

# BALCH

& BINGHAM LLP

## HEALTHCARE BULLETIN

*August 17, 2011*

### ALABAMA CON REVIEW BOARD UPDATE

#### I. CERTIFICATE OF NEED PROGRAM

- A. AL2011-025, Renal Treatment Centers-Southeast, LP d/b/a Phenix City Dialysis, Phenix City, AL: Proposal to relocate the existing facility and expand by adding one home training station. The existing facility consists of eighteen hemodialysis stations, one isolation station and one home peritoneal dialysis training station.  
**Opposition: None**

**APPROVED.**

- B. AL2011-026, Renal Treatment Centers-Southeast, LP d/b/a Monarch Dialysis, Montgomery, AL: Proposal to establish and operate a new ESRD facility consisting of thirteen (13) hemodialysis stations relocated from DaVita's PCD-Montgomery, and add three (3) new hemodialysis stations.  
**Opposition: None**

**APPROVED.**

- C. **Project Modification Request**  
AL2009-012, Addiction and Mental Health Services, Inc. d/b/a Bradford Health Services, Birmingham, AL: Proposal to change the original site of the relocation of thirty-two (32) substance abuse beds shown in the original Certificate of Need application as relocating from Bradford-Pelham facility in Shelby County to Montgomery County, and now requesting to relocate from Bradford-Pelham to Bradford Lodge in Warrior, Jefferson County.  
**Opposition: None**

**APPROVED.**

**ADDITIONAL INFORMATION:** CON Review Board member Dr. Michael Gosney suggested the Board take up expediting the appointments of Administrative Law Judges. In addition, Dr. Gosney asked the Board to

consider procedures for monitoring the performance of the Administrative Law Judges once they are appointed.

## II. REVIEWABILITY DETERMINATIONS

July 20th Board meeting was cancelled, therefore there are no reviewability determinations.

## III. PENDING REVIEWABILITY DETERMINATIONS

- A. **RV2011-022, Renal Treatment Centers Southeast, LP d/b/a Lee County Dialysis:** Request to establish a new dialysis facility consisting of nine hemodialysis stations and one peritoneal dialysis training station in Phenix City, AL.  
**Modified Request for RV2011-022 filed June 7, 2011:** Request to establish a new dialysis facility consisting of nine hemodialysis stations and one home training station to be used alternately for peritoneal dialysis training and home hemodialysis training.  
**Opposition: Physicians Choice Dialysis of Lee County, LLC filed June 14, 2011**  
**Status: Pending**
- B. **RV2011-027, East Alabama Medical Center:** Request to relocate the existing cardiac catheterization lab located at 2375 Champions Blvd., Auburn, AL to East Alabama Medical Center at 2000 Pepperell Pkwy., Opelika, AL.  
**Status: Pending**
- C. **RV2011-028, Alabama Digestive Health Endoscopy Center:** Request to expand its existing procedure rooms from five to six in the existing freestanding single specialty gastroenterology ambulatory surgery center located on the campus of Brookwood Medical Center.  
**Status: Pending**
- D. **RV2011-029, Vitas Innovative Hospice Care:** Request to consolidate the Medicare billing numbers of Vitas Innovative Hospice Care of Bessemer and Vitas Innovative Hospice Care of Alabaster under the Medicare billing number currently used by Vitas Innovative Hospice Care of Fultondale.  
**Status: Pending**
- E. **RV2011-030, Springhill Home Health & Hospice d/b/a Springhill Hospice-Baldwin County:** Request to operate a hospice branch office in Baldwin County.  
**Status: Pending**

- F. **RV2011-031, Springhill Home Health & Hospice d/b/a Springhill Hospice-Citronelle:** Request to operate a hospice branch office in Mobile County.  
**Status: Pending**
- G. **RV2011-032, Medical Center Enterprise:** Request to update the current postpartum, labor, and delivery areas by providing thirteen new postpartum rooms and five new labor, delivery, and recovery rooms.  
**Status: Pending**
- H. **RV2011-033, Crestwood Medical Center:** Request to expand the existing inpatient/emergency hemodialysis services to include outpatient/emergency hemodialysis services to patients who have had an elective, urgent, or emergency surgical procedure.  
**Status: Pending**
- I. **RV2011-034, Renal Treatment Centers Southeast, LP d/b/a Springville Dialysis:** Request to establish and operate a ten station dialysis facility consisting of nine hemodialysis stations and one hemodialysis isolation station in St. Clair County.  
**Status: Pending**

#### IV. **OLD BUSINESS**

##### **Proposed Rule Change:**

**410-1-7-.06 Filing of a Certificate of Need Application**

**ADOPTED AS AMENDED.**

**410-1-8-.02 Contested Case Before Administrative Law Judge**

**ADOPTED.**

**410-1-8-.05 Majority Decision**

**ADOPTED.**

#### V. **NEW BUSINESS**

##### **Declaratory Ruling Request 136:**

Physicians Choice Dialysis of Lee County, LLC hereby petitions the Certificate of Need Review Board, pursuant to Alabama Certificate of Need Rules and Regulations, Rule 410-1-9-.01, to declare that the letter of Non-Reviewability and subsequent modification to said request filed on behalf of Renal Treatment Centers Southeast, LP d/b/a Lee County Dialysis, a subsidiary of DaVita, Inc., be denied as the requests as outlined

therein fail to comply with the statutory exemption relied upon by DaVita for the requested exemption.

**CONTINUED UNTIL NEXT MEETING BY AGREEMENT OF THE PARTIES.**

**Declaratory Ruling Request 137:**

Northeast Alabama Regional Medical Center requests the Certificate of Need Review Board to declare (1) that Stringfellow must first obtain a CON in order to proceed with the expansion of its operating department including open heart services and facilities as described in the materials submitted to the ADPH and (2) that, even if Stringfellow does not intend to provide open heart surgery services, Stringfellow shall not proceed with this project without first providing sufficient proof to the Certificate of Need Review Board that the amount of capital expenditures, new annual operating costs, and major medical equipment fall below the monetary thresholds for CON review.

**DECLARATORY RULING PETITION GRANTED.**

**The next meeting of the CON Board will be September 21, 2011 at 10:00 a.m.**

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