

Jason Beaver, M.D.

2800 Ross Clark Circle
Suite 2
Dothan, AL

RV2022-012
RECEIVED
Dec 08 2021

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

December 8, 2021

Hon. Emily T. Marsal
Executive Director
State Health Planning and Development Agency
RSA Union Building
100 North Union Street, Suite 870
Montgomery, Alabama 36130-3025
shpda.online@shpda.alabama.gov

Re: Request for Non-Reviewability Determination for Jason Beaver M.D. LLC

Dear Ms. Marsal,

I'm writing pursuant to Ala. Admin. Code r. 410-1-7-.02 seeking a determination that the proposed operations of my practice, Jason Beaver M.D. LLC (the "Practice"), will be exempt from Certificate of Need review under the Physician Office Exemption. Offices of private physicians are not "health care facilities" per Ala. Code § 22-21-260(6); further, "health services" do not include "the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state" (Ala. Code § 22-21-2(8)).

I own 100% of the Practice, and no other health care facility or other entity has a financial interest in my practice. The Practice's facilities will be used solely by me, potential future members of my practice, and my employees to perform the proposed services. The proposed services of the Practice are percutaneous dialysis maintenance procedures, as well as upper and lower extremity arterial and venous diagnostic and interventional procedures. No cardiac diagnostic or intervention procedures will be performed. All these proposed procedures will be percutaneous and catheter-based with no incisions. Further, there are no novel procedures being performed, and all the procedures I plan to perform are considered low-risk and minimally invasive. The proposed procedures will be conducted under local anesthesia using light conscious sedation – none of these procedures requires general anesthesia. I am licensed in the state of Alabama and have significant experience with all the procedures I will be performing at the Practice. Further, the Practice has an established emergency care plan to treat any unexpected changes to the patient's status. The Practice will have onsite the following: oxygen, ventilation masks, necessary medications for arrhythmias and sedation reversal, and defibrillators. Should a transfer be required for a higher level of care, I maintain admitting privileges at Flowers Hospital for direct admissions, as well as emergency room services.

The service area for my request is Dothan, Alabama.

The proposed operations of the Practice fall within the parameters identified by the Alabama Supreme Court in *Ex parte Sacred Heart Health Systems, Inc.*, 1455 So.3rd 980, 988 (Ala. 2012) to determine whether a proposed medical facility or project qualifies for the physician office exemption from CON review:

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." – *All procedures will be performed exclusively by owners and employees of the Practice.*
2. "The proposed services are to be provided, and related equipment used, at any office of such physicians." – *All procedures will be provided at the location of my practice at 2800 Ross Circle Drive, Suite 2, Dothan Alabama.*
3. "All patient billings related to such services are through, or expressly on behalf of, the physicians' practice." – *All patient billing for procedures performed will be done through*

and on behalf of the practice.

4. "The equipment shall not be used for inpatient care, nor by, through, or on behalf of a health care facility." - *The facility and its equipment will not be used for inpatient services or by, through, or on behalf of a health care facility. Only for outpatient services.*

Approximate costs related to the proposed project are:

Item #	Item Description	Cost / Details
1	Equipment costs	\$250,000.00
2	First year operating costs	\$339,467.76
3	Lease	\$36,000.00
4	Land building costs	\$0.00
5	Construction costs for renovations	\$75,000.00

Given the above analysis, this request meets the criteria adopted by the Alabama Supreme for application of the Physician Office Exemption. As previously noted, I also confirm that this addition of services within my private physician practice will not exceed any of the certificate of need expenditure thresholds, nor will it constitute a "new institutional health service" under Ala. Code § 22-21-263 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 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 the Practice will be provided with the implementation of the procedures described in the document; and
- e) no other event reviewable under the CON law or rules will occur as a result of the implementation of the procedures described in this document.

The requested \$1,000.00 payment is being submitted via shpda.online.

Thank you very much for your attention to this matter, and please call me at 334-618-5764 if you have any questions about this request.

Sincerely,

Jason Beaver, M.D.
Sole Owner
Jason Beaver M.D. LLC

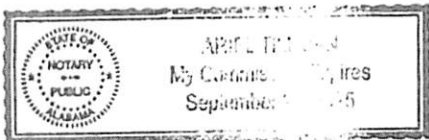
Affirmation of Jason Beaver, M.D., as the Requesting Party

The undersigned, Jason Beaver, M.D., being first duly sworn, hereby makes oath or affirms that he is the owner of Jason Beaver, M.D. LLC, and has knowledge of the facts in this request, and to the best of his information, knowledge, and belief, such facts are true and correct.

Affiant



SWORN and SUBSCRIBED this 8 day of Dec 2021.



Andrew Tillman
Notary Public

My commission expires: September 21, 2025

Jason Beaver, M.D.

2800 Ross Clark Circle
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Dothan, AL

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RECEIVED
Dec. 28, 2021
STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

December 28, 2021

Hon. Emily T. Marsal
Executive Director
State Health Planning and Development Agency
RSA Union Building
100 North Union Street, Suite 870
Montgomery, Alabama 36130-3025
shpda.online@shpda.alabama.gov

Re: Request for Non-Reviewability Determination RV2022-012 for Jason Beaver M.D. LLC

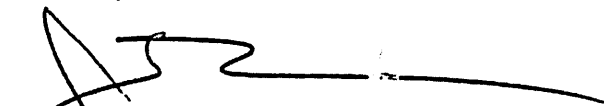
Dear Ms. Marsal,

Thank you for getting back to me. I'm writing in response to the questions you posed for RV2022-012. Please see my answers below:

1. The service area for my proposed project will be Houston County, AL.
2. From a healthcare services perspective, my practice is predominantly percutaneous dialysis maintenance procedures, as well as upper and lower extremity arterial and venous diagnostic and interventional procedures. However, I also occasionally perform general surgery consultations and perform surgery as needed for those general surgery patients at hospitals and licensed ambulatory surgery centers (not as part of the proposed project). I conduct all patient evaluations at my practice and follow medical guidelines for follow-up, including ultrasound imaging where appropriate.

I'd be happy to answer any further questions about the proposed project for my practice.

Sincerely,



Jason Beaver, M.D.
Sole Owner
Jason Beaver M.D. LLC

Jason Beaver, M.D.
2800 Ross Clark Circle
Suite 2
Dothan, AL

January 5, 2022

Hon. Emily T. Marsal
Executive Director
State Health Planning and Development Agency
RSA Union Building
100 North Union Street, Suite 870
Montgomery, Alabama 36130-3025
shpda.online@shpda.alabama.gov

Re: Request for Non-Reviewability Determination RV2022-012 for Jason Beaver M.D. LLC

Dear Ms. Marsal,

Thank you for getting back to me. I'm writing in response to the further questions you posed for RV2022-012. Please see my answers below:

Key facts:

- I was employed by Flowers Hospital for the past seven years
- My last day of employment at Flowers Hospital was November 30, 2021
- As of December 1, 2021, I own 100% of my practice, Jason Beaver M.D. LLC
- I remain on staff with privileges at Flowers Hospital and currently and will continue to do procedures there
- From a medical perspective, there is consensus that low-risk percutaneous dialysis maintenance procedures, as well as low-risk upper and lower arterial and venous diagnostic and interventional procedures, are safe in an office-based setting
- Offered within the physician office, these services have been shown to achieve the triple aim of high quality, low cost, and high patient satisfaction
- I do not currently offer any of the proposed healthcare services at my practice

From a historical perspective, below are the healthcare services and locations at which I provided those services

Healthcare service	Locations Provided - Historical
Percutaneous dialysis maintenance procedures	ASCs and Hospital
General surgery	ASCs and Hospital
Upper extremity arterial and venous diagnostic procedures	ASCs and Hospital
Upper extremity arterial and venous interventional procedures	ASCs and Hospital
Lower extremity arterial and venous diagnostic procedures	ASCs and Hospital
Lower extremity arterial and venous interventional procedures	ASCs and Hospital
Ultrasound imaging	ASCs and Hospital

Note: ASCs and Hospital = Flowers Hospital, Surgery Center South, and Dothan Surgery Center; addresses for each are below:

- Flowers Hospital: 4370 W Main St, Dothan, AL 36305
- Surgery Center South: 2800 Ross Clark Cir #3, Dothan, AL 36301

Jason Beaver, M.D.

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- Dothan Surgery Center: 1450 Ross Clark Cir STE 4, Dothan, AL

Below are the healthcare services and locations at which I propose providing those services:

Healthcare service	Locations Provided - Proposed
Low-risk Percutaneous dialysis maintenance procedures	Jason Beaver M.D. LLC
Percutaneous dialysis maintenance procedures	ASC and Hospital
General surgery	ASC and Hospital
Low-risk upper extremity arterial and venous diagnostic procedures	Jason Beaver M.D. LLC
Low-risk upper extremity arterial and venous interventional procedures	Jason Beaver M.D. LLC
Low-risk lower extremity arterial and venous diagnostic procedures	Jason Beaver M.D. LLC
Low-risk lower extremity arterial and venous interventional procedures	Jason Beaver M.D. LLC
Upper extremity arterial and venous diagnostic procedures	ASC and Hospital
Upper extremity arterial and venous interventional procedures	ASC and Hospital
Lower extremity arterial and venous diagnostic procedures	ASC and Hospital
Lower extremity arterial and venous interventional procedures	ASC and Hospital
Ultrasound imaging	Jason Beaver M.D. LLC

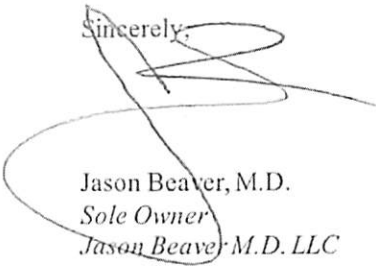
Note: ASC and Hospital = Flowers Hospital and Surgery Center South; addresses for each are below

- Flowers Hospital: 4370 W Main St, Dothan, AL 36305
- Surgery Center South: 2800 Ross Clark Cir #3, Dothan, AL 36301

The address of Jason Beaver M.D. LLC is 2800 Ross Clark Circle, Suite 2, Dothan, AL 36301.

I'd be happy to answer any further questions about the proposed project for my practice.

Sincerely,



Jason Beaver, M.D.
Sole Owner
Jason Beaver M.D. LLC