RECEIVED
Oct 09 2026
STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

MEDWORKS IMAGING LLC

**To: Executive Director, State Health Planning and Development Agency, 100 North Union Street, Suite 870, Montgomery, Alabama 36104**

**Re: Request for reviewability determination under Rule 410-1-7-.02. Operation of an existing PET/computed tomography (CT) scanner as an independent diagnostic testing facility, Gadsden, Etowah County**

Request. **MedWorks Imaging LLC dba Luminetic Health** ("the Company") requests, for informational purposes under Rule 410-1-7-.02, a determination that converting its existing PET/CT scanner to a Medicare independent diagnostic testing facility ("IDTF") is not subject to certificate of need review.

## Facts

- The Company presently leases a GE PET/CT scanner in Gadsden, Alabama. It has served patients at that location for two years.
- The Company employs the technologists and the radiation safety officer. The Radiology Clinic LLC's physicians interpret the studies under a services agreement with the Company.
- Today Alabama Cancer Care of Gadsden ("ALCC") bills and collects for the studies, and the Company charges ALCC a service fee for the Company's operation of the scanner. The entrance to the imaging center is physically separate from the cancer center, and has its own distinct physical/mailing address.
- The proposed change is who operates and bills. The Company will hold its own radioactive material (RAM) license, obtain accreditation, enroll with Medicare as an IDTF, and bill for imaging services performed. The scanner, the location and the services do not change. PET/CT, Diagnostic CT and radiation-therapy-planning CT have been offered since opening.
- The Company serves patients referred by their treating physicians.

## Basis

- The Company is not a health care facility under Code of Alabama 22-21-260(6) and Rule 410-1-2-.05, so it offers no institutional health service under 22-21-260(9).
- A change of operator of an existing service is not reviewable under 22-21-263(a)(1), and the Company adds no service described in 22-21-263(a)(2) to (4).
- Positron emission tomography is excluded from new institutional health services by 22-21-263(d) and Rule 410-1-4-.01(1)(i).
- No capital expenditure is made by or on behalf of a health care facility, and no major medical equipment is being acquired (Rule 410-1-4-.01(1)(e)).

## Information required by the agency

1. Company: **MedWorks Imaging LLC dba Luminetic Health** (note that a formal company name change request has been filed with the State of Alabama to change the entity's name to Luminetic Health LLC)

2. Representative, and the scanner's street address: **Keith Whitley**, 402 S 1st St, Ste 102, Gadsden, AL 35901
3. Service area: Etowah County and the contiguous counties in Alabama.
4. New or additional services: **None**. Diagnostic CT and radiation-therapy-planning CT have been offered at this location since it opened, alongside PET/CT.
5. Approximate costs: (a) Equipment: **$0 new**, because the scanner is already in place and operational. (b) First-year operating costs: Estimated at **$750,000**. Other than the facility lease costs and signage costs in Section (c)(i) and (iii), such costs already accrue to the existing operation. (c) Capital costs: (i) Space lease: **$75,000 per annum**, from the proposed lease terms; the lease will be signed on the day the center transitions to IDTF status; (ii) Land and building: **$0**; (iii) Construction: Signage cost of approximately **$5,000**, which is exterior and suite signage only.
6. Financial interests held by other healthcare facilities or groups: **None** - No hospital or other health care facility or group holds any interest in the Company
7. Affirmation of Requesting Party. The undersigned, being first duly sworn, hereby makes oath or affirms that he is a Managing Member with the Company, 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 _____
Keith Whitley

SUBSCRIBED AND SWORN to before me this 9 day of Oct, 2026.

Destinee Thompson Notary Public.

My commission expires May 2, 2029

DESTINEE THOMPSON
NOTARY PUBLIC
State of Alabama - State at Large
My Commission Expires May. 02, 2029

RV2027-002
RECEIVED
Nov 02 2026
STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

LUMINETIC HEALTH
402 S 1st St, Ste 102, Gadsden, AL 35901

November 2, 2026

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

**Re: RV2027-002. Luminetic Health LLC (formerly MedWorks Imaging LLC). Response to the Agency's request for additional information dated October 19, 2026**

Dear Ms. Marsal:

Luminetic Health LLC (the "Company", formerly MedWorks Imaging LLC) responds below to the six items in the Agency's letter of October 19, 2026. The responses follow the numbering of the letter. Attachment A is the emergency management plan and equipment list, and Attachment B is the amended application page.

## 1. Authorized representative

Keith Whitley, Managing Member. Telephone: (205) 792-5655

Email: k.whitleymanagement@gmail.com

## 2. Services offered and physicians

Services currently offered at 402 South 1st Street, Suite 102, Gadsden, Etowah County: positron emission tomography/computed tomography (PET/CT) imaging; diagnostic computed tomography (CT); and radiation-therapy-planning CT. These have been offered since the scanner opened. No other service is offered, and the proposed change adds none.

The Company's scanner is leased from GE Healthcare under a Master Lease Agreement, dated 2.29.2024.

The Company is not a physician practice and employs no physicians. The studies are interpreted by physicians of The Radiology Clinic LLC under a service agreement with the Company, for patients referred by their treating physicians.

The physician who will supervise the diagnostic tests once the transformation to IDTF is complete will be named in the Company's Medicare enrollment. Under the present model, it is the responsibility of Alabama Cancer Care to provide physician supervision.

Note that there are no new clinical capabilities or services being added to the facility from this change in delivery model. We are simply transitioning an identical, pre-existing patient service line from an exempt billing structure (POE) to a non-exempt billing structure (IDTF).

## 3. Emergency management plan

The emergency management plan for this location, with its list of emergency equipment, is contained in Attachment A.

## 4. Expenditure thresholds

The Agency states that the Certificate of Need expenditure thresholds effective October 1, 2026 are $3,553,351 for major medical equipment, $1,419,951 for new annual operating costs and $7,099,768 for capital expenditures. Attachment B is the amended application page. Each cost of the project is well below the related threshold.

## 5. Physician Office Exemption

The Company did not request the Physician Office Exemption and does not claim it. The Company is not a physician practice. Its request rests on these grounds: (a) the Company is not a health care facility under Section 22-21-260(6), Code of Alabama 1975, and so offers no institutional health service; (b) health services provided by a fixed-based positron emission tomography scanner are excluded from the definition of a new institutional health service by Rule 410-1-4-.01(1)(i) and Section 22-21-263; (c) the Company acquires no equipment and makes no capital expenditure by or on behalf of a health care facility; and (d) a change of operator of an existing service, with no new service, is not reviewable. Without waiving those grounds, the Company responds to each of the four elements the Agency lists:

| Element | Response |
|---|---|
| 1. Services provided and equipment used exclusively by the physicians who own or are employed by the practice, for their own patients | Not asserted. The services are provided by technologists employed by the Company and interpreted by physicians of The Radiology Clinic LLC under a service agreement, for patients referred by their treating physicians. The physicians are not owners or employees of the Company. |
| 2. At an office of such physicians | Not asserted. The scanner is a standalone imaging suite at 402 South 1st Street, Suite 102, Gadsden, AL 35901 with its own entrance and its own address, separate from the cancer center. It is not an office of the interpreting physicians. |
| 3. All patient billings through, or on behalf of, the physicians' practice | Not asserted. Alabama Cancer Care of Gadsden bills and collects for the studies today. As part of its conversion, the Company will enroll with Medicare as an independent diagnostic testing facility and it will subsequently bill for the studies it performs. |
| 4. Equipment not used for inpatient care, or by, through or on behalf of a health care facility | Met. The scanner is not used for inpatient care. It is not used by, through or on behalf of a health care facility. No hospital or other health care facility owns, finances, guarantees or holds an interest in the Company or the scanner. |

## 6. Financial interests

No hospital or other health care facility or group holds a direct or indirect interest in the Company.

The owners of the Company are:

| Owner | Ownership | Interests of this owner in any other health care facility or group |
|---|---|---|
| Keith Whitley | 50% | None |
| Mountain Ranch Holdings LLC | 50% | None |

**To Summarize:**

The core purpose of the Alabama Certificate of Need program is to prevent the unnecessary duplication of health services. The Applicant emphasizes that this transaction represents a "paperwork change" regarding legal and billing classification only.

- **No New Equipment:** No new major medical equipment is being acquired, leased, or otherwise introduced to the service area.
- **No Expanded Capabilities:** The clinical applications, software, and diagnostic capabilities of the 2024 PET/CT scanner will remain entirely unchanged. No new medical procedures are being introduced.
- **Continuity of Care:** The same qualified clinical staff and technologists will continue to operate the equipment, ensuring total continuity of diagnostic care for local patients.

Because the diagnostic service line has been continuously active and serving the community since 2024, this transition does not add any new clinical capacity to the geographic region, nor does it result in a duplication of institutional health services.

## Conclusion

Based on the foregoing facts—specifically that the total project valuation falls far below all statutory thresholds and that the transition introduces no new services or equipment to the state—the Applicant respectfully requests that SHPDA issue a Letter of Non-Reviewability confirming that this transition may proceed without a Certificate of Need.

LUMiNETiC HEALTH

402 S 1st St, Ste 102, Gadsden, AL 35901

**Affirmation of requesting party**

The undersigned hereby affirms that he is a Managing Member of the Company, has knowledge of the facts in this response, and to the best of his information, knowledge and belief, such facts are true and correct.

Affiant _____

Keith Whitley, Managing Member

SUBSCRIBED AND SWORN to before me this 2 day of November, 2026.

_____

Notary Public

My Commission expires: May 2, 2029

DESTINEE THOMPSON
NOTARY PUBLIC
State of Alabama - State at Large
My Commission Expires May. 02, 2029

LUMiNETiC HEALTH

402 S 1st St, Ste 102, Gadsden, AL 35901

## Attachment A. Emergency management plan and emergency equipment list

Location: 402 South 1st Street, Suite 102, Gadsden, Alabama 35901. Emergency coordinator: Charis Rogers. Telephone: (256) 990-3824.

### 1. Medical emergencies

- Any staff member who sees a patient in distress calls for help, and a staff member calls 911 for any cardiac arrest, breathing difficulty, severe allergic or contrast reaction, or loss of consciousness.
- Trained staff begin basic life support, use the automated external defibrillator and give oxygen. The physician supervising the study is reached at once by the live video and audio link, and by telephone if the link fails.
- For a reaction to contrast material, staff follow the written reaction protocol and use the reaction kit.
- Staff stay with the patient until emergency medical services arrive and hand off the patient's record.

### 2. Radiation and radioactive material emergencies

- A spill, a lost or damaged package, or an exposure is handled under the radiation safety program of the Company's radioactive material license by the radiation safety officer, David Burkett (615) 500-3723.
- Staff restrict the area, survey it with the survey meter, use the spill kit, and notify the radiation safety officer at once. Reportable events are reported to the Alabama Department of Public Health.

### 3. Fire, severe weather and power failure

- Fire: staff move patients and visitors out by the marked exits to the assembly point central to the front parking lot, call 911, and use extinguishers for small fires.
- Severe weather: staff move patients and visitors to the interior shelter area in the scanner room and stay until the warning ends.
- Power failure: staff stop scanning, keep the patient safe, and use emergency lighting. Scanning resumes only after the radiation safety officer confirms it is safe.

### 4. Notification, training and drills

- The emergency coordinator keeps the telephone list of the building manager, the radiation safety officer, the supervising physician, the referring physician's office and the neighboring cancer center.
- Staff are trained in basic life support, contrast reactions, radiation emergencies and evacuation when hired and every year. The Company records the training and runs an evacuation drill each year.

## 5. Emergency equipment present or planned for this location

| Equipment | Purpose |
|---|---|
| Automated external defibrillator | Cardiac arrest |
| Oxygen with masks and a delivery device | Breathing difficulty, reactions |
| Blood pressure cuff and pulse oximeter | Monitoring |
| Contrast reaction kit with epinephrine and other emergency drugs | Severe reaction |
| Wheelchair | Patient movement |
| Radiation survey meter | Spills and exposure |
| Radioactive spill kit | Spills |
| Fire extinguishers, exit signs and emergency lighting | Fire and power failure |
| Telephone and the live video and audio link to the supervising physician | Calling for help and supervision |

LUMiNETiC HEALTH

402 S 1st St, Ste 102, Gadsden, AL 35901

## Attachment B. Amended application page: Item 5, approximate costs

Certificate of Need expenditure thresholds effective October 1, 2026, as provided by the Agency: major medical equipment $3,553,351; new annual operating costs $1,419,951; capital expenditures $7,099,768.

| Cost | Amount | Threshold | Result |
|---|---|---|---|
| (a) Equipment: new major medical equipment | No incremental cost. The scanner is already in place and operating. Total cost under the lease plus FMV option buyout is $1,229,473 (78 monthly payments of $13,446.94 plus FMV buyout of $180,612.04) | $3,553,351 | Below |
| (b) New annual operating costs of the project | $75,000 per year for the space lease, from the proposed lease terms. The lease is signed on the day the center transitions to IDTF status | $1,419,951 | Below |
| (b) Total first-year operating costs of the center, for reference | $750,000, estimated. Other than the lease and signage, these costs already accrue to the existing operation and are not new | $1,419,951 | Below |
| (c)(i) Capital: leases | $75,000 per year | $7,099,768 | Below |
| (c)(ii) Capital: land and building | $0 | $7,099,768 | Below |
| (c)(iii) Capital: construction | About $5,000, exterior and suite signage only | $7,099,768 | Below |