



RV2020-017

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Apr 22 2020

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

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April 21, 2020

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

Re: Request for Non-Reviewability Determination for Southern Specialty Physicians, LLC

Dear Ms. Marsal,

On behalf of Southern Specialty Physicians, LLC, I am writing pursuant to CON r. 410-1-7-.02 to request a determination that Southern Specialty's proposed operations will be exempt from Certificate of Need review as the "offices of private physicians." See *Ala. Code § 22-21-260(6)* (offices of private physicians are not "health care facilities") and *§ 22-21-2(8)* ("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").

Southern Specialty Physicians, LLC is a physician practice owned by Dr. Brian Sellers, DO. No health care facility or other entity has a financial interest in Southern Specialty. Its proposed location and facilities will be used solely by Dr. Sellers, any other members of Southern Specialty, and its employees to perform the proposed services described below.

Southern Specialty Physicians, LLC will provide percutaneous dialysis maintenance procedures and upper and lower extremity arterial and venous diagnostic and interventional procedures. All procedures will be percutaneous and catheter based (no incisions). Procedures will be conducted under local anesthesia with light conscious sedation. No general anesthesia will be used.

The proposed operations of Southern Specialty Physicians, LLC falls within the parameters defined 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 Southern Specialty.*
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 Southern Specialty at 7085 Sydney Curve, Montgomery 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 Southern Specialty.*
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.*

The approximate costs and other information for the proposed projects are:

1	Equipment	\$267,300.06
2	First year operating costs	\$450,000.00
3	Service area	Montgomery County is the primary service area, although services would be provided to patients from surrounding counties as well.
4	Lease	\$6,429.58 per month or \$77,154.96 annually, for the first year.
5	Land Building Costs	None.
6	Construction Costs	Renovation of the existing space will cost \$153,085.00.

Payment of \$1,000.00 is being submitted via shpda.online.

Hon. Emily T. Marsal
April 21, 2020
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Please contact me if you have any questions about this request or would like to discuss it.

Sincerely,



Dorman Walker

DW:mg
Enclosure

cc: Brian Sellers, DO

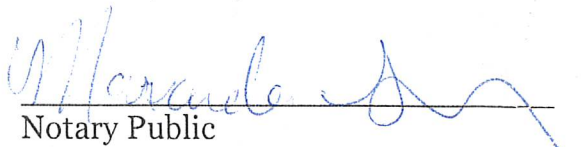
Affirmation of Brian Sellers, DO, as the Requesting Party

The undersigned, Brian Sellers, DO, being first duly sworn, hereby makes oath or affirms that he is the owner of Southern Specialty Physicians, 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 21st day of April, 2020.



Notary Public

My commission expires: 9/17/23