



River Region Cardiology

185 Mitylene Park Lane
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Montgomery, AL 36117
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RECEIVED
OCT 23 2015
STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

October 21, 2015

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

Re: Non-Reviewability Determination Request for River Region Cardiology Associates, P.C.

Dear Mr. Lambert:

On behalf of River Region Cardiology Associates, P.C., 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 office-based, minimally invasive cardiac catheterization suite to our practice. This document will give an overview of the scope of procedures involved. We will also show how the criteria of the Physician Office Exemption, and thus non-reviewability, will be met by our office-based performance of those procedures.

River Region Cardiology Associates, PC (RRCA) is an Alabama S Corporation, incorporated in 2006, and is 100% owned by physicians. There are no investors and no hospital involvement with our practice. We have one office location at 185 Mitylene Park Lane, Montgomery, AL 36117. RRCA wishes to construct a cardiac catheterization laboratory within this medical office to perform low risk cardiac procedures, such as left and right diagnostic catheterizations, upper and lower extremity revascularizations, upper and lower arterial and venous angiograms, elective ICD and planned pacemaker generator changes, low-risk ICD and pacemaker implantation, implantable loop recorder insertion, direct current cardioversion, infusa port placement, tilt table test, transesophageal echocardiogram.

RRCA will not be performing any acute emergency cardiac interventions nor any coronary angioplasty in this cardiac catheterization laboratory.

There are two cardiac catheterization labs in Montgomery County; however, there is no cardiac catheterization lab on the eastern portion of this county which has a demand and growing need for such a facility. We wish to offer patients the ease and convenience of an outpatient lab for the low risk procedures where the chance of having a stroke, myocardial infarction, or the risk of bleeding is exceedingly low. This lab will be fully staffed by licensed employees for low risk outpatient procedures and it will not be used for inpatient care.

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 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.

M. Luqman Ahmed, MD

Pervaiz Malik, MD

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 health-care facility.

River Region Cardiology Associates, PC will, through the performance of the procedures previously reviewed, meet the above criteria respectively as follows:

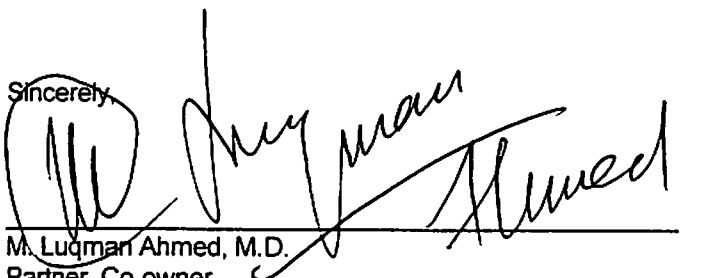
1. Procedures will be performed only by physician owners or physician employees of RRCA.
2. All procedures will be performed in the office of RRCA currently located at the address as stated above. All equipment necessary for the performance of the procedures will be used only in the office of RRCA.
3. All patient billing for the procedures performed will be done on behalf of and by employees of RRCA.
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 health-care 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 any of the certificate of need 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 RRCA will be provided with the implementation of the procedures described in this document; and
- e) no other event reviewable under the CON law or the Rules will occur as 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 River Region Cardiology Associates, PC for the proposed procedures as described above. Please do not hesitate to contact us (office: 334-387-9900 or cell: 334-451-1583) if you require any further information or have any questions.

A check for the filing fee with respect to a request for a reviewability determination of \$1300, made payable to the Alabama State Health Planning and Development Agency, is enclosed. Thank you so much for your time and consideration in this matter.

Sincerely,

M. Lugman Ahmed, M.D.
Partner, Co-owner
River Region Cardiology Associates, P.C.