



BALCH & BINGHAM LLP

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HEALTHCARE BULLETIN

August 18, 2010

ALABAMA CON REVIEW BOARD UPDATE

I. CERTIFICATE OF NEED PROGRAM

A. **Emergency Application**

AL2010-218-E, Bio-Medical Applications of Alabama, Inc. d/b/a Tuskegee Dialysis, Tuskegee, AL: Emergency application requesting to add five additional hemodialysis stations in order to accommodate patients currently being treated by Dialysis Clinic Inc./Union Springs, an ESRD clinic which will close September 1, 2010. CON 2466-ESRD-E was issued August 5, 2010. This is being presented to the Board for ratification.

RATIFIED.

B. **Reconsideration Request**

AL2010-189-E, STV One Nineteen Senior Living, LLC d/b/a Somerby at St. Vincent's One Nineteen, Hoover, AL: Emergency application to convert twenty-four assisted living beds to twenty-four specialty care assisted living beds. The CONRB approved this project four in favor and one opposed at the June 16, 2010, Board meeting. Daniel Senior Living of Inverness I, LLC, d/b/a Danberry at Inverness, filed a Motion for Reconsideration. Dr. David G. Bronner, CEO of the Retirement Systems of Alabama, filed a letter in support of the Motion for Reconsideration.

WITHDRAWN AS MOOT.

C. **AL2010-172, Reliant Renal Care-Alabama, LLC d/b/a RRC Northridge, Northport, AL:** Proposal to expand the existing ESRD facility by adding fourteen hemodialysis stations, including one isolation station and two home hemodialysis training stations.

Opposition: None

APPROVED.

- D. **AL2010-175, East Alabama Medical Center d/b/a RehabWorks Physical Rehabilitation, Opelika, AL:** Proposal to relocate the outpatient rehab. center from 2107 Pepperell Parkway, Ste. C, Opelika, Alabama, to a new location, 2450 Village Professional Parkway, in Lee County.

Opposition: None

APPROVED.

- E. **Contested Case**

AL2008-014, Ultra Care, Inc. d/b/a Ultra Care of Lee County: Proposal to establish a home health agency in Lee County. ALJ submitted his Order of approval.

Opposition: Mid South Home Health Agency, Alacare Home Health Services, Inc. d/b/a Alacare Home Health & Hospice, Amedisys Home Health, Inc. of Alabama filed intervention/opposition and request for contested case hearing. Alabama HealthCare Group, LLC withdrew opposition/intervention and request for contested case hearing.

DISAPPROVED.

- F. **Hospice Non-Substantive Review Projects:**

1. **AL2010-165, VistaCare USA, Inc. d/b/a VistaCare of Alabama, Phenix City, AL:** Certificate of Need 2369-HPC issued to the applicant on March 4, 2010, consists of Autauga, Barbour, Bullock, Butler, Chambers, Chilton, Elmore, Lee, Lowndes, Macon, Montgomery, Pike, Russell, and Tallapoosa counties. The County requested to be added to Medicare Provider No. 01-1602 is Crenshaw.

Opposition: None

APPROVED.

2. **AL2010-166, Dale County Healthcare Authority d/b/a Community Hospice of Dale Medical Center, Ozark, AL:** Certificate of Need 2401-HPC issued to the applicant on April 1, 2010, consists of Dale, Barbour, Coffee, Houston, and Pike counties. Counties requested to be added to Medicare Provider No. 01-1628 are Henry and Geneva counties.

Opposition: None

APPROVED.

3. **AL2010-168, Hospice Complete, Inc. d/b/a Hospice Complete-Pelham, Pelham, AL:** Certificate of Need 2408-HPC issued to the applicant on April 1, 2010, consists of Chilton, Elmore, and Shelby counties. The County requested to be added to Medicare Provider No. 01-1600 is Coosa.

Opposition: None

APPROVED.

4. **AL2010-169, Hospice Complete, Inc. d/b/a Hospice Complete-Anniston, Anniston, AL:** Certificate of Need 2407-HPC issued to the applicant on April 1, 2010, consists of Calhoun, Cleburne, Clay, and Talladega counties. Counties requested to be added to Medicare Provider No. 01-1671 are Randolph and Tallapoosa counties.
Opposition: None
APPROVED.
5. **AL2010-173, Amedisys Hospice, LLC d/b/a Amedisys Hospice of Birmingham, Homewood, AL:** Certificate of Need 2380-HPC issued to the applicant on April 1, 2010, consists of Blount, Chilton, DeKalb, Fayette, Hale, Jefferson, Madison, Marshall, Shelby, St. Clair, Talladega, Tuscaloosa, Walker, Cherokee, Lamar, Morgan, Pickens, Etowah, Calhoun, and Bibb counties. Counties requested to be added to Medicare Provider No. 01-1527 are Clay, Coosa, Cleburne, Cullman, Greene, Jackson, and Randolph counties.
Opposition: None
APPROVED.
6. **AL2010-174, Horizons Hospice Care, Inc. d/b/a Amedisys Hospice of Montgomery, Montgomery, AL:** Certificate of Need 2379-HPC issued to the applicant on April 1, 2010, consists of Autauga, Montgomery, Lowndes, Elmore, Bullock, Macon, and Tallapoosa counties. Counties requested to be added to Medicare Provider No. 01-1623 are Dallas, Lee, and Russell counties.
Opposition: None
APPROVED.
7. **AL2010-179, Evercare Hospice, Inc. d/b/a Evercare Hospice and Palliative Care, Hoover, AL:** Certificate of Need 2376-HPC issued to the applicant on April 1, 2010, consists of Blount, Chilton, Jefferson, St. Clair, and Shelby counties. Counties requested to be added to Medicare Provider No. 01-1664 are Bibb, Tuscaloosa, and Walker counties.
Opposition: None
APPROVED.
8. **AL2010-180, Hospice Complete, Inc. d/b/a Hospice Complete-Fort Payne, Fort Payne, AL:** Proposal to provide in-home hospice services to residents of DeKalb, Cherokee, and Jackson counties.
Opposition: Alacare Home Health & Hospice and Wiregrass Hospice, LLC
APPROVED.

9. **AL2010-181, Hospice Complete, Inc. d/b/a Hospice Complete-Demopolis, Demopolis, AL:** Proposal to provide in-home hospice services to residents of Marengo, Choctaw, Sumter, and Dallas counties.
Opposition: Alacare Home Health & Hospice and Wiregrass Hospice, LLC
APPROVED.

10. **AL2010-182, Hospice Complete, Inc. d/b/a Hospice Complete-Madison, Madison, AL:** Proposal to provide in-home hospice services to residents of Limestone, Madison, and Marshall counties.
Opposition: Alacare Home Health & Hospice and Wiregrass Hospice, LLC
APPROVED.

11. **AL2010-183, Hospice Complete, Inc. d/b/a Hospice Complete-Luverne, Luverne, AL:** Proposal to provide in-home hospice services to residents of Crenshaw, Butler, Conecuh, and Covington counties.
Opposition: Alacare Home Health & Hospice and Wiregrass Hospice, LLC
APPROVED.

12. **AL2010-184, Hospice Complete, Inc. d/b/a Hospice Complete-Mobile, Mobile, AL:** Proposal to provide in-home hospice services to residents of Baldwin, Escambia, and Mobile counties.
Opposition: Alacare Home Health & Hospice, Wiregrass Hospice, LLC and Infirmary Hospice Care, Inc.
DENIED.

13. **AL2010-185, Hospice Complete, Inc. d/b/a Hospice Complete-Monroeville, Monroeville, AL:** Proposal to provide in-home hospice services to residents of Monroe, Clarke, Washington, and Wilcox counties.
Opposition: Alacare Home Health & Hospice and Wiregrass Hospice, LLC
APPROVED.

14. **AL2010-186, Hospice Complete, Inc. d/b/a Hospice Complete-Montgomery, Montgomery, AL:** Proposal to provide in-home hospice services to residents of Autauga, Lowndes, Montgomery, Pike, Bullock, Macon, Chambers, Lee, and Russell counties.
Opposition: Alacare Home Health & Hospice and Wiregrass Hospice, LLC
APPROVED.

15. **AL2010-187, Hospice Complete, Inc. d/b/a Hospice Complete-Dothan, Dothan, AL:** Proposal to provide in-home hospice services to residents of Houston, Henry, Dale, Barbour, Geneva, and Coffee counties.
Opposition: Alacare Home Health & Hospice and Wiregrass Hospice, LLC

APPROVED.

16. **AL2010-188, Bamah Hospice USA, Inc. d/b/a Good Shepard Hospice, Decatur, AL:** Proposal to provide in-home hospice services to residents of Morgan, Limestone, Madison, Cullman, Winston, Franklin, Lauderdale, Marshall, and Colbert counties.
Opposition: Alacare Home Health & Hospice, Wiregrass Hospice, LLC and Good Samaritan Hospice of Madison

APPROVED, EXCEPT A NEW D/B/A WILL BE USED.

17. **AL2010-170, Countryside Hospice Care, Inc., Jacksonville, AL:** Certificate of Need 2413-HPC issued to the applicant on April 1, 2010, consists of Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coosa, Etowah, Jefferson, Randolph, Shelby, St. Clair, Talladega, and Tallapoosa counties. Counties requested to be added to Medicare Provider No. 01-1579 are Limestone, Madison, Jackson, DeKalb, Marshall, Cullman, Bibb, Autauga, Chilton, Elmore, Morgan, and Lee counties.
Opposition: None

APPROVED.

18. **AL2010-176, Odyssey HealthCare Operating B, LP d/b/a Odyssey HealthCare of Mobile, Mobile, AL:** Certificate of Need 2377-HPC issued to the applicant on April 1, 2010, consists of Baldwin, Mobile, Escambia, and Washington counties. Counties requested to be added to Medicare Provider No. 01-1605 are Choctaw, Clarke, Conecuh, Marengo, Monroe, and Wilcox counties.

Opposition: None

APPROVED.

II. REVIEWABILITY DETERMINATIONS

- A. **RV2010-023, Drayer Physical Therapy Institute, LLC:** Request to establish a single service physical therapy center in Jefferson County.

Status: Non-Reviewable

- B. **RV2010-024, Millennium Nursing & Rehab Center, Inc.:** Request to provide outpatient physical therapy in Madison County.

Status: Non-Reviewable

- C. **RV2010-025, Glenwood Healthcare, Inc.:** Request to continue providing outpatient physical therapy rehabilitation services in Lauderdale County.
Status: Non-Reviewable
- D. **RV2010-026, Preston Doyle Wingate, P.A.-C:** Request to establish a ten (10) station ESRD facility that would include a home hemodialysis training station and a hepatitis B positive isolation room in St. Clair County.
Status: Non-Reviewable
- E. **RV2010-027, Amedisys Hospice of Sylacauga:** Request a determination that Amedisys Hospice, LLC establishing a separately licensed branch office in a county it is permitted to service under its single Medicare provider number Certificate of Need is permissible without further filings or requests to the State Health Planning and Development Agency.
Status: Non-Reviewable
- F. **RV2010-028, Baptist Health System, Inc., d/b/a Shelby Baptist Medical Center:** Request that the acquisition of certain assets of Birmingham Radiological Group-Shelby, P.C. is not subject to CON review.
Status: Non-Reviewable
- G. **RV2010-029, Renal Treatment Centers Southeast, LP d/b/a DaVita Enterprise:** Request to establish a ten station ESRD facility consisting of eight hemodialysis stations, one home training station, and one hemodialysis isolation station in Coffee County.
Status: Non-Reviewable
- H. **RV2010-030, Thomas Home Health, LLC d/b/a Thomas Home Health:** Request to establish a branch office in Baldwin County.
Status: Non-Reviewable

III. **PENDING REVIEWABILITY DETERMINATIONS**

- A. **RV2010-031, Dialysis Clinic, Inc.-Pell City:** Request to relocate the existing ten station ESRD facility from 2805 Hospital Drive, Pell City, St. Clair County, Alabama to an unknown address within St. Clair County.
Status: Pending
- B. **RV2010-032, Huntsville Hospital:** Request to expand electrophysiology services by adding an outpatient Electrophysiology Laboratory.
Status: Pending
- C. **RV2010-033, Huntsville Hospital:** Request to offer offsite sterilization services.
Status: Pending

D. **RV2010-034, Universal Health Services, Inc.:** Request to merge Olympus Acquisition Corp., a wholly owned subsidiary of Universal Health Services, Inc. into Psychiatric Solutions, Inc. Hill Crest and Laurel Oaks are indirect subsidiaries of Psychiatric Solutions, Inc., a Delaware publicly traded company. The ownership of the facilities and the tax-identification numbers for the two facilities will not change as a result of the proposed change in shareholders of Psychiatric Solutions, Inc.

Status: Pending

E. **RV2010-035, Drayer Physical Therapy Institute, LLC:** Request to establish a new single service physical therapy center, located at 2823 Greystone Commercial Boulevard, Birmingham, Shelby County, Alabama.

Status: Pending

F. **RV2010-036, Drayer Physical Therapy Institute, LLC:** Request to establish a new single service physical therapy center, located at 2531 Rocky Ridge Road, Ste. 101, Vestavia, Jefferson County, Alabama.

Status: Pending

G. **RV2010-037, Drayer Physical Therapy Institute, LLC:** Request to establish a new single service physical therapy center, located at 1483 Gadsden Highway, Ste. 120, Birmingham, Jefferson County, Alabama.

Status: Pending

H. **RV2010-038, Drayer Physical Therapy Institute, LLC:** Request to establish a new single service physical therapy center, located at 2910 Morgan Road, Ste 110, Bessemer, Jefferson County, Alabama.

Status: Pending

The next meeting of the CON Board will be September 15, 2010 at 10:00 a.m.

H E A L T H C A R E C O N T A C T S

BIRMINGHAM, AL

Colin H. Luke
205.226.8729
cluke@balch.com

Carey McRae
205.226.8705
cmcrae@balch.com

MONTGOMERY, AL

Dorman Walker
334.269.3138
dwalker@balch.com

JoClaudia Moore
334.269.3148
jmoore@balch.com

