

Feb 12 2025

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY**Dialysis Clinic, Inc.**

A Not-For-Profit Corporation

February 11, 2025

Via Electronic Delivery

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

Re: **Non-Reviewability Determination Request**
• **Bibb Medical Center Dialysis, LLC**

Dear Ms. Marsal:

I am writing to request, pursuant to Section 410-1-7-.02 of the Alabama Certificate of Need Program Rules and Regulations, your determination that Bibb Medical Center Dialysis, LLC, a joint venture in which Dialysis Clinic, Inc. will be majority interest-holder and manager along with Bibb Medical Center as the partner, may establish and operate a new ten (10) station dialysis facility (the "Proposed Facility") in Centreville, Alabama, located in Bibb County, without requiring Certificate of Need ("CON") review. An electronic payment for \$1,000,00 has been submitted for the application 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 Centreville, Alabama, a Class 8 municipality, located in Bibb County. Bibb County 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.

The approximate costs of the proposed project are not expected to exceed the following thresholds: (i) \$400,200 for major medical equipment; (ii) \$1,079,000 for new annual operating costs; and (iii) \$1,750,000 for capital expenditures.

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 (609) 204-6448 or brandi.esposito@dcinc.org if you have any questions regarding this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Brandi Esposito".

Brandi Esposito
Senior Operations Director

"The Care of the Patient is Our Reason for Existence."
1633 Church Street, Suite 500, Nashville, TN 37203

Affirmation of Requesting Party:

The undersigned, being first duly sworn, hereby make oath or affirm that he/she is Senior Operations Director [include position with entity requesting the determination], has knowledge of the facts in this request, and to the best of his/her/their information, knowledge and belief, such facts are true and correct.

Affiant Bimui Eymu (SEAL)

SUBSCRIBED AND SWORN to before me this 11th day of Feb. 2025

M. Wehrenberg
Notary Public

My commission expires 4/22/2026





Dialysis Clinic, Inc.

A Not-For-Profit Corporation

RV2025-024

RECEIVED

Feb 20 2025

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

February 20, 2025

Via Electronic Delivery

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

Re: Request for Additional Information RV 2025-024
• Bibb Medical Center Dialysis, LLC

Dear Ms. Marsal:

I am in receipt of the February 14, 2025, letter from the State Health Planning and Development Agency requesting additional information regarding the request. This letter is written in response to your request for 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. I have included the below details to address the two areas noted in the request.

1. Please provide clarification concerning the complete ownership structure of the Dialysis Clinic, Inc. and Bibb Center Dialysis, LLC, the entities proposing to establish and operate a new ten (10) station End Stage Renal Disease in Bibb County, Alabama.

The proposed project is a joint venture, Bibb Medical Center Dialysis, LLC, which seeks to establish and operate a new ten (10) station End Stage Renal Disease facility in the city of Centreville, Bibb County, Alabama. To provide clarification concerning the ownership structure, the joint venture is comprised of Dialysis Clinic, Inc., a non-profit corporation, as the majority member and manager at 51% of membership interest, and The Bibb County Health Care Authority, as a member representing of remaining 49% of membership interest.

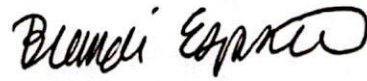
2. Pursuant to ALA. ADMIN CODE r. 410-1-4-.01, Certificate of Need (CON) expenditure thresholds in effect at the time of this filing are \$3,379,066.00 for *major medical equipment*; \$1,350,305.00 for *new annual operating costs*; and \$6,751,537.00 for *capital expenditures*. Please indicate in narrative form whether the proposed project will exceed any of the CON threshold totals listed above.

Pursuant to ALA. ADMIN CODE r. 410-1-4-.01, this proposal will not exceed any of the Certificate of Need expenditure thresholds in effect at the time of this filing. The total cost for *major medical equipment* is anticipated to be \$400,200. This includes the purchase of dialysis machines, water system and all accompany components, in addition to other minor medical equipment. *New annual operating costs* are estimated to be \$1,079,00. *Capital expenditures* are expected to be \$1,750,000.

Please feel free to contact me at (609) 204-6448 or brandi.esposito@dcinc.org if you have any questions regarding this matter.

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1633 Church Street, Suite 500, Nashville, TN 37203

Very Truly Yours,

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Brandi Esposito
Senior Operations Director