



results matter

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SEP 19 2016
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September 19, 2016

VIA EMAIL, ORIGINAL TO FOLLOW VIA FEDERAL EXPRESS

Mr. Alva M. Lambert
Executive Director
Alabama State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, Alabama 36104
shpda.online@shpda.alabama.gov

**Re: BBH BMC, LLC d/b/a Brookwood Baptist Medical Center
Request for Letter of Non-Reviewability - Central Sterile Processing Department**

Dear Mr. Lambert:

This firm represents BBH BMC, LLC d/b/a Brookwood Baptist Medical Center ("Brookwood Baptist"), an acute care hospital located in Jefferson County, Alabama with 607 licensed beds.¹ Pursuant to Section 410-1-7-.02 of the Alabama Certificate of Need Program Rules and Regulations ("CON Rules"), this letter requests determination that the proposed renovation of Brookwood Baptist's central sterile processing department under thresholds is not subject to Certificate of Need ("CON") review under *Ala. Code* § 22-21-260 *et. seq.* and the CON Rules. Enclosed please find a check made payable to the Alabama State Health Planning

¹ Brookwood Baptist is located at 2010 Brookwood Medical Center Drive, Birmingham, Alabama 35209 (205-877-1000).

and Development Agency ("SHPDA") in the amount of One Thousand and No/100 Dollars (\$1000.00). To assist with your determination, we submit the following information on Brookwood Baptist's behalf.

Brookwood Baptist currently operates a central sterile processing department located in the basement of the hospital facility, which is in need of renovation. The central sterile processing department handles the decontamination, washing, and sterilization of surgical tools and instruments. The proposed project involves the renovation and expansion (in terms of square footage) of the existing department in order to update the space and more efficiently meet the needs of the hospital. The renovation will involve demolition; new walls, doors, floors, and ceilings; adequate steam, water and fire protection; new electrical systems; and new HVAC equipment. The location and purpose of the central sterile processing department (*i.e.*, the decontamination, washing, and sterilization of surgical tools and instruments) will remain the same following the renovation.

This project does not involve the construction, development, acquisition or other establishment of a new health care facility, nor a change in the existing licensed bed capacity of a health care facility. It does not involve the offering of new health services, as Brookwood Baptist currently operates a central sterile processing department and currently provides the surgical services for which the department supports. Further, as detailed below, any capital expenditure by Brookwood is under the current threshold amounts set forth in *Ala. Admin. Code* § 410-1-4-.01(b) and *Ala. Code* § 22-21-263. Finally, the project does not involve the acquisition of "major

medical equipment", as such term is defined by *Ala. Admin. Code* § 410-1-2-.24 and is used in *Ala. Admin. Code* § 410-1-4-.01(e).² Consequently, this renovation does not involve new institutional health services subject to review, as defined by *Ala. Admin. Code* § 410-1-4-.01 and *Ala. Code* § 22-21-263.

The approximate cost of the construction associated with the renovation is estimated to be around \$4,900,000.00. Equipment costs associated with the renovation project are estimated to be approximately \$2,100,000.00. There are not expected to be any new first year annual operating costs as the result of this project, as this project involves the renovation of an existing hospital department and does not include the expansion of health services, the addition of personnel, etc. Thus, the expenditures are estimated to fall below current thresholds established by *Ala. Code* § 22-21-263 and *Ala. Admin. Code* § 410-1-4-.1(b). All expenditures will be made by Brookwood Baptist.

Accordingly, based on the above, Brookwood Baptist requests your determination that its proposed renovation of its central sterile processing department is not subject to CON review under *Ala. Code* § 22-21-260 *et. seq.* and the CON Rules. We appreciate your prompt response to this matter, and please do not hesitate to contact us should you need additional information. Kelli Fleming may be reached at (205) 458-5429 or kfleming@burr.com. Jack Mooresmith may be reached at (334) 387-2072 or at jmooresm@burr.com.

² *Ala. Admin. Code* § 410-1-2-.24 defines major medical equipment as "medical clinical equipment intended for use in the diagnosis or treatment of medical conditions, which is used to provide institutional health services of a health care facility which are subject to review, and which expenditure exceeds the thresholds referenced in *Ala. Admin. Code* § 410-1-2-.07 and/or *Ala. Admin. Code* § 410-1-4-.01."

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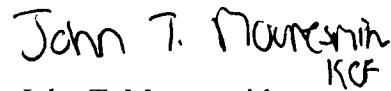
Sincerely,



Kelli C. Fleming

KCF/caj
Enclosure (\$1,000 Filing)

Sincerely,



John T. Mooresmith

cc: Chuck Stark (Brookwood Baptist) (via E-mail only)
Kathy Healy-Collier (Brookwood Baptist) (via E-mail only)