</sup>The two dialysis bays are already owned by Baptist and will be moved into the existing room.

<sup>3</sup>These costs will not be new costs for Baptist but simply a reallocation of personnel and disposable items.

Ms. Emily T. Marsal, Executive Director  
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We certainly appreciate your consideration of this request and please feel free to contact me if you need further information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'James E. Williams', written over the printed name.

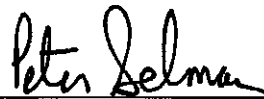
James E. Williams

JEW/aj

Ms. Emily T. Marsal, Executive Director  
State Health Planning and Development Agency  
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The undersigned, being first duly sworn, hereby makes oath or affirms that he is the Chief Executive Officer for Baptist Medical Center South, has knowledge of the facts in this request and to the best of his information, knowledge and belief, such facts are true and correct.

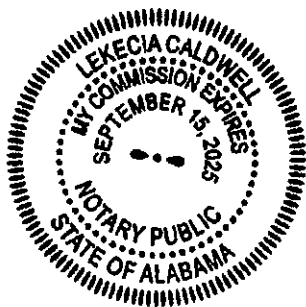
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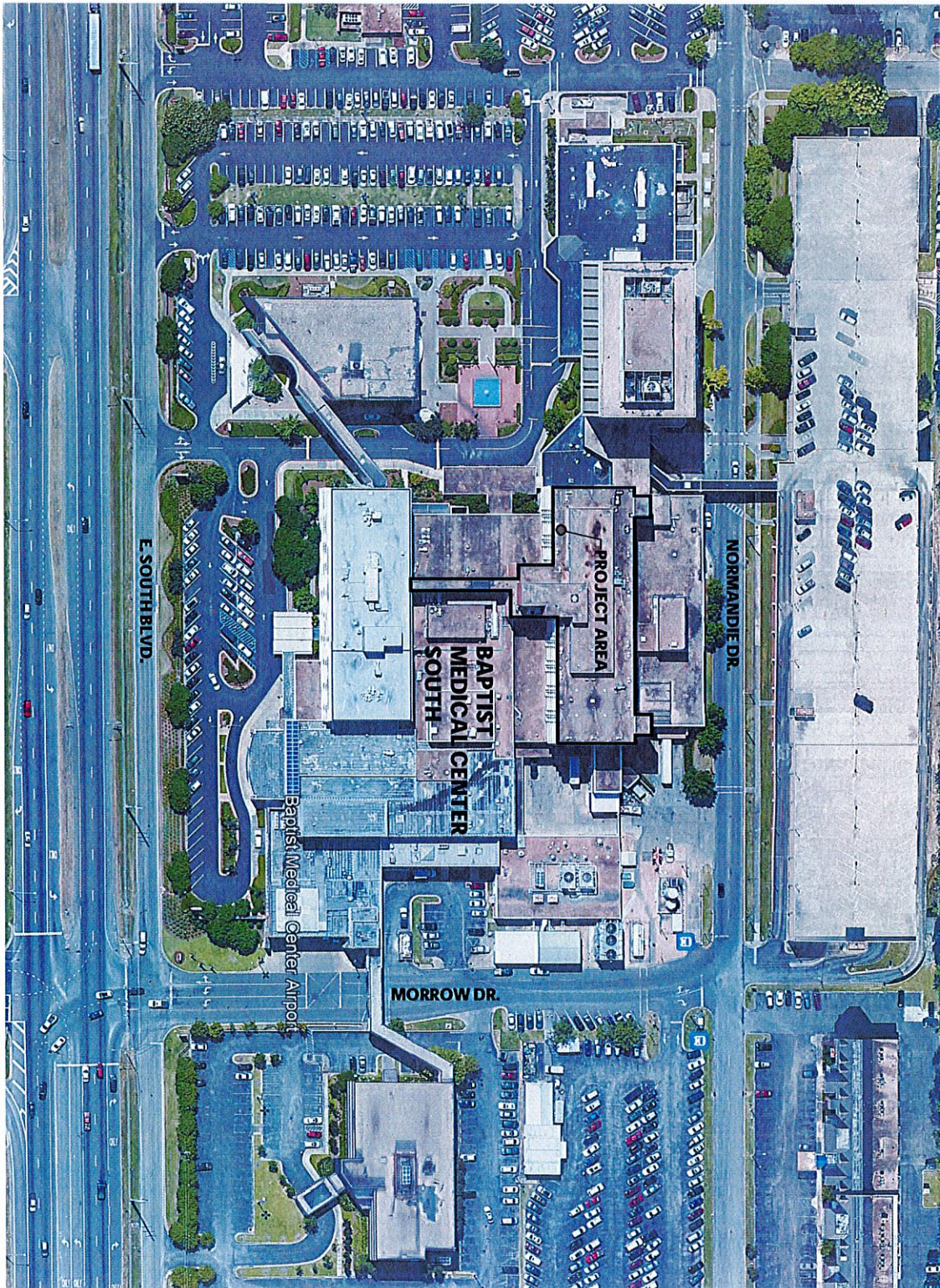


PETER SELMAN  
Chief Executive Officer

SWORN TO and subscribed before me  
on this the 24<sup>th</sup> day of January, 2024

Lekecia Caldwell  
NOTARY PUBLIC  
My Commission Expires: 9/15/2025





Baptist Medical Center South  
2105 E South Blvd  
Montgomery, AL 36116

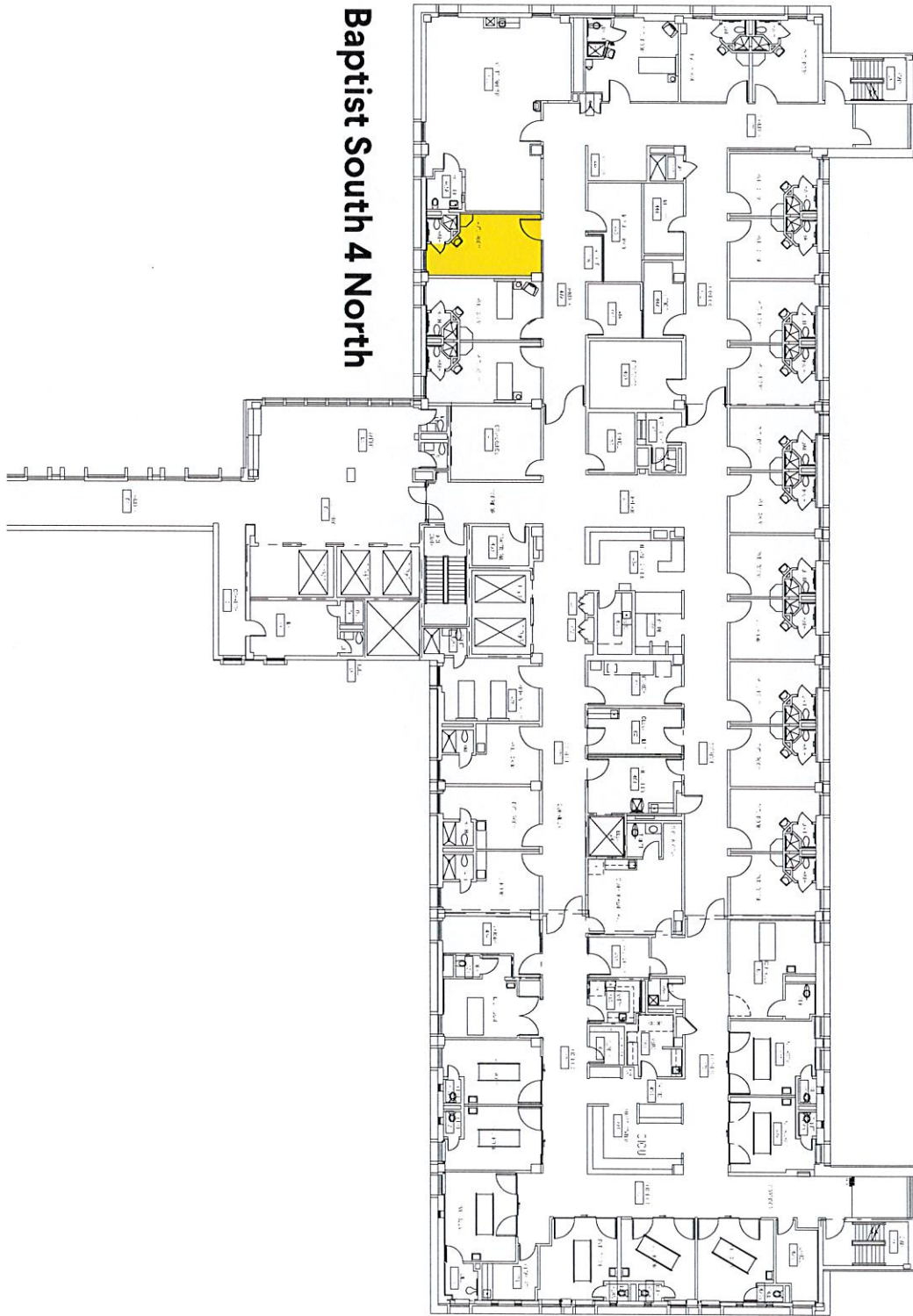
LEASE OUTLINE DIAGRAM

**4N**

4th Floor Plan  
GMC # # [00000]  
ISSUE DATE  
DRAWN BY: Author



# Baptist South 4 North



Baptist Medical Center South  
2105 E South Blvd  
Montgomery, AL 36116

LEASE OUTLINE DIAGRAM

**4N**

4th Floor Plan

GMC # # [00000]

ISSUE DATE

DRAWN BY: Author

