



# DIALYSIS CLINIC, INC.

A Non-Profit Corporation

H. Keith Johnson, M.D., Chairman of the Board  
Douglas S. Johnson, M.D., Vice Chairman of the Board  
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September 2, 2016

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**Via Overnight Delivery**

Alva M. Lambert, Esq.  
Executive Director  
State Health Planning & Development Agency  
100 North Union Street, Suite 870  
Montgomery, AL 36104

**Re: Non-Reviewability Determination Request**  
• **Dialysis Clinic, Inc.**

Dear Mr. Lambert:

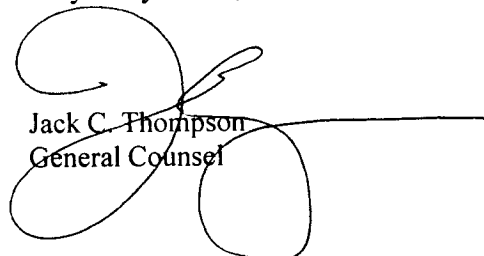
I am writing to request, pursuant to Section 410-1-7-.02 of the Alabama Certificate of Need Program Rules and Regulations and Alabama Code § 22-21-260 et seq., your determination that Dialysis Clinic, Inc. may establish and operate a new ten (10) station dialysis facility (the "Proposed Facility") in Cullman, Alabama, located in Cullman County, without requiring Certificate of Need ("CON") review. Attached is a check for \$1,000.00 in payment for the applicable fee. To assist with your determination, we offer the following information:

Pursuant to Alabama Code § 22-21-278(b), a dialysis facility located in a Class 3, 4, 5, 6, 7, or 8 municipality, as defined by Alabama Code § 11-40-12(a), which contains no more than ten (10) freestanding hemodialysis stations is not subject to CON review. However, pursuant to Alabama Code § 22-21-278(c), this exemption from CON review does not apply to a dialysis facility located in a Class 4, 5, 6, 7, or 8 municipality if such municipality, or any part of such municipality, is located in a county in which a Class 1, 2, or 3 municipality, or any part thereof, is located.

The location for the Proposed Facility is in Cullman County, Alabama, which does not contain a Class 1, 2, or 3 municipality. Therefore, the Proposed Facility meets the exemption criteria set forth in Alabama Code § 22-21-278(b) and a CON is not required for the project.

Based upon the above, we respectfully request your determination that the Proposed Facility is exempt from CON review. Please feel free to contact me at (615) 342-0378 or [jack.thompson@dcinc.org](mailto:jack.thompson@dcinc.org) if you have any questions regarding this matter.

Very Truly Yours,

  
Jack C. Thompson  
General Counsel

Enclosure