



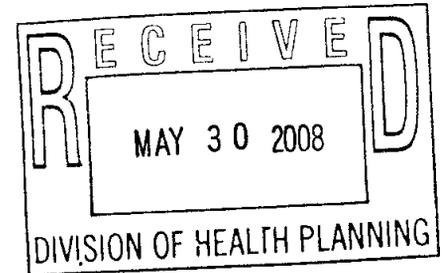
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May 29, 2008

VIA E-MAIL & FEDEX

Clyde L. Reese, III, Esq.
General Counsel
Department of Community Health
5th Floor
2 Peachtree Street, N.W.
Atlanta, Georgia 30303



Re: Senate Bill 433 Determination Request
Hospital-Based Diagnostic & Therapeutic Cardiac Cath Issues

Dear Mr. Reese:

Floyd Medical Center ("FMC") is an existing provider of adult diagnostic cardiac cath services in Rome, Floyd County, Georgia. As set forth below, FMC hereby requests determinations from the Department regarding certain issues raised by the Senate Bill ("SB") 433 amendments to the CON law that relate to hospital-based diagnostic cardiac cath and therapeutic cath services.

A. Diagnostic Cardiac Cath Services

As a result of the SB 433 amendments that will become effective on July 1, 2008, O.C.G.A. § 31-6-47(a)(21) will set forth a CON exemption for "diagnostic cardiac catheterization in a hospital setting on patients fifteen years of age and older"

With respect to that new diagnostic cardiac cath services exemption, FMC requests the Department's determination regarding the three issues. First, FMC requests that the Department clarify whether the general capital expenditure and/or medical equipment thresholds (which will be \$2.5 million and \$1 million, respectively, as of July 1) would apply to a hospital proposal to expand an existing diagnostic cardiac cath service by adding an additional laboratory. If, the general capital

expenditures threshold does **not** apply, is it correct that the threshold also would not apply to costs associated with moving a cath lab from one floor to another within a hospital building?

Second, the SB 433 amendments authorize the Department to require that any hospital seeking to utilize the newly created diagnostic cardiac cath CON exemption obtain a determination of exemption. (New O.C.G.A. § 31-6-47.1). FMC inquires as to whether the Department will require such notice and approval for the expansion of a hospital-based diagnostic cath service.

Third, if the Department will require such notice and approval, FMC inquires as to whether the Department will use its existing determination, letter of nonreviewability-equipment, or some other process for the notice and approval?

B. Therapeutic Cardiac Cath

SB 433 creates a CON exemption (that will be codified at O.C.G.A. § 31-6-47(a)(22)) for therapeutic cardiac cath services in hospitals that meet the Atlantic Cardiovascular Patient Outcomes Research Team (C-PORT) Study criteria, as determined by the Department on an annual basis, but have not been selected to participate in the C-PORT Study.

FMC requests the Department's determination with respect to a number of issues related to that C-PORT therapeutic cardiac cath exemption. First, what process will the Department use to determine whether non-C-PORT hospitals meet the C-PORT study criteria?

Second, when does the Department anticipate that it will have that process in place?

Third, will that process happen during specific time frames during the year or, alternatively, will that C-PORT determination process be open to applicants year round?

Fourth, will the Department require that non-C-PORT hospitals seeking approval meet all of the C-PORT study criteria? If not, which criteria will not apply?

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Fifth, in connection with the new O.C.G.A. § 31-6-47(a)(22) exemption, SB 433 states that "no hospital shall unreasonably deny a transfer agreement to another hospital" Will the Department specify reasonable transfer terms in its Rules pertaining to the exemption?

Sixth, what, if any, continuing reporting requirements will there be for non-C-PORT hospitals that relate to the CON exemption?

If the Department requires any additional information to address the above determination requests, please let us know. Thank you for your attention to this matter.

Sincerely,



Kurt Stuenkel, FACHE
President and CEO

cc: Wade Monk, Esq.