

McGuireWoods LLP
Promenade
1230 Peachtree Street N.E.
Suite 2100
Atlanta, GA 30309-3534
Tel 404.443.5500
Fax 404.443.5599
www.mcguirewoods.com

Victor L. Moldovan
Direct: 404.443.5708

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NOV 17 2014

STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY

vmoldovan@mcguirewoods.com
Direct Fax: 404.443.5771

November 12, 2014

Hon. Alva M. Lambert
Executive Director State Health Planning and Development Agency
100 North Union Street
Suite 870
Montgomery, AL 36130-3025

Re: Non-Reviewability Determination for Hughston Clinic

Dear Mr. Lambert:

On behalf of the Hughston Clinic I am writing to submit a reviewability determination request in accordance with the Alabama State Health Planning and Development Agency's Certificate of Need ("CON") program rules and regulations. We are planning to add a magnetic resonance imaging ("MRI") machine to our physician office located at 612 N. Shady Lane, Dothan, Alabama, 36303.

The Houghston Clinic will be providing MRI services to orthopedic patients of its orthopedic practice.

Pursuant to the criteria adopted by the Supreme Court of Alabama, the purchase and operation of the MRI equipment meets the Physician Office Exemption from CON.¹ As set forth by the Supreme Court, the criteria 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 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.

¹ *Ex Parte Sacred Heart Health System, Inc.*, 2012 WL 5871039.

4. The equipment shall not be used for inpatient care, not by, through, or on behalf of a health-care facility.

The Hughston Clinic meets the above criteria, respectively, as follows:

1. The MRI equipment will be used exclusively by physician owners or physician employees of the physician office for services provided by such office.
2. All services provided will be performed in the office of the Hughston Clinic at the address listed above, and the MRI equipment will be used only in the office of the Hughston Clinic.
3. All patient billing related to MRI services will be through, or expressly on behalf of, the physicians' practice.
4. At no time will the MRI equipment be used for inpatient care, nor by, through, or on behalf of any health care facility.

Based on the information above, the acquisition and use of the MRI equipment should meet the criteria adopted by the Alabama Supreme Court for application of the Physician Office Exemption.

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 the Hughston Clinic for the proposed acquisition and use of the MRI equipment. Please do not hesitate to contact me at 404.443.5708 if you require any further information or have any questions.

A check for the filing fee of \$1,300 for the reviewability determination is enclosed and made payable to the Alabama State Health Planning and Development Agency. Thank you for your time and consideration of this matter.

Sincerely,



Victor Moldovan

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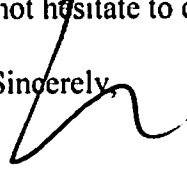
Hon. Alva M. Lambert
Executive Director
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Montgomery, AL 36130-3025

Re: Notice of Intent to Acquire

Dear Mr. Lambert:

Pursuant to Section 410-1-7-.03 of the Alabama Administrative Code, I am writing on behalf of the Hughston Clinic to provide you with notice that they intend to acquire magnetic resonance ("MRI") equipment which will not be owned or located in a health care facility. The date of the acquisition is anticipated to be December 28, 2014. If you require any further information or have any questions, please do not hesitate to contact me at 404.443.5708.

Sincerely,



Victor Moldovan