

Kelli Fleming  
kfleming@burr.com  
Direct Dial: (205) 458-5429  
Direct Fax: (205) 244-5762

RV2025-022  
**RECEIVED**  
**Jan 07 2025**

STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

420 North 20th Street  
Suite 3400  
Birmingham, AL 35203

Office (205) 251-3000  
Fax (205) 458-5100

BURR.COM

January 7, 2025

**VIA EMAIL**

Ms. Emily Marsal  
Executive Director  
State Health Planning and Development Agency  
100 North Union Street, Suite 870  
Montgomery, Alabama 36104  
[shpda.online@shpda.alabama.gov](mailto:shpda.online@shpda.alabama.gov)

**Re: Request for Determination of Non-Reviewability  
Brookwood Baptist Medical Center (073-6530175)  
Jefferson County, Alabama**

Dear Ms. Marsal:

This firm represents Brookwood Baptist Medical Center ("Brookwood"),<sup>1</sup> an acute care hospital located in Birmingham, Alabama that serves patients in Jefferson County and surrounding areas.<sup>2</sup> Brookwood's defined service area is Jefferson County, Alabama. Brookwood is not owned by any other Alabama licensed healthcare facility, and is operated as part of the Brookwood Baptist Health System (a joint venture between Baptist Health System and Orlando Health).

Pursuant to Alabama Certificate of Need Program Rules and Regulations ("CON Rules(s)") § 410-1-7-.02, Brookwood requests a determination that adding an additional CT machine and related finishes upgrade, all under applicable thresholds, is not subject to certificate of need ("CON") review under *Ala. Code* § 22-21-260 *et. seq.*, and the CON Rules. Pursuant to CON Rule § 410-1-7-.02, a \$1000.00 filing fee is being paid to the Alabama State Health Planning and Development

---

<sup>1</sup> Please note that the facility anticipates a d/b/a name change to Baptist Health Brookwood Hospital effective January 7, 2025.

<sup>2</sup> Contact information for Brookwood is as follows: Brookwood Baptist Medical Center, 2010 Brookwood Medical Center Dr., Homewood, Alabama 35209, Attn: Colin Weaver, COO



Agency ("SHPDA") via the online payment portal. To assist with your determination, we submit the following information:

Brookwood currently provides CT services within its diagnostics department. All services provided within the diagnostics department are provided on behalf of Brookwood. The demand for CT services is currently exceeding the capacity of Brookwood's existing equipment. Thus, in order to address the increasing demand for services, Brookwood desires to add an additional CT machine within its diagnostics department. The project will include an equipment purchase and finishes upgrade.

No new services will be provided as a result of this project. Brookwood currently provides CT services within its diagnostics department.

In connection with the entire project, the total cost of construction is anticipated to be approximately \$600,000; the total cost for the purchase of major medical equipment is anticipated to be approximately \$1,700,000; other capital costs are anticipated to be less than approximately \$100,000; and new first year annual operating costs are estimated to be approximately \$200,000; none of which will exceed the capital expenditure thresholds set forth in *Ala. Code* § 22-21-263 and CON Rule § 410-1-4-.01 (as adjusted in SHPDA's Memorandum dated September 23, 2024). Thus, the project will be less than the capital expenditure thresholds set forth in *Ala. Code* § 22-21-263 and CON Rule § 410-1-4-.01 (as adjusted in SHPDA's Memorandum dated September 23, 2024). All expenditures will be incurred by Brookwood.

The project will not involve the addition of inpatient beds or the conversion of beds from one classification to another as described in CON Rule § 410-1-4-.01.

The project will not involve a change in ownership of Brookwood.

Consequently, the proposal does not constitute a "new institutional health service" subject to CON Review, as the proposal does not include:

- (1) the construction, development, acquisition through lease or purchase or other establishment of a new health care facility or health maintenance organization;
- (2) any expenditure by or on behalf of a health care facility which, as a capital expenditure, exceeds the CON statutory threshold for major medical equipment, new annual operating costs, or any other capital expenditure by or on behalf of a health care facility;
- (3) any change in the existing licensed bed capacity of a health care facility;

- (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 a health care facility within the preceding 12-month period; or
- (5) any other reviewable event under the existing CON Rules.

Further, per SHPDA policy dated March 9, 1993, CT services do not constitute new institutional health services.

Accordingly, based on the above, Brookwood requests your determination that the aforementioned project is not subject to CON review under *Ala. Code* § 22-21-260 *et seq.* and the CON Rules, and is permissible without further filings or requests to SHPDA. We appreciate your response to this matter, and please do not hesitate to contact us should you need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kelli Fleming', with a long horizontal flourish extending to the right.

Kelli Fleming

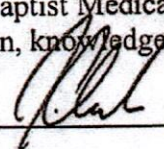
KCF/caj

cc: Jeremy Clark, Brookwood President



**Affirmation of Requesting Party:**

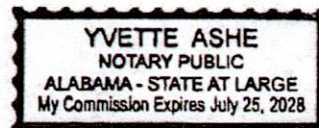
The undersigned, being first duly sworn, hereby make oath or affirm that he is the President of Brookwood Baptist Medical Center has knowledge of the facts in this request, and to the best of his information, knowledge, and belief, such facts are true and correct.

Affiant:  1/6/25 (SEAL)

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of January, 2025.

Yvette Ashe  
Notary Public

My Commission Expires: July 25, 2028





Kelli Fleming  
kfleming@burr.com  
Direct Dial: (205) 458-5429  
Direct Fax: (205) 244-5762

RV2025-022  
**RECEIVED**  
**Jan 27 2025**

STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

420 North 20th Street  
Suite 3400  
Birmingham, AL 35203

Office (205) 251-3000  
Fax (205) 458-5100

BURR.COM

January 27, 2025

**VIA EMAIL**

Ms. Emily Marsal  
Executive Director  
State Health Planning and Development Agency  
100 North Union Street, Suite 870  
Montgomery, Alabama 36104  
[shpda.online@shpda.alabama.gov](mailto:shpda.online@shpda.alabama.gov)

**Re: Additional Information – Request for Determination of Non-Reviewability  
RV2025-022  
Baptist Health Brookwood Hospital**

Dear Ms. Marsal:

As you are aware, this firm represents Baptist Health Brookwood Hospital (“Brookwood”). Pursuant to Alabama Certificate of Need Program Rules and Regulations (“CON Rules(s)”) § 410-1-7-.02, on or around January 7, 2025, Brookwood filed a determination request that adding a CT machine and related finishes upgrade, under applicable thresholds, is not subject to certificate of need (“CON”) review under *Ala. Code* § 22-21-260 *et. seq.*, and the CON Rules. Brookwood’s request was designated RV2025-022 (“Request”).

We are in receipt of the January 14, 2025 letter from the State Health Planning and Development Agency (“SHPDA”) requesting additional information concerning Brookwood’s Request. Brookwood hereby responds to SHPDA’s letter dated January 14, 2025 requesting additional information, and provides the following additional information for SHPDA’s additional review, consideration, and determination that the proposal described in the Request is non-reviewable under the current CON Rules.

**1. Please provide the Agency with additional details regarding the new equipment for the proposal.**

The major medical equipment purchase will consist of a GE Revolution Apex Elite Power Pro CT machine to be placed within the diagnostics department.

Accordingly, based on the above, Brookwood requests your determination that this project is not subject to CON review under *Ala. Code* § 22-21-260 *et seq.* and the CON Rules, and is permissible without further filings or requests to SHPDA.

I appreciate your response to this matter, and please do not hesitate to contact me should you need additional information or have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kelli', followed by a long, sweeping horizontal flourish.

Kelli Fleming

KCF/caj

**Affirmation of Requesting Party:**

The undersigned, being first duly sworn, hereby make oath or affirm that he is the President of Baptist Health Brookwood Hospital, 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: [Signature] 1/27/25 (SEAL)

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of January, 2025.

Yvette Ashe  
Notary Public

My Commission Expires: July 25, 2028

