

**RESOLUTION OF THE ALABAMA  
CERTIFICATE OF NEED REVIEW BOARD**

**WHEREAS** Alabama’s Certificate of Need Law at ALA. CODE § 22-21-260(6) defines a “health care facility” as including, among other things, “general and specialized hospitals...and related facilities such as, laboratories, out-patient clinics, and central service facilities operated in connection with hospitals” and “facilities for surgical treatment of patients not requiring hospitalization...”; and

**WHEREAS**, the SHCC has, as part of the State Health Plan, adopted regulations related to patient safety and informed consent for cardiac catheterizations and various other advanced procedures performed in hospitals and other health care facilities; and

**WHEREAS**, SHPDA and the CON Board have been notified that certain health care providers are seeking to offer cardiac catheterizations and other advanced procedures without CON review under the so-called ‘physician’s office exception’ which exempts the “offices of private physicians..., whether for individual or group practices and regardless of ownership...” and

**WHEREAS**, the self-characterization of these advanced surgical procedures by health care providers as being performed in a “physician’s office” and thus outside of CON review raises questions not fully considered or addressed by the SHCC or the Courts in evaluating the applicability of the physician’s office exception;

**IT IS RESOLVED**, that the CON Board calls upon the SHCC to investigate and adopt rules as part of the State Health Plan to identify those advanced cardiac and other high risk procedures that are not properly viewed as being provided in a physician’s office setting for purposes of Alabama’s CON laws, giving due consideration to patient health and safety, and to consider other provisions to help define the scope of the Physician’s Office Exception.

Adopted by unanimous vote of the Certificate of Need Review Board on May 19, 2021.



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Swaid N. Swaid, M.D., Chairman  
Certificate of Need Review Board

May 19, 2021

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Date