



RV2023-024  
RECEIVED  
Jun 27 2023  
STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

June 27, 2023

**SUBMITTED VIA EMAIL TO:**

[shpda.online@shpda.alabama.gov](mailto:shpda.online@shpda.alabama.gov)

Mrs. Emily Marsal, Executive Director  
State Health Planning & Development Agency  
100 North Union Street, Suite 870  
Montgomery, AL 36104

**Re: Surgical Clinic Solutions, LLC d.b.a. Surgical Institute of Alabama Request for Reviewability Determination**

Dear Mrs. Marsal:

Surgical Clinic Solutions, LLC, d.b.a. Surgical Institute of Alabama ("SIA") is a multi-specialty ambulatory surgery center ("ASC") operating in Jefferson County seeking your determination that SIA is not required to obtain a Certificate of Need for the proposed addition of two (2) operating rooms at its existing ASC. We are providing the following information to assist with this determination.

SIA provides surgical services in Vestavia Hills, Alabama. The full scope of surgical services provided by the multi-specialty ASC includes: Spine Surgery, Orthopedic Surgery, General Surgery, Urological Surgery, Ophthalmological Surgery and Pain Management Procedures. No new services will be offered as a result of this project.

SIA is owned by 18 of its active medical staff members. No other healthcare facilities, entities or groups hold any financial interests in SIA.

The proposed project would include the addition of two (2) operating rooms and storage space on the campus of SIA. The proposed project would allow SIA to meet the current and anticipated future needs for surgical services within the existing ASC. Currently, due to the acuity level of most surgeries performed at SIA taking precedence over other surgeries, patients are having to be displaced and care delayed due to available operating time at SIA. This project will offer additional opportunities to provide surgical services to patients of Jefferson County and surrounding communities as well as benefiting the clinicians of SIA with better & more timely ease of access to surgical services.

The estimated costs to be incurred by SIA for the proposed project are as follows:

1. Equipment Cost Estimate - \$1,416,107.00
2. New Annual Operating Cost Estimate - \$888,207.00
3. Capital Costs:
  - Leases: \$260,000.00
  - Land/Building Costs: \$0
  - Construction Costs: \$0

The estimated equipment costs for the proposed project include all standard surgical equipment to fully equip the two (2) operating rooms, also including specialized equipment required for Spine and Orthopedic procedures, additional patient stretchers, appropriate shelving within storage areas and technological equipment.

Accordingly, the proposed project will not exceed any of the CON expenditure thresholds specified in CON Rule 410-1-2-.07—that is: \$3,241,543.00 for major medical equipment, \$1,296,615.00 for new annual operating costs, or \$6,483,085.00 for total capital expenditures, as currently adjusted for CPI.

The new capital cost estimate includes an additional lease cost that SIA will incur to occupy the space for the project. The building owners will assume financial responsibility for all construction costs. SIA will not incur any construction costs for the project.

Accordingly, the proposal does not constitute a “new institutional health service” subject to CON review under Ala. Code 22-21-263 and CON Rule 410-1-4-.01 because the proposal does not include any of the following:

1. The construction, development, acquisition through lease or purchase or other establishment of a healthcare facility or health maintenance organization;
2. Any expenditure by or on behalf of a health care facility or health maintenance organization exceeding the CON statutory thresholds for major medical equipment, new annual operating costs, or any other capital expenditure by or on behalf of a health care facility;
3. The addition of any inpatient beds or conversion of one classification of beds into another classification of beds;
4. Any health service which is proposed to be offered in or through a health care facility which was not offered on a regular basis in or through such health care facility within the preceding twelve-month period;
5. Any relocation of a health care facility; or
6. Any other reviewable activity under existing CON statutes or regulations of the State of Alabama.

We respectfully request SHPDA’s determination that the proposal described in this letter is not subject to CON review. The required filing fee of \$1,000 will be submitted in accordance with SHPDA Rule 410-3-09, electronic filing. Please contact me directly if any additional requests for information are needed to complete your review of this Reviewability Determination Request.

Sincerely,



Kelly Fowler  
Administrator, Surgical Institute of Alabama

Affirmation of Requesting Party

The undersigned, being first duly sworn, hereby makes oath or affirms that she is Administrator of the Surgical Institute of Alabama, has knowledge of the facts in this request, and to the best of her information, knowledge and belief, such facts are true and correct.

Kelly Fowler

Affiant - Kelly Fowler, Administrator  
Surgical Clinic Solutions, LLC, d.b.a. Surgical Institute of Alabama

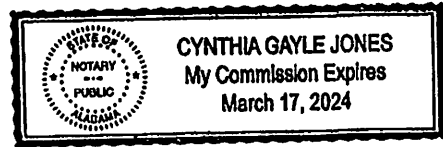
(SEAL)

SUBSCRIBED AND SWORN to before me this 27 day of June, 2023.

Cynthia Gayle Jones

Notary Public

My Commission expires March 17, 2024





RV2023-024

RECEIVED

July 10, 2023

STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

July 10, 2023

**SUBMITTED VIA EMAIL TO:**

[shpda.online@shpda.alabama.gov](mailto:shpda.online@shpda.alabama.gov)

Mrs. Emily Marsal, Executive Director  
State Health Planning & Development Agency  
100 North Union Street, Suite 870  
Montgomery, AL 36104

**Re: Surgical Clinic Solutions, LLC d.b.a. Surgical Institute of Alabama Request for Reviewability Determination**

Dear Mrs. Marsal:

This letter is written in response to your July 5, 2023, letter requesting additional information relating to Surgical Clinic Solutions, LLC, d.b.a. Surgical Institute of Alabama ("SIA") Request for Reviewability Determination filed on June 27, 2023.

It was requested that we provide the total number of existing operating rooms and the actual gross square footage to be added.

- SIA currently has four (4) operating rooms.
- The actual gross square footage to be added with the proposed project is 2,435 square feet to include the addition of two (2) operating rooms and storage space.

Please let me know if you have any questions or need any additional information to complete your review of SIA's Reviewability Determination Request.

Sincerely,

A handwritten signature in black ink that reads "Kelly Fowler". The signature is written in a cursive, flowing style.

Kelly Fowler  
Administrator, Surgical Institute of Alabama

Affirmation of Requesting Party

The undersigned, being first duly sworn, hereby makes oath or affirms that she is Administrator of the Surgical Institute of Alabama, has knowledge of the facts in this request, and to the best of her information, knowledge and belief, such facts are true and correct.

Kelly Fowler

Affiant - Kelly Fowler, Administrator  
Surgical Clinic Solutions, LLC, d.b.a. Surgical Institute of Alabama

(SEAL)



SUBSCRIBED AND SWORN to before me this 10 day of July, 2023.

Cynthia Gayle Jones  
Notary Public

My Commission expires March 17, 2024



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870  
MONTGOMERY, ALABAMA 36104

July 5, 2023

Ms. Kelly Fowler, Administrator  
Surgical Institute of Alabama  
1021 Montgomery Highway, Suite 100  
Vestavia Hills, Alabama 35216

RE: RV2023-024  
Surgical Clinic Solutions, LLC,  
d/b/a Surgical Institute of Alabama

Dear Ms. Fowler:

This letter is written in response to the Reviewability Determination Request received June 27, 2023, regarding a proposal by Surgical Clinic Solutions, LLC, d/b/a Surgical Institute of Alabama for the addition of two (2) operating rooms (ORs) and storage space to the existing multi-specialty ambulatory surgery center (ASC) located in the city of Vestavia Hills, Jefferson County, Alabama.

Additional information is required on behalf of this request.

1. Please provide the total number of existing operating rooms and the actual gross square footage to be added.

Additional review will be conducted upon receipt of the requested information.

Pursuant to ALA. ADMIN. CODE r. 410-1-3-.09, all documents to be filed must be submitted electronically to [shpda.online@shpda.alabama.gov](mailto:shpda.online@shpda.alabama.gov) in text searchable, PDF format.

Should you have any questions, please contact the Agency at (334) 242-4103.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily T. Marsal", written in a cursive style.

Emily T. Marsal  
Executive Director

ETM:mst