

**MISSISSIPPI STATE DEPARTMENT OF HEALTH
DIVISION OF HEALTH PLANNING AND RESOURCE DEVELOPMENT
SEPTEMBER 26, 2025**

**CON REVIEW NUMBER: ASC-NIS-0825-007
BIENVILLE SURGERY CENTER, LLC, D/B/A BIENVILLE SURGERY CENTER
ESTABLISHMENT OF AN AMBULATORY SURGERY CENTER AND
OFFERING OF AMBULATORY SURGERY SERVICES
CAPITAL EXPENDITURE: \$50,000.00
LOCATION: GAUTIER, JACKSON COUNTY, MISSISSIPPI**

STAFF ANALYSIS

I. PROJECT SUMMARY

A. Applicant Information

Bienville Surgery Center, LLC d/b/a Bienville Surgery Center ("Bienville Surgery Center or the Applicant") is a Mississippi limited liability company that operates a single specialty ambulatory surgery center ("ASC"), located at 6300 East Lake Boulevard, Suite 102, Gautier, Jackson County, Mississippi and is managed by Orthopaedic Specialists, LLC. Bienville Surgery Center consists of sixteen (16) members, officers, directors and managing members.

The application contains a Certificate of Good Standing, dated July 14, 2025, from the Office of the Secretary of State, certifying the entity is in good standing to do business in Mississippi.

B. Project Description

Bienville Surgery Center requests Certificate of Need ("CON") authority to establish a multi-specialty ambulatory surgery center ("ASC") and to offer ambulatory surgery services. On January 25, 2013, the Mississippi State Department of Health ("MSDH or the Department"), Division of Health Planning and Resource Development authorized the physicians of Bienville Orthopaedics Specialists, LLC ("Bienville Physicians") to operate Bienville Surgery Center, LLC as a single specialty ASC. The Applicant states Bienville Physicians wish to expand their surgical offerings to include the general surgery care and treatment of patients suffering from foot or ankle pain and related conditions at Bienville Surgery Center.

The Applicant states Bienville Physicians currently offer office-based surgical procedures for ankle and foot-related conditions in their clinic. The Applicant submits that Bernard J. Meadows, D.P.M. (Doctor of Podiatric Medicine), who has practiced with Bienville Physicians since 2010, specializes in problems related to the foot and ankle and currently provides office-based surgical procedures for these conditions. The Applicant made a request in August 2024 to add Dr. Meadows to the list of physicians authorized to perform surgeries at the ASC.

Based on research, the Department determined that orthopaedic and podiatric medicine are two separate specialties and therefore denied the Applicant's request by letter, dated September 5, 2024. Therefore, the Applicant seeks a CON for the conversion of its single specialty ASC to a multispecialty ASC.

The Applicant asserts that Dr. Meadow's patients would benefit by their podiatrist being allowed the option of treating ankle and foot conditions in an ASC, especially one that is near the Bienville Physicians' clinical practice. The Applicant further states conversion of the Bienville Surgery Center in this manner will also give Bienville Physicians the flexibility to expand the use of their ASC in the future to allow other physicians to perform general surgeries to compliment orthopaedic services.

The Applicant states the final objective of this proposed project is to convert a single specialty ASC into a multispecialty ASC, to serve a wider range of patients requiring orthopaedic, podiatric, and related general surgical services.

The Applicant estimates it will hire three (3) additional full-time equivalent (FTE) personnel during the first year of the project at an estimated cost of \$129,792.00. The Applicant projects a total capital expenditure of \$50,000.00, which includes legal and accounting fees.

The Applicant affirms that the existing building and suite comply with all state and local building codes, zoning ordinances, and/or appropriate regulatory authority. In addition, the Applicant states that Bienville Surgery Center will comply with all state statutes and regulations for the protection of the environment, including 1) approved water supplies; 2) sewage and water disposal; 3) hazardous waste disposal; 4) water pollution control; 5) air pollution control; and 6) radiation control.

The Applicant states Bienville Surgery does not anticipate it will have to obligate any capital expenditure. The Applicant anticipates the project to be completed within ninety (90) days of final CON approval.

The application contains a letter dated September 24, 2025, from the Mississippi State Department of Health ("MSDH"), Division of Fire Safety and Construction, Bureau of Health Facilities Licensure, approving the site for the project. In addition, the Applicant submitted a letter dated October 25, 2019, documenting initial site approval of the single specialty ambulatory surgery location; a letter dated December 16, 2020, approving plans and specifications for the structure as it is now; and a letter dated September 15, 2022, approving project completion,

II. TYPE OF REVIEW REQUIRED

The Mississippi State Department of Health ("MSDH") will review applications for a CON

for the establishment of an ambulatory surgery center and offering of ambulatory surgery services under the statutory requirements of Sections 41-7-173, 41-7-191, and 41-7-193 of the Mississippi Code of 1972, Annotated, as amended. MSDH will also review applications for Certificate of Need according to the general criteria listed in the *Mississippi Certificate of Need Review Manual, November 11, 2023, Revision*; all adopted rules, procedures, and plans of MSDH, and the specific criteria and standards listed below. MSDH reviews projects for the provision of ambulatory surgery services if the proposed provider has not provided such service on a regular basis within the period of twelve (12) months prior to the time such service would be offered, regardless of the capital expenditure.

In accordance with Section 41-7-197(2) of the Mississippi Code of 1972 Annotated, as amended, any affected person may request a public hearing on this project within ten (10) days of publication of the staff analysis. The opportunity to request a hearing expires on October 6, 2025.

III. CONFORMANCE WITH THE STATE HEALTH PLAN AND OTHER ADOPTED CRITERIA AND STANDARDS

A. State Health Plan (SHP)

The *FY 2022 Mississippi State Health Plan, Third Edition* (“MSHP”) contains policy statements, criteria, and standards that the Applicant is required to meet before receiving CON authority for the provision of ambulatory surgical services. This application substantially complies with the applicable policy, criteria, and standards stated in the *Plan*.

Policy Statement Regarding Certificate of Need Applications for the Establishments of Ambulatory Surgery Services

1. **Ambulatory Surgery Planning Areas (ASPAs)**: MSDH shall use the Ambulatory Surgery Planning Areas as outlined on Map 7-1 of the *MS State Health Plan* for planning and CON decisions. The need for ambulatory surgery facilities in any given ASPA shall be calculated independently of all other ASPAs.

The Applicant affirms the ASC is located in Ambulatory Surgery Planning Area (“ASPA”) 9, which, according to Table 7-2 of the *MS State Health Plan*, includes three (3) freestanding ASCs, two (2) in Jackson County and one (1) in Harrison County. However, the Applicant asserts one of the facilities closed at the end of 2024, leaving only two (2) ASCs located in Harrison County.

2. **Ambulatory Surgery Facility Service Areas**: An Applicant's Ambulatory Surgery Facility Service Area must have a population base of approximately 60,000 within thirty (30) minutes of normal driving time or

twenty-five (25) miles, whichever is greater, of the proposed/established facility. Note: Licensure standards require a freestanding facility to be within fifteen (15) minutes of traveling time of an acute care hospital, and a transfer agreement with said hospital must be in place before a CON may be issued. Additionally, the ambulatory surgery facility service area must have a stable or increasing population.

The Applicant proposes the establishment of a multi-specialty ASC for ASPA 9. The Applicant states that each city listed in Table 1 below is within twenty-five (25) miles of the proposed ASC with a total population of 132,819. In addition, the Applicant states the Bienville Surgery Center is within fifteen (15) minutes travel time of Ocean Springs Hospital, in Ocean Springs, Mississippi.

Table 1
Census Data by City ASPA 9

City	2020 Census Data	2024 Census Data
Biloxi	49,442	48,144
Ocean Springs	18,375	18,954
Gautier	19,022	19,055
D'Iberville	12,715	13,399
Moss Point	12,146	11,791
Pascagoula	22,000	21,476
Total	133,700	132,819

Source: Application for Bienville Surgery Center, LLC d/b/a Bienville Surgery Center; Establishment of an Ambulatory Surgery Center and Offering of Ambulatory Surgery Services, August 2025.

3. **Definitions:** The Glossary of the *Mississippi State Health Plan* includes the definitions in the state statute regarding ambulatory surgery services.

The Applicant acknowledges this Policy Statement.

4. **Surgeries Offered:** MSDH shall not approve single-service ambulatory surgery centers. Only multi-specialty ambulatory surgery service proposals may be approved for a CON.

The Applicant states the proposed application is for a multi-specialty ambulatory surgery center.

5. **Minimum Surgical Operations:** The minimum of 1,000 surgeries required to determine need is based on five (5) surgeries per operating room, times five (5) days per week, times fifty (50) weeks per year, times eighty percent (80%) utilization rate.

Bienville Surgery Center acknowledged this criterion. The Applicant states regulations promulgated by the Centers for Medicare and Medicaid

Services (CMS) provide that “each operating room must be designed and equipped so that the types of surgery conducted can be performed in a manner that protects the lives and assures the physical safety of all individuals in the area.” 42C F.R. §416.44(a)(1). The Applicant projects to perform an average of 1,066 surgeries per OR the first year of operation.

6. **Present Utilization of Ambulatory Surgery:** MSDH shall consider the utilization of existing services and the presence of valid CONs for services within a given ASPA when reviewing CON applications.

The Applicant acknowledged this statement.

7. **Optimum Capacity:** The optimum capacity of an ambulatory surgery facility is 800 surgeries per operating room per year. MSDH shall not issue a CON for the establishment or expansion of an additional facility(ies) unless the existing facilities within the ASPA have performed in aggregate at least 800 surgeries per operating room per year for the most recent twelve (12) month reporting period, as reflected in data supplied to and/or verified by MSDH. MSDH may collect additional information, it deems essential to render a decision regarding any application. Optimum capacity is based on four (4) surgeries per operating room per day, five (5) days per week, times fifty (50) weeks per year, times eighty percent (80%) utilization rate.

The Applicant acknowledges the above policy statement and states updated information supplied by MSDH in response to a recent Public Record request, confirms satisfaction with this policy statement.

8. **Conversion of Existing Service:** Applicants proposing the conversion of existing inpatient capacity to hospital ambulatory facility located within the hospital shall receive approval preference over detached or freestanding ambulatory surgery facilities if the conversion is less costly than new construction and if the application substantially meets the other adopted criteria.

The Applicant acknowledged this statement and states that it is not applicable to the proposed project.

9. **Construction/Expansion of Existing Service:** Any applicant proposing to construct a new facility or major renovation to provide ambulatory surgery must propose to build/renovate no fewer than two (2) operating rooms.

The Applicant states this statement is not applicable to the proposed project.

10. **Indigent/Charity Care:** The applicant shall be required to provide a “reasonable amount” of indigent/charity care as described in Chapter 1 of the Plan.

The Applicant certified it will provide a reasonable amount of indigent/charity care as required by the State Health Plan. The Applicant states Bienville Surgery Center and Bienville Physicians accept all patients regardless of payment status and does not discriminate against any patient regardless of payment status and does not discriminate against patient regardless of race, gender, or other factors including ability to pay. Further, the Applicant states Bienville Physicians often provide on-call surgical care to individuals with orthopaedic injuries who come to area hospital emergency departments, without regard to the patient’s ability to pay and is sometimes uncompensated.

11. **Single Specialty Ambulatory Surgery Facility:** A single-specialty ambulatory surgical center (“ASC”) is not considered an integral part of an institutional health service if a hospital or hospital’s parent, subsidiary, or affiliated entity directly or indirectly (i) employs or contracts with physicians, dentists, or health care professionals who own the ASC or practice at the ASC, (ii) owns, in whole or in part, the incorporated medical group that owns the ASC, (iii) jointly owns the ASC with physicians, dentists, or health care professionals, independently or by incorporated medical groups, or (iv) solely owns the ASC for credentialed physicians (whether employed, contracted or independent) to perform surgical procedures in the ASC that qualify for single-specialty status.

The Applicant submits that this application is for a multi-specialty ASC.

Certificate of Need Criteria and Standards for Ambulatory Surgery Services

SHP Criterion 1 – Minimum Surgeries

- a. The Applicant states Bienville Surgery Center currently operates eight (8) ORs in which ambulatory surgeries are performed. In the last calendar year, Bienville Surgery Center states it performed an average of 993.5 ambulatory surgeries per operating room. The Applicant states it performed an average of 811.6 ambulatory surgeries in 2023.

The Applicant states the conversion from a single specialty to a multispecialty ASC is expected to increase the number of ambulatory surgeries performed at the facility. The application contains an affidavit from Bernard Meadows, D.P.M., indicating the number of surgeries he projects to perform in years 1, 2, and 3 of the proposed project and Mr. Lee Bond, Chief Executive Officer, detailing the results of his survey of the Bienville Physicians for the same years. The Applicant states that when these estimates are combined, the Bienville surgery Center is expected to satisfy this criterion. See table below.

**Table 2
Affidavits**

Physicians	Year 1 Surgeries	Average Per OR	Year 2 Surgeries	Average OR	Year 3 Surgeries	Average Per OR
Orthopaedic Surgeons	8,328		8,744		9,181	
Podiatrist	200		220		240	
Totals	8,528	1,066	8,964	1,120	9,421	1,177

Source: Application for Bienville Surgery Center, LLC d/b/a Bienville Surgery Center; Establishment of an Ambulatory Surgery Center and Offering of Ambulatory Surgery Services, August 2025.

- b. The proposed project does not involve the expansion of an existing ambulatory surgery facility.

The Applicant states the proposed project does not propose the expansion of operating rooms.

SHP Criterion 2 – Minimum Population

The Applicant states the proposed Ambulatory Surgery Facility Service Area has a population base more than 60,000 within 30 minutes of travel time. Table 1 above presents the population of cities within 25 miles and 30 minutes' travel time of the proposed facility.

SHP Criterion 3 – Present Utilization of Ambulatory Surgery Services

The Applicant submits that Bienville Surgery Center is in ASPA 9, wherein only three (3) freestanding multispecialty ASCs were located in FY 2020, (one (1) in Harrison County and (2) two in Jackson County), according to Table 7-2 in the ***FY 2022 State Health Plan***. The Applicant admits, if only FY 2020 data is considered, this criterion would not be met. However, updated data obtained from the MSDH in response to the Applicant's Public Records request indicates that the existing facilities within ASPA 9 have performed in aggregate at least 800 surgeries per operating room per year for the most recent 12-month period. See Table 3 below.

Table 3
 Selected Freestanding Ambulatory Surgery Data for ASPA 9
 FY 2022, and FY 2023

County/ ASC	Number of ORs	Number of Surgeries 2022	Average	Number of Surgeries 2023	Average
<u>Harrison County</u>					
Gulf Coast Outpatient Surgery Center	3	2,888	962	4,587	1,529
Ocean Springs Surgical and Endoscopy Center	4	5,684	1,421	5,979	1,419
<u>Jackson County</u>					
MS Coast Endoscopy & Ambulatory Surgery Ctr.	4	3,617	904	3,731	932
Total	11	12,189	1,108	13,997	1,272

Source: Application for Bienville Surgery Center, LLC d/b/a Bienville Surgery Center; Establishment of an Ambulatory Surgery Center and Offering of Ambulatory Surgery Services, August 2025.

SHP Criterion 4 – Affirmation of Provision of Surgical Services

The Applicant states it intends to add a Doctor of Podiatric Medicine to its roster of individuals qualified to provide surgical services in the facility, should this application be approved. The Applicant anticipates that ambulatory surgical services provided at the ASC will expand over time, allowing procedures with an orthopaedic and podiatric focus.

SHP Criterion 5 – Financial Feasibility

The Applicant points to the Three-Year Projected Operating Statement, included in the application to document economic viability within two (2) years of initiation of the project.

SHP Criterion 6 – Letters of Support

The application contains four (4) letters of support from two (2) Bienville Orthopaedic Specialists, Mayor, City of Gautier, and Mississippi House of Representatives, District 112, Jackson County.

In addition, the application contained one (1) affidavit from a podiatrist and one (1) collective affidavit for Bienville Physicians indicating their commitment to perform

a combined total of 1,177 surgeries at the proposed ASC in the third (3rd) year (See Table 2 above).

SHP Criterion 7 – Staffing Standards

The Applicant affirms that key medical staff will continue to live within a twenty-five (25) mile radius of the ASC.

SHP Criterion 8 – Transfer Agreements/Follow-up Services

The Applicant submits that Bienville Surgery Center has a formal agreement with Ocean Springs Hospital for follow-up services to patients.

SHP Criterion 9 – Indigent/Charity Care

Bienville Surgery Center certifies that it shall provide a reasonable amount of indigent/charity care as required by the State Health Plan. The Applicant states Bienville Surgery Center accepts all patients regardless of payment status and does not discriminate against any patient regardless of race, gender, or other factors including ability to pay. Further, the Applicant states the ASC accepts Medicaid and Medicare patients and accepts the amounts paid by these programs as payment in full.

The Applicant states Bienville Physicians often provide on-call surgical care to individuals with orthopaedic injuries who come to area hospital emergency departments, often uncompensated and without regard to the patient's ability to pay. In addition, the Applicant states Bienville Physicians partner with area schools to provide annual physicals for athletes in the area for middle and high schools, as well as Mississippi Gulf Coast Community College.

The Applicant concludes Bienville Physicians and Bienville surgery Center are committed to serving the community, including those who are medically indigent and those to whom charity care is made available.

B. General Review (GR) Criteria

Chapter 8 of the *Mississippi Certificate of Need Review Manual, Revised November 11, 2023*, addresses the general criteria by which all CON applications are reviewed. This application substantially complies with the general review criteria contained in the Manual.

GR Criterion 1- State Health Plan

The project was reviewed for compliance with the *FY 2022 Mississippi State Health Plan, Third Edition*, and was found to substantially comply with the *FY 2022 MSHP's* policies, criteria, and standards governing the establishment of an ASC and the provision of ambulatory surgical services.

GR Criterion 2 – Long Range Plan

The Applicant states Bienville Surgery Center intends to function as a comprehensive regional orthopaedic surgery center. The Applicant proposes to engage new physicians to perform general surgery in other specialty areas with an orthopaedic focus, including podiatry. The Applicant states its long-range plan of converting from a single specialty to a multispecialty center fosters efficiency in the provision of health care to patients by giving them better access to high-quality care in a setting more appropriate for ambulatory surgeries.

GR Criterion 3 – Availability of Alternatives

The Applicant states that three (3) alternatives were considered: 1) maintaining the status quo as a single specialty ASC and its current scope of services; 2) establishing a new, separate single specialty entity to use the ASC facility, while being temporally distinct from Bienville Surgery Center; and 3) converting its current single specialty ASC into a multispecialty ASC.

- a. **Advantages and Disadvantages:** The Applicant states the third option was selected because it best serves the intended purposes of Bienville Surgery Center to provide patients with better access to a wider range of high-quality, affordable care. The Applicant states this alternative also provides the ability to meet those intentions in the most cost-effective manner.
- b. **New Construction Projects:** The Applicant indicates the chosen option does not include new construction.
- c. **Beneficial Effects to the Health Care System:** The Applicant states that the health care system benefits when patients are treated closer to their homes, by physicians who work closely providing a single continuum of orthopaedic and related care, in settings appropriate for their level of care. The Applicant further states converting Bienville Surgery Center to a multispecialty ASC serves all these purposes.
- d. **Effective and Less Costly Alternatives:** Bienville Surgery Center asserts there is no equally effective and less costly alternative for the proposed project. The Applicant states updating the current facility will require no significant capital expenditure and treating patients with orthopaedic injuries and related conditions in a single facility is the most effective and least costly alternative.
 - i. **Unnecessary Duplication of Services:** According to the Applicant there are presently only two (2) multi-specialty ASCs in ASPA 9. The Applicant states there is no facility in the planning area that can provide a full range of ambulatory procedures as proposed by

Bienville Surgery Center. The Applicant states individuals in the planning area with complex orthopaedic surgical needs, who desire to be treated in a comprehensive fashion, have few ASC options. The Applicant does not believe adding podiatric and general surgical services in one (1) place will duplicate any other facility in the planning area.

- ii. **Efficient Solution:** The Applicant asserts providing a full-range of ambulatory surgical procedures to patients with orthopaedic-related conditions, closer to their homes and in a single location, is the most efficient solution to the problem.
- e. **Improvements and Innovations:** The Applicant asserts providing a full-range of ambulatory surgical procedures to patients with orthopaedic-related conditions, closer to their homes and in a single location promotes health care quality assurance and is more cost-effective than other alternatives.
- f. **Relevancy:** The Applicant states a continuing trend in healthcare is the increasing use of ambulatory surgery techniques in ambulatory surgery center settings, and as such the proposed plan will benefit the health care system of Jackson and Harrison counties and the surrounding areas.

GR Criterion 4 - Economic Viability

- a. **Proposed Charges for and profitability of the proposed service:** The Applicant states the proposed charges for services at Bienville Surgery Center are the same as the charges that have been applied previously. The Applicant believes the proposed charges are comparable to charges imposed by similar facilities in the area and state, and charges for services that have not previously been provided will be consistent with current charges.
- b. **Reasonably consistency of projected levels of utilization:** The Applicant states levels of utilization for the ambulatory surgery services at issue have continued to increase in the planning area, going from an average of 683 surgeries per operating room, as reported in the 2018 State Health Plan, to the present average of 1,272 per OR. The Applicant believes its utilization will increase, consistent with this trend.
- c. **Financial Feasibility Study:** The Applicant states this criterion is not applicable to the proposed project.
- d. **Financial Forecasts:** Bienville Surgery Center states change in operational revenues are, in part, the result of the addition of services not previously offered at the ASC due to limitations placed on it by its single specialty status. The Applicant states financial forecasts are based on an

increased number of ambulatory surgeries that the Applicant expects to be performed in the future, due partly to growth in orthopaedic surgeries and partly to additional ambulatory surgeries that the Applicant will be able to perform as a multispecialty ASC.

- e. **Covered Expenses:** The Applicant states any increase in expenses will be minimal, as no construction or renovation costs will be required to add the requested services. The Applicant anticipates no difficulty in continuing to cover operational expenses.
- f. **Impact of Proposed Project on Health Care Cost:** The Applicant states that the impact of this application on the health care system in ASPA 9 will be a positive one. The provision of new services will be more efficient, creating better and easier access to ambulatory surgical services, resulting in shorter patient wait-times and higher quality results. Furthermore, the Applicant states, the proposed project will eliminate various expenses by providing care for orthopaedics and podiatric patients in a single location.

GR Criterion 5 - Need for the Project

- a. **Access by Population Served:** The Applicant states Bienville Surgery Center has and will continue to provide service to, and will not discriminate against, those patients having low incomes, or who are members of a racial or ethnic minority, or who are women, handicapped persons or other underserved groups or the elderly.
- b. **Relocation of Services:** Not applicable. The Applicant does not propose to relocate or replace services.
- c. **Current and Projected Utilization of Comparable Facilities:** The Applicant asserts that while surgery volume is likely to increase with the addition of new podiatric services, the conversion to a multispecialty center should have no adverse impact on other existing service providers. The Applicant states that this is particularly true because the ambulatory surgery services to be provided are, for the most part, not currently being offered in a comprehensive fashion by any other ASC provider in the geographic service area.
- d. **Probable Effect of the Proposed Facility or Service.** The Applicant states the principal long and short-term goal of the proposed project is to provide a full range of orthopaedic and podiatric general surgical services in an ambulatory setting. The Applicant believes the proposed project will benefit the residents of the service area significantly because there is currently no facility of this type in ASPA 9 (and very few in the State of Mississippi), especially one that serves the community college and high school athletes in the area.

- e. **Community Reaction to the Facility.** The application contains four (4) letters of support from two (2) Bienville Orthopaedic Specialists, Mayor, City of Gautier, and Mississippi House of Representatives, District 112, Jackson County.

GR Criterion 6 - Accessibility

- a. **Access to Services:** The Applicant affirms that all patients, including Medicaid recipients, charity/medically indigent patients, racial and ethnic minorities, women, disabled persons, and the elderly, will have access to the ASC. The following table indicates the Applicant's projected medically indigent and charity care for the first two (2) years of operation.

	Medically Indigent (%)	Charity Care (%)	Medically Indigent (\$)	Charity Care (\$)
Historical Yr 2023	2%	3%	\$400,000.00	\$600,000.00
Historical Yr 2024	2%	3%	\$400,000.00	\$600,000.00
Projected Year 1	3%	4%	\$600,000.00	\$800,000.00
Projected Year 2	3%	4%	\$600,000.00	\$800,000.00

- b. **Existing Obligations:** The Applicant indicates that Bienville Surgery Center does not have any existing obligations under federal regulation.
- c. **Unmet Needs of Medicare/Medicaid and Medically Indigent Patients:** The Applicant submits Medicare, Medicaid, and medically indigent patients will have access to all ASC services.
- d. **Access to Proposed Facility or Service:** The application contains the Applicant's admission policy pertaining to access to services. The Applicant states Bienville Surgery Center does not discriminate against and will provide access to the poor, physically handicapped, women, elderly, and members of ethnic and racial minorities.
- e. **Access Issues:**
- i. **Transportation and Travel:** The Applicant states Bienville Surgery Center is easily accessible by state highway and local roadways.
 - ii. **Restrictive Admissions Policy:** The Applicant states Bienville Surgery Center does not discriminate against and will provide access to the poor, physically handicapped, women, elderly, and members of ethnic and racial minorities.

- iii. **Access to Care by Medically Indigent Patients:** The Applicant states, Bienville Surgery Center will continue to serve the needs of medically indigent, Medicare and Medicaid patients.
- iv. **Operational Hours of Service:** The Applicant states Bienville Surgery Center will open Monday through Friday at 6:00 a.m. and patients are there until they are ready to be discharged, often in the evening.

The Applicant states the ASC does not provide emergency surgical procedures on a scheduled or regular basis.

GR Criterion 7 - Information Requirement

The Applicant affirms that it will record, maintain, and provide the information required by this criterion within fifteen (15) business days of request by the Mississippi State Department of Health.

GR Criterion 8 - Relationship to Existing Health Care System

- a. **Comparable Services:** The Applicant asserts that the ambulatory surgery services proposed to be provided by Bienville Surgery Center are not currently being offered in the fashion proposed by any other outpatient provider in the geographic service area on a regular basis. The Applicant states that individuals needing certain podiatric ambulatory surgeries must now go to a different location to have them performed.
- b. **Effect on Existing Health Services:**
 - i. **Complement Existing Services:** The Applicant asserts having a multispecialty ASC will allow Bienville's Physicians to provide a wide range of surgical services to those suffering from foot/ankle pain.
 - ii. **Provide Alternative or Unique Service:** The Applicant states a CON will allow Bienville Surgery Center to provide podiatric surgical services, in addition to its current orthopaedic surgical services, in a single comprehensive ASC facility.
 - iii. **Provide a Service for a Specified Target Population:** The Applicant states that residents of the Mississippi Gulf Coast will have access to a facility that can provide a full range of ambulatory surgery services for orthopaedic and podiatric conditions. In addition, the Applicant states the general population of South Mississippi, high school, community college, and other athletes will benefit from having a full range of orthopaedic surgical procedures available in an ambulatory setting.

- iv. **Provide Services for Which There is an Unmet Need:** The Applicant asserts there is no facility that provides a full range of orthopaedic ambulatory surgeries in the service area; at present, patients with chronic podiatric conditions who could benefit from ambulatory surgery must have those conditions treated in a separate ASC facility or hospital.
- c. **Adverse Impact:** The Applicant asserts that if the Applicant is not granted a CON to operate a multispecialty ASC, persons with podiatric-related conditions will be forced to continue to have those procedures performed in a non-ASC location.
- d. **Transfer/Referral/Affiliation Agreements:** The application contains a copy of the transfer agreement between the Applicant and Ocean Springs Hospital.

GR Criterion 9 - Availability of Resources

- a. **New Personnel:** The Applicant states the proposed project is projected to eventually require an additional nurse and medical assistant and if the CON is approved, a podiatrist will join the ASC staff. The Applicant further states that it has been its experience that nurses, and other non-physician personnel are available within the service area and can be recruited through referrals and local advertising.
- b. **Contractual Services:** The Applicant states current contractual services include: (1) Anesthesia services provided by Jackson County Anesthesia Associates; (2) medical waste services provided by Stericycle; and (3) various Laboratory Services Agreements. The Applicant states the terms of all contracts allows either party to withdraw at any time, upon the prescribed period of notice.
- c. **Satisfactory Staffing History:** The Applicant states the reputation of Bienville Surgery Center has fueled growth which, in turn, has allowed it to provide a steady source of employment with benefits to non-physician staff members and it does not anticipate any changes or problems going forward.
- d. **Alternative Uses of Resources:** The Applicant asserts the only alternative to providing a full range of orthopaedic services through a multispecialty ASC is for Bienville Surgery Center to devote its resources to treatment of patients through the single specialty ASC model. The Applicant further states, however, that the limitations of this service delivery model limit Applicant's ability to serve its patients, forcing patients to seek podiatric ambulatory surgery and other related medical services elsewhere.

GR Criterion 10 – Relationship to Ancillary or Support Services

- a. **Support and Ancillary Services:** The Applicant asserts all necessary support and ancillary services for the proposed project are being provided. The Applicant further states that with minimal changes in volume where necessary to accommodate podiatric surgeries, ancillary and support services for surgical procedures will continue to be available to all surgical patients.
- b. **Changes in Costs or Charges:** The Applicant states that it does not anticipate any changes to facility costs or fee structure if the project is approved. The Applicant states patients who require podiatric and other medical services will benefit from having these services in one place.
- c. **Accommodation of Changes in Cost or Charges:** The Applicant affirms it does not anticipate any changes in cost or charges.

GR Criterion 11 – Health Professional Training Programs

The Applicant states Bienville Surgery Center cooperates with the Allied Health Profession and Nursing Health Profession programs operated by Mississippi Gulf Coast Community College. The Applicant states the proposed project will give the ASC additional opportunities to increase participation in professional training programs.

GR Criterion 12 – Access by Health Professional Schools

As previously stated, the Applicant states Bienville Surgery Center cooperates with the Allied Health Profession and Nursing Health Profession programs operated by Mississippi Gulf Coast Community College.

GR Criterion 13 – Access by Individuals Outside Service Area

The Applicant states Bienville Surgery Center does not anticipate providing services to individuals not residing in the service area.

GR Criterion 14 - Construction Projects

The Applicant affirms that the project does not require new construction or renovation.

GR Criterion 15 – Competing Applications

There are no competing applications on file with the Mississippi State Department of Health for the establishment of a freestanding multispecialty ambulatory surgery

center.

GR Criterion 16 - Quality of Care

- a. **Past Quality of Care:** The Applicant states the physicians of Bienville Surgery Center undergo a rigorous credentialing review process to ensure that only physicians of the highest level of competence and professionalism are allowed to practice at the ASC. In addition, the Applicant states the ASC utilizes an infection control program that consistently produces excellent results.
- b. **Improvement of Quality of Care:** The Applicant asserts individuals requiring podiatric surgery may require interventional pain management and other related medical services. Having the flexibility to provide these and general surgical services in one location instead of forcing patients to seek treatment in separate locations, the Applicant states, will be a great benefit to the service area and improve the quality of care.
- c. **Accreditations and/or Certifications:** The Applicant affirms that Bienville Surgery Center is a Medicare certified ASC.

IV. FINANCIAL FEASIBILITY

A. **Capital Expenditure Summary**

Cost Item	Projected Cost	Percentage of Cost (%)
Construction Cost – New	\$ 0.000	0.00%
Construction (Renovation)	0.00	0.00%
Capital Improvement	0.00	0.00%
Total Fixed Equipment	0.00	0.00%
Non-fixed Equipment	0.00	0.00%
Land Cost	0.00	0.00%
Site Preparation	0.00	0.00%
Fees (Architectural)	0.00	0.00%
Fees (Legal & Acct.)	50,000.00	100.00%
Contingency Reserve	0.00	0.00%
Capitalized Interest	0.00	0.00%
Other (Info. Technology)	0.00	0.00%
Total Expenditure	\$ 50,000.00	100.00%

B. **Method of Financing**

The Applicant affirms that the proposed project will not require financing. However, the Applicant indicates that the building is being leased for \$1,859,419.00 at 2.5%

interest for a term of five (5) years. In addition, equipment is being leased for \$742,379.00 at a rate of six percent (6%) for a term of five (5) years.

C. Effect on Operating Cost

The Applicant's three-year projected operating statement is presented in Attachment 1.

D. Cost to Medicaid/Medicare

The Applicant projects gross patient revenue cost to third-party payors as follows:

Payor Mix	Utilization Percentage (%)	First-Year Revenue (\$)
Medicare	31%	\$220,866.00
Medicaid	6%	\$41,947.00
Commercial	55%	\$394,917.00
Self-Pay	0%	\$0.00
Charity Care	0%	\$0.00
Other	8%	\$54,851.00
Total	100%	\$712,581.00

V. RECOMMENDATIONS OF OTHER AFFECTED AGENCIES

The Division of Medicaid ("DOM") was provided a copy of this application for review and comment. As of September 26, 2025, no comments have been received from DOM.

VII. CONCLUSION AND RECOMMENDATION

This project substantially complies with the criteria and standards for Ambulatory Surgery Services as contained in the *FY 2022 Mississippi State Health Plan, Third Edition*; the *Mississippi Certificate of Need Review Manual, November 11, 2023, Revision*; and the duly adopted rules, procedures, and plans of the Mississippi State Department of Health.

The Division of Health Planning and Resource Development recommends approval of the application submitted by Bienville Surgery Center, LLC, d/b/a Bienville Surgery Center, for the Establishment of a Multispecialty Ambulatory Surgery Facility and Offering of Ambulatory Surgery Services.

Attachment 1

Bienville Surgery Center, LLC d/b/a Bienville Surgery Center Three-Year Operating Statement (Project Only)			
	Year 1	Year 2	Year 3
Revenue			
Patient Revenue:	N/A	N/A	N/A
Inpatient	N/A	N/A	N/A
Outpatient	\$712,581.00	\$ 748,210.00	\$ 785,621.00
Gross Patient Revenue	\$712,581.00	\$ 748,210.00	\$ 785,621.00
Charity Care	\$ 0.00	\$ 0.00	\$ 0.00
Deductions from Revenue	\$419,308.00	\$ 440,273.00	\$ 462,287.00
Net Patient Revenue	\$293,273.00	\$ 307,937.00	\$ 323,333.00
Other Operating Revenue			
Total Operating Revenue	\$293,273.00	\$ 307,937.00	\$ 323,333.00
Expenses			
Operating Expenses:			
Salaries	\$ 108,160.00	\$ 113,568.00	\$ 119,246.00
Benefits	21,632.00	22,714.00	23,849.00
Supplies	15,000.00	15,750.00	16,538.00
Services	0.00	0.00	0.00
Lease	0.00	0.00	0.00
Depreciation	0.00	0.00	0.00
Interest	0.00	0.00	0.00
Other	0.00	0.00	0.00
Total Expenses	\$144,792.00	\$152,032.00	\$ 159,633.00
Net Income (Loss)	\$ 148,481.00	\$ 155,905.00	\$ 163,700.00
Assumptions			
Inpatient days	0	0	0
Outpatient days	260	260	260
Procedures	200	220	240
Charge/outpatient day	\$ 2,741.00	\$ 2,878.00	\$ 3,022.00
Charge per inpatient day	N/A	N/A	N/A
Charge per procedure	\$ 3,563.00	\$ 3,401.00	\$ 3,273.00
Cost per inpatient day	N/A	N/A	N/A
Cost per outpatient day	\$ 557.00	\$ 585.00	\$ 614.00
Cost per procedure	\$ 724.00	\$ 691.00	\$ 665.00