



BALCH & BINGHAM LLP

Alabama • Georgia • Mississippi • Washington, D.C.

HEALTHCARE BULLETIN

November 17, 2010

ALABAMA CON REVIEW BOARD UPDATE

I. CERTIFICATE OF NEED PROGRAM

A. **Emergency Request Application**

AL2011-006-E, Houston County Health Care Authority d/b/a Southeast Alabama Medical Center, Dothan, AL: Emergency application requesting to approve possible expenditures on or on behalf of the hospital to establish the Alabama College of Osteopathic Medicine to be located near the campus of Southeast Alabama Medical Center. This application is being presented to the Board for ratification.

Opposition: None

Granted and Ratified.

B. **Pending Emergency Request Application**

AL2011-007, Stepping Stone Pediatric Therapy, LLC, Florence, AL: Emergency application requesting to relocate the facility due to parking issues.

Opposition: None.

Granted and Ratified.

C. **Pending Emergency Request Application**

AL2011-009, All in One Care, Inc., Birmingham, AL: Emergency application requesting to establish hospice services to residents of Jefferson, St. Clair, Blount and Shelby Counties.

Opposition: None.

Denied.

- D. **Pending Emergency Request Application**
AL2011-002, Daniel Senior Living of Inverness I, LLC d/b/a Danberry at Inverness, Hoover, AL: Emergency application requesting to convert twelve assisted living beds to twelve specialty care assisted living beds in Shelby County. **Opposition: Noland Health Services, Inc. and FSQC AL, LLC, d/b/a Ashton Gables filed notice of opposition and intervention. This application was carried over from the October 20, 2010, CONRB meeting.**
Denied.
- E. **Contested Case**
AL2008-035, Addiction and Mental Health Services, Inc. d/b/a Bradford Health Services, Shelby County, AL: Proposal to relocate thirty-two (32) of the one hundred two (102) approved substance abuse beds from the current Bradford location in Pelham, AL, (Shelby County), to another site in Shelby County. **Opposition: Redmont Health Services, Inc. withdrew opposition/intervention and request for a contested case hearing. ALJ has remanded this project to the CONRB.**
Granted.
- F. **AL2010-213, Ladiga Manor, LLC d/b/a Comfort Care Manor at Ladiga Manor, Jacksonville, AL:** Proposal to convert an existing wing of its Assisted Living Facility to a twenty-four (24) bed Specialty Care Assisted Living Facility unit. Twelve (12) beds will be in existing space and twelve (12) beds will be in space to be constructed adjoining the converted SCALF wing.
Opposition: None
Granted.
- G. **AL2010-217, Bio-Medical Application of Alabama, Inc. d/b/a Fresenius Medical Care Port City Dialysis, Mobile, AL:** Proposal to relocate the existing twenty (20) station facility, in addition to four (4) hemodialysis stations that were approved under CON 2260-ESRD-MOD#1, but have not yet been placed into service. The applicant also seeks the approval of one (1) additional isolation station, for a total of twenty-five (25) stations.
Opposition: None
Granted.
- H. **AL2010-219, Episcopal Foundation of Jefferson County, Inc. d/b/a St. Martin's in the Pines, Birmingham, AL:** Proposal to expand its revolutionary Green House Project by constructing an additional three story cottage-style building and relocate thirty (30) of the existing nursing home beds into this new building. These beds will continue to be operated in conjunction with the forty-eight (48) nursing home beds that will remain in St. Martin's existing facility.
Opposition: None
Granted.

- I. **AL2010-220, NNA of Alabama, Inc. d/b/a RCG-Fort Payne, Fort Payne, AL:** Proposal to expand the existing ESRD facility from its original licensure of twelve (12) stations to a proposed addition of three (3) home training peritoneal dialysis stations.

Opposition: None

Granted.

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

1. **AL2010-216, AseraCare Hospice-Demopolis, LLC d/b/a AseraCare Hospice, Selma, AL:** Certificate of Need 2450-HPC issued to the applicant on July 1, 2010, consists of Perry and Dallas counties. Counties requested to be added to Medicare Provider No. 01-1561 are Autauga, Lowndes, Elmore and Montgomery counties.

Opposition: None

Granted.

II. **REVIEWABILITY DETERMINATIONS**

- A. **RV2010-041, Atmore Community Hospital:** Request to expand the Emergency Department.

Status: Non-Reviewable

- B. **RV2010-042, Saad Healthcare Services, Inc.:** Request to establish an outpatient single- service physical therapy clinic in Mobile County.

Status: Non-Reviewable

- C. **Rural, Rush Hospital/Butler, Inc. d/b/a Choctaw General Hospital:** Request to establish an outpatient ten station hemodialysis unit within the hospital.

Status: Non-Reviewable

III. **PENDING REVIEWABILITY DETERMINATIONS**

- A. **RV2011-001, Renal Treatment Centers Southeast, LP d/b/a Leeds DaVita Dialysis:** Request to establish a ten (10) station dialysis facility consisting of nine (9) hemodialysis stations and one (1) isolation station in St. Clair County.

Status: Pending

- B. **RV2011-002, Physicians Choice Dialysis of Union Springs, LLC:** Request to establish a ten (10) station ESRD facility in Bullock County.

Status: Pending

- C. **RV2011-003, Troy Hospital Health Care Authority d/b/a Troy Regional Medical Center:** Request to relocate their Imaging Suite from one area on the first floor to another area of the first floor in Pike County. There will be minor construction, remodeling and reconfiguration required to modify the space.

Status: Pending

- D. **RV2011-004, Family Comfort Hospice, LLC:** Request to establish Family Comfort Bessemer as a branch office of Family Comfort Fultondale. Upon the establishment of Family Comfort Bessemer as a branch office, Family Comfort Bessemer will terminate its Medicare Provider Number and will operate under the Medicare Provider Number of Family Comfort Fultondale.

Status: Pending

IV. **NEW BUSINESS**

- A. **Declaratory Ruling 133:**
RCHP-Florence, LLC d/b/a Eliza Coffee Memorial Hospital: Petition for Declaratory Ruling pursuant to Alabama Certificate of Need Program Rules and Regulations § 410-1-9-.01. Colbert County-Northwest Alabama Health Care Authority d/b/a Helen Keller Hospital has CON approval to operate its cardiac catheterization lab (“cath lab”) for diagnostic procedures only. Eliza Coffee Memorial Hospital petitions the Certificate of Need Review Board to declare that Helen Keller must apply for and obtain a Certificate of Need in order to perform interventional/therapeutic procedures in its cath lab and must not perform such procedures until it receives such a Certificate of Need.

Withdrawn.

- B. **Declaratory Ruling 134:**
RCHP-Florence, LLC d/b/a Eliza Coffee Memorial Hospital and Shoals Hospital: Petition for Declaratory Ruling pursuant to Alabama Certificate of Need Program Rules and Regulations § 410-1-9-.01. Colbert County-Northwest Alabama Health Care Authority d/b/a Helen Keller Hospital is operating a \$7.5 million, 16,000 square foot “Keller Outpatient Surgery Pavilion” located on the south side of the main hospital campus without having requested a Certificate of Need. Petitioner requests the Certificate of Need Review Board to declare (1) that Helen Keller must apply for and obtain a CON in order to operate the “Keller Outpatient Surgery Pavilion” and (2) that Helen Keller must cease all procedures being offered in said facility until it receives CON approval.

Continued until next meeting.

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

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