



The Fox Law Firm, LLC

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March 28, 2017

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RECEIVED

MAR 28 2017

STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY

Alva M. Lambert
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, AL 36104

Re: Non-Reviewability Determination Request
Physicians Choice Dialysis of Luverne, LLC

Dear Mr. Lambert:

This firm represents Physicians Choice Dialysis of Luverne, LLC., which proposes to develop a new dialysis facility in Crenshaw County, Alabama. Physicians Choice Dialysis of Luverne, LLC hereby requests, pursuant to the Alabama Certificate of Need Program Rules and Regulations ("SHPDA Rules") Section 410-1-7-.02 and Alabama Code Section 22-21-260 et.seq., that your agency issue a determination that Physicians Choice Dialysis of Luverne, LLC may establish and operate a ten-station dialysis facility in Crenshaw County, Alabama, without requiring CON review. A check in the amount of \$1000.00 for this request is being hand-delivered to your office contemporaneously with the electronic filing of this request.

The total cost of the project will be well below any SHPDA/CON financial thresholds. Pursuant to Section 22-21-278 Code of Alabama 1975, Certificate of Need approval is not required for a dialysis facility in certain counties, based on size municipalities within the respective county. The location for this proposed facility in Luverne is within Crenshaw County, which does not contain a Class 1, 2 or 3 municipality; accordingly, the exemption criteria in the statute are satisfied.

Based upon these facts, and pursuant to Section 22-21-278 Code of Alabama 1975, we ask that your agency confirm our understanding that a CON will not be required for Physicians Choice Dialysis of Luverne, LLC to be allowed to open ten dialysis stations in Crenshaw County in accordance with all rules, regulations, statutes and policy analysis.

Should you have any question concerning this request, please give me a call at any time.

Sincerely,

Peck Fox

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Name of Company Applying: Physicians Choice Dialysis of Luverne, LLC

Address: 1014 Forest Avenue
Luverne, Alabama 36124

Contact: Peck Fox
peck@foxlawfirmllc.com
334-676-3404
or
Kelly Smith
ksmith@phychoice.com
610-495-8900

Services: Dialysis for End Stage Renal Disease patients
Hemodialysis, peritoneal dialysis, home hemodialysis

Affirmation:

The undersigned, being first duly sworn, hereby makes oath or affirms that he serves as Alabama regulatory counsel for Physicians Choice Dialysis of Luverne, LLC, and has knowledge of the facts set forth in the attached request for a reviewability determination, and that such facts, to the best of his information, knowledge and belief, are true and correct.

Peck Fox

(SEAL)

SUBSCRIBED AND SWORN to before me this the 28th day of March, 2017.

Betty Ruth Russell
NOTARY PUBLIC

My commission expires: _____

