



## STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870  
MONTGOMERY, ALABAMA 36104

### **NOTICE FOR ISSUANCE OF TEMPORARY WAIVER**

In the fifth supplemental State of Emergency for the COVID-19 pandemic, Governor Ivey gave the State Health Planning and Development Agency (Agency) the ability to promulgate rules in order to issue temporary waivers to the normal Certificate of Need (CON) process for providers specifically requiring additional capacity or services directly related to the State of Emergency declared for the COVID-19 pandemic.

The Agency has filed two emergency administrative rules: ALA. ADMIN. CODE r. 410-2-5-.09-E COVID-19 State of Emergency, passed by the Statewide Health Coordinating Council, and ALA. ADMIN. CODE r 410-1-10-.05-E Emergency Provisions Related to COVID-19 Emergency, passed by the Certificate of Need Review Board. Both of these emergency rules can be found on the SHPDA website.

**By filling out this attached form, the applicant has requested a temporary waiver under these emergency rules and it has been signed and notarized that this request is directly related to the COVID-19 pandemic. The affirmation by the SHPDA Executive Director is related solely to the addition and/or provision of any beds, stations, or services during the State of Emergency and succeeding 60-day period and does not affirm any permanent CON authority for such request. The affirmation shall also not be considered to be a waiver of any requirements related to the Alabama Department of Public Health or any other regulatory agency.**

Pursuant to ALA. ADMIN. CODE r. 410-2-5-.09-E (3), the request as affirmed, "shall automatically terminate on the earlier of (i) as applicable, the discontinuation of services or closure of facilities subject to the waiver; or (ii) sixty (60) days following the termination of the State of Emergency as recognized in the Declaration." Furthermore, the rule states, "[a]ny continued operation of institutional health services authorized under a waiver granted pursuant to this section will require a CON, which shall be subject to existing CON criteria and procedures, including compliance with the State Health Plan, without regard to emergency rules adopted by the CON Board or SHCC in response to the Declaration. It is the intent of this subsection that services, facilities or other new institutional health services established as a result a waiver be considered 'new' for purposes of an application for CON authority to extend such new institutional health services beyond the deadlines in this subsection."

In addition, pursuant to ALA. ADMIN. CODE r. 410-2-5-.09-E (4), "new institutional health services authorized on a temporary basis pursuant to a waiver granted under this rule shall not be considered for purposes of the permanent need methodology in the State Health Plan."

For any questions or concerns, please contact the Agency at (334) 242-4103.

MAILING ADDRESS: P.O. BOX 303025, MONTGOMERY, ALABAMA 36130-3025

PHONE: (334) 242-4103 FAX: (334) 242-4113

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Apr 8 2020

STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

FOR STAFF USE ONLY:

WAIVER IDENTIFICATION: TW2020-001

REQUEST FOR CERTIFICATE OF NEED WAIVER

FACILITY ID NO.: 101-U5101  
~~U6101~~ COUNTY: MONTGOMERY

FACILITY/PROVIDER NAME: MONTGOMERY SURGICAL CENTER, LLC

STREET ADDRESS: 470 TAYLOR ROAD, SUITE 100

CITY: MONTGOMERY ZIP CODE: 36117

AUTHORIZED REPRESENTATIVE: JULIA HENIG, MSHA, MBA, FACHE

TITLE: Baptist Health, Vice President EMAIL ADDRESS: JHenlg@BaptistFirst.org

DIRECT TELEPHONE NUMBER: (334) 747-4405

TYPE OF FACILITY/PROVIDER: Ambulatory Surgical Center

Pursuant to a declaration issued by Governor Ivey on April 2, 2020, the following additional services are being enacted pursuant to Ala. Admin. Code r 410-2-5-.09-E and 410-1-10-.05-E.

Establishing the Montgomery Surgical Center as an emergency alternate care site for overflow of patients.

Does this request involve an increase in: Beds No  Yes  Number 51

ESRD Stations No  Yes  Number \_\_\_\_\_

Provide a brief explanation of how these services will assist in the health and safety of citizens during the emergency (attach additional sheets if necessary):

Please see attached sheet.

Projected Construction/Renovation Costs: \$ 5,000.00

Projected Equipment Costs: \$ 100,000.00

Projected date additional services/equipment will be available for service: 4/8/2020

If this Waiver request Involves construction of a new facility and/or acquisition of new equipment, provide a brief description of the proposal on a separate sheet of paper and return with this form.

The undersigned, being first duly sworn, hereby affirms that he/she has direct knowledge of the facts contained this request, and to the best of their information, knowledge, and belief, such facts are true and correct. The undersigned agrees to comply with the requirements and limitations outlined by Rules 410-2-5-.09-E and 410-1-10-.05-E

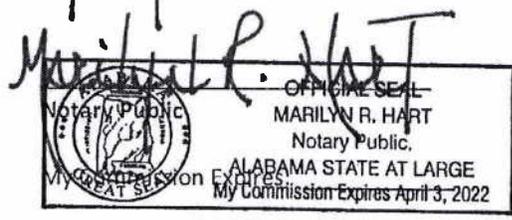
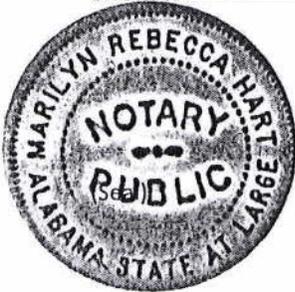
*Julia Henig*  
Signature of Authorized Officer

4-8-20  
Date

Julia Henig  
Printed Name

Vice President  
Title

Sworn to and subscribed before me this 8 day of April, 2020.



AFFIRMED BY EXECUTIVE DIRECTOR:

*Emily T. Marsal*  
Emily T. Marsal

4-8-20  
Date

### Brief Explanation

In order to better meet the demands of the COVID-19 Public Health Emergency, The Healthcare Authority for Baptist Health, an Affiliate of UAB Health System, d/b/a Baptist Medical Center South (BMCS), Baptist Medical Center East (BMCE) and Prattville Baptist Hospital (PBH), proposes to establish an emergency alternate care site at its affiliated facility, Montgomery Surgical Center (MSC) for the duration of the Public Health Emergency. BMCS is a 432-bed acute care general hospital located at 2105 East South Boulevard, Montgomery, Alabama 36111. BMCE is a 150-bed acute care general hospital, located at 400 Taylor Road, Montgomery, Alabama 36117. PBH is an 85-bed acute care general hospital, located at 124 South Memorial Drive, Prattville, Alabama 36067. MSC is a Medicare-enrolled Ambulatory Surgical Center located at 470 Taylor Road, Montgomery, Alabama 36117.

If approved as an emergency alternate care site, MSC will provide overflow for patients seeking hospital-level critical care at BMCS, BMCE or PBH during the COVID-19 Public Health Emergency. MSC will be able to serve up to 51 patients within its existing procedure rooms and pre-operative and post-operative bays. Each bay contains two beds divided by a curtain. In terms of equipment, each patient will be afforded not less than an infusion pump and an individual patient care monitor. MSC has bathroom facilities for staff and patient use, and the staff snack room will be repurposed for the preparation of patient meals and snacks. MSC will not provide emergency services, pediatric, OB, or surgical services during the COVID-19 emergency.