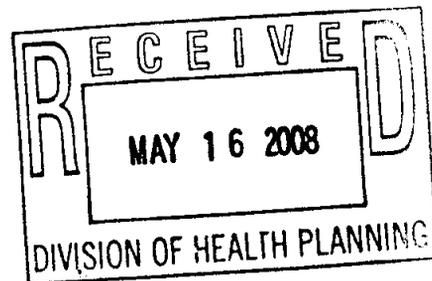


May 1, 2008



Clyde L. Reese, III  
General Counsel  
Department of Community Health  
2 Peachtree Street  
5<sup>th</sup> Floor  
Atlanta, GA 30303

Dear Mr. Reese:

My clients have a number of questions regarding Senate Bill 433 (SB433) and its impact on the provision of cardiac cath services. Can you please clarify the following standards as they relate to cardiac cath?

SB 433 section 31-6-47(a)(21) appears to deregulate adult diagnostic cardiac cath. Please confirm that pediatric cardiac cath remains a regulated service.

According to section 31-6-47(a)(21), adult diagnostic cath services appear to be exempt from CON review. Could you confirm that existing hospital-based adult diagnostic-only cardiac cath programs can expand the number of cath labs that they operate without CON review provided the project is below the new capital expenditure threshold?

Regulation 31-6-2(8) appears to continue to define cardiac cath as a "clinical health service". New clinical health services not previously offered within the last 12-months under Regulation 31-6-40(a)(5) continue to require CON review. These provisions appear to be in conflict with Regulation 31-6-47(a)(21). Could you confirm that hospitals may establish new diagnostic-only adult cardiac cath programs without CON review provided that the project is below the new capital expenditure threshold?

Both 31-6-47(a)(21) and 31-6-40(a)(7)(D) appear to continue to require CON review for the development of adult diagnostic cath in a DTRC setting. Please confirm if this is a correct interpretation of the bill? Would expansion of capacity of an existing DTRC cath lab require CON review?

It does not appear that SB433 addresses adult diagnostic cath services provided in a mobile cardiac cath lab environment. Please identify if the development of adult diagnostic cath services in a mobile unit (assuming such project is below the new capital expenditure threshold)

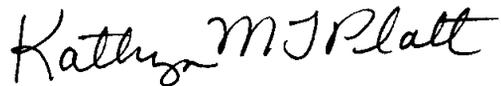
would be exempt from CON review. Does the host location (hospital, DTRC, or physician office setting) have any bearing on whether the new adult diagnostic cath services required CON review?

Will a provider proposing to establish a new or expanded adult diagnostic cath lab assuming the project is exempt from CON review, have to apply for some type of a waiver or submit a Letter of Determination of Non-Reviewability?

Under Section 31-6-47(a)(22), it appears that a provider that meets the CPORT requirements may be exempt from CON review for offering a new therapeutic cath service, even if they do not participate in the actual CPORT study. Could you please confirm? Could you please clarify whether the CON rules will specify exactly the requirements the program will have to meet? Will there be an exemption/waiver process or will the provider be required to file a Letter of Determination of Non-reviewability?

Please clarify the above referenced standards and please clearly outline the process by which a provider seeking to offer an exempt service will be compliance with State CON rules. If you have any questions or require any additional information, please feel free to contact me by e-mail at [kplatt@plattmc.com](mailto:kplatt@plattmc.com) or by phone at 404-728-1974. Thank you for your guidance on this matter.

Sincerely,

A handwritten signature in black ink that reads "Kathryn M.T. Platt". The signature is written in a cursive, flowing style.

Kathryn M.T. Platt  
President