

Vein Center
100 Pilot Medical Drive, Suite 185
Birmingham, AL 35235

Northside Medical Associates
70 Plaza Drive
Pell City, AL 35125



St Vincent's Blount
150 Gilbreath Drive
Oneonta, AL 35121

St Vincent's Downtown
2700 10th Avenue South, POB 2, Suite 305
Birmingham, AL 35205

100 Pilot Medical Drive, Suite 300
Birmingham, AL 35235
(205) 856-2284
www.birminghamheart.com

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Aug 24 2017

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

August 24, 2017

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: **Additional Information Needed For Non-Reviewability Determination Request for RV2017-033 Birmingham Heart Clinic P.C.**

Dear Mr. Lambert:

On behalf of Birmingham Heart Clinic, P.C. (BHC), I am writing to provide the additional information you requested in order to make a reviewability determination on our behalf. You are correct that we plan to perform low risk peripheral angiography and interventions only in this office based lab. We do not plan to provide any cardiac procedures in this office based lab and there are no cardiac procedures currently being performed at our facility. BHC currently leases 23,034 square feet of office space within the Pilot Medical Building located at 100 Pilot Medical Drive, Birmingham, AL 35235. We have been in this facility for over 15 years. Within our existing space we have approximately 1,000 square feet that we are wanting to renovate to be used for an office based lab. I have attached a drawing of our 3rd floor space highlighting the construction renovation we plan to do. There will be no new leases, land or buildings involved in this construction. The total cost of the construction renovation related to this project is \$108,576. BHC plans to purchase medical equipment including a GE9800 mobile c-arm, patient monitoring equipment, defibrillator, ultra sound, etc at a total cost of \$176,465. We anticipate our first year annual operating costs to be a total of \$782,724 which consists of the following:

Equipment/Construction Loan	\$ 63,780
Supplies/Consumables	\$ 486,000
Additional Wages/Benefits	\$ 232,944
Additional Rent/Lease	-0-

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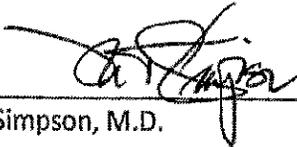
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Monica G. Hunter, MD, FACC
Richard N. Vest, III, MD, FHRS
Joshua N. Cockrell, MD, FACC

Since BHC is doing this lab on our own and not going into any arrangement with a health care facility in any way to fund or provide services for our physician owners will be personally liable for all costs. The physician owners are as follows: Michael T. Simpson, MD, Van C. Reeder, Jr, MD, Robert E. Foster, MD, C. Andrew Brian, MD, Brian D. Snoddy, MD, James R. Trimm, MD, Michael S. Bailey, MD, Jason B. Thompson, MD, Jacob C. Townsend, MD and Brian A. Flowers, MD. Other physicians that are existing employees of Birmingham Heart Clinic and on a partnership track are Robert H. Yoe, IV, MD, James G. Towery, MD, Monica G. Hunter, MD, Richard N. Vest, III, MD, Joshua N. Cockrell, MD, Corey M. Coleman, MD and Joshua A. Turner, MD. They will not be financially responsible for the cost of the lab at this time, but will have the ability to provide services in the lab and the cost of the lab will be factored into partnership for each one as that time arrives. All physicians that will perform procedures in this lab will continue to have full access to the clinic space that is already here. All patient billing for the procedures performed in this lab will be billed out on behalf of, and by employees of, Birmingham Heart Clinic, P.C.

I believe that this answers all of your questions. Please don't hesitate to contact our practice administrator, Tonya White if you need anything further. Her cell phone number is 205-617-6532

Sincerely,



Michael T. Simpson, M.D.
President
Birmingham Heart Clinic, P.C.

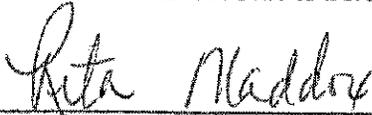
Affirmation of Requesting Party:

The undersigned, being first duly sworn, hereby makes oath or affirms that he is the President and a physician owner of Birmingham Heart Clinic, PC, and to the best of his information, knowledge and belief, such facts are true and correct.

Affiant 

(SEAL)

SUBSCRIBED AND SWORN to before me this 24th day of August, 2017.



Notary Public
My commission expires: My Commission Expires 3/29/2020

- | | | | |
|------------------------------|-----------------------------|-----------------------------|--------------------------------|
| Michael T. Simpson, MD, FACC | Brian D. Snoddy, MD, FACC | Jason B. Thompson, MD, FACC | James G. Towery, MD, FACC |
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August 1, 2017

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 Birmingham Heart Clinic P.C.

Dear Mr. Lambert:

On behalf of Birmingham Heart Clinic, 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 catheterization lab 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.

Birmingham Heart Clinic, P.C. (BHC) is an Alabama C Corporation, incorporated in 1994, and is 100% owned by physicians. There are no investors and no hospital involvement with our practice. Our main office is located at 100 Pilot Medical Drive, Birmingham, AL, 35235. BHC wishes to construct a catheterization laboratory within our medical office to perform low risk procedures (such as peripheral angiography and interventions). BHC will not be performing any acute emergency cardiac interventions nor any coronary angioplasty in this catheterization laboratory.

We wish to offer patients the ease and convenience of an outpatient laboratory for the low risk procedures where the chance of having a stroke, myocardial infarction, or the risk of bleeding is exceedingly low. Our facility will be fully staffed by licensed employees for low risk outpatient procedures and it will not be used for inpatient care.

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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 offices 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 health-care facility.

Birmingham Heart Clinic, P.C. 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 BHC.
2. All procedures will be performed in the office of Birmingham Heart Clinic.
3. All equipment necessary for the performance of the procedures will be used only in the offices of BHC.
4. All patient billing for the procedures performed will be done on behalf of and by employees of BHC.
5. At no time will the equipment used for the performance of our office-based procedures be used for inpatient care, nor by, thru, 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 BHC 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.

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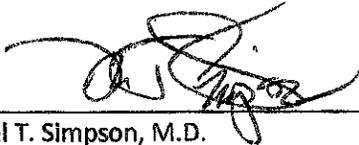
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State Health Planning and Development Agency
August 1, 2017

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 Birmingham Heart Clinic, P.C. for the proposed procedures as described above. Please do not hesitate to contact us (office: 205-856-2284) 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 \$1000, 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,



Michael T. Simpson, M.D.
President
Birmingham Heart Clinic, P.C.

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