

ASHBURN & MASON P.C.

LAWYERS

LAURA C. DULIC • MATTHEW T. FINDLEY • EVA R. GARDNER • REBECCA E. LIPSON
DONALD W. MCCLINTOCK III • JEFFREY W. ROBINSON • ASHLEY K. SUNDQUIST • THOMAS V. WANG
OF COUNSEL JULIAN L. MASON III • A. WILLIAM SAUPE

January 30, 2019

VIA E-Mail and US MAIL

Alexandria Hicks
CON Coordinator
Alaska Dept. of Health & Social Services
3601 C St, Suite 978
Anchorage, AK 99503
Alexandria.hicks@alaska.gov

RE: Request for Determination; Request for clarification

Dear Ms. Hicks,

In response to Cable & McCormick, APC's Certificate of Necessity exemption determination letter delivered on November 29, 2018, we received your Request for Clarification letter dated December 26, 2018. We responded to your questions by letter dated January 2, 2019. We have received your letter of January 22, 2019 asking an additional question:

Is the Department to understand that Diagnostic Imaging of Alaska will seek to address the option to purchase the Property before June 16, 2020? Meaning, Diagnostic Imaging of Alaska would purchase the building before the two year lease term expires. Please clarify the intent of your client regarding the option to purchase as it pertains to their proposed building lease.

In response to your question, my client has not determined that it will exercise the option. Certainly, there is no intention to do so now. That decision will be evaluated before the option expires; but there is no intent to exercise it prior to then.

I hope this answers your question.

Also in our letter of January 2, 2019, we raised the question whether ultrasound equipment is considered to be diagnostic equipment for the purpose of Certificate of Need determinations. We would deeply appreciate the Department's position on that question. A similar question exists for nuclear medicine equipment; your guidance will affect future equipment decisions. These questions are separate and apart from our

ASHBURN & MASON^{P.C.}

Alexandria Hicks

Page 2

January 30, 2019

Determination request, and please do not delay that response; we are just trying to educate ourselves on these matters.

Please do not hesitate to call with questions. It is our sincere hope to resolve this as soon as possible and we appreciate your efforts to date.

Sincerely,

ASHBURN & MASON, P.C.



Donald W. McClintock

cc: clients