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HEALTHCARE BULLETIN

January 20, 2010

ALABAMA CON REVIEW BOARD UPDATE

I. CERTIFICATE OF NEED PROGRAM

A. **Reconsideration Request**

AL2009-040, Clean Life Treatment Center, Birmingham, AL: Proposal to operate an opiate replacement treatment program. This application was denied by the CONRB October 21, 2009, meeting.

Opposition: Shelby County Treatment Center and Colonial Management Group, LP.

Denied.

B. **Project Modification Request**

AL2008-048, Fresenius Medical Services of Magnolia, Mobile, AL: Request to relocate four (4) hemodialysis stations issued to FMS Magnolia by CON 2259-ESRD to FMC USA Jaguar.

Opposition: None

Approved.

C. **AL2010-004, Regional Rehabilitation Hospital, Phenix City, AL:** Proposal to transfer ten (10) inpatient rehabilitation beds from HealthSouth of Montgomery to Regional Rehabilitation Hospital in Phenix City (Region V).

Opposition: None

Approved.

D. **Hospice Non-Substantive Review**

AL2010-017, Hospice of Montgomery, Inc., Montgomery, AL: Proposal to continue to provide hospice services in Montgomery, Butler, Autauga, Crenshaw, and Elmore counties.

Opposition: None

Approved.

- E. Hospice Non-Substantive Review**
AL2010-022, Lakeside Hospice, Inc., Pell City, AL: Proposal to continue to provide hospice services in Jefferson, Calhoun, Shelby, St. Clair, and Talladega counties.
Opposition: None

Approved.
- F. Hospice Non-Substantive Review**
AL2010-029, Comfort Care Hospice of Demopolis, Demopolis, AL: Proposal to continue to provide hospice services in Marengo, Hale, Greene, Sumter, Perry, Dallas, and Choctaw counties.
Opposition: None

Approved.
- G. Hospice Non-Substantive Review**
AL2010-031, Comfort Care of Pelham, Pelham, AL: Proposal to continue to provide hospice services in Bibb, Chilton, Jefferson, Shelby, St. Clair, Talladega, Tuscaloosa, and Walker counties.
Opposition: None

Approved.
- H. AL2010-087, Southeast Alabama Medical Center, Dothan, AL:** Proposal to renovate the existing hospital space for the development of an Outpatient Observation and Recovery Care Unit.
Opposition: None

Approved.
- I. AL2009-067, Dialysis Clinic, Inc., Dothan, AL:** Proposal to relocate, construct, and expand the existing hemodialysis facility by adding ten (10) additional hemodialysis stations, two (2) isolation stations and two (2) peritoneal dialysis stations for a total of thirty-three (33) stations.
Opposition: A letter of opposition was received from Carol H. Steckel, Commissioner, Alabama Medicaid Agency

Approved.
- J. AL2010-137, Chilton Medical Center, Clanton, AL:** Request for an emergency review to convert ten (10) acute medical-surgical beds to ten (10) geriatric psychiatric beds for a dedicated medical model geriatric psychiatric unit to serve those age sixty-five and older.
Opposition: Laurel Oaks Behavioral Health Center filed opposition

Not approved as an emergency, will revert to traditional application.
- K. Contested Case**
AL2008-029, Ultra Care, Inc. d/b/a Ultra Care of Etowah County: Proposal to establish a Home Health Agency in Etowah County. ALJ submitted Order of approval December 14, 2009.

Opposition: Amedisys Home Health, Inc., Mid-South Home Health Agency, and Alacare Home Health and Hospice filed intervention/opposition and contested case hearing request. Alabama Health Care Group and Gadsden Regional Home Health and Hospice and Cherokee Community Home Health and Hospice withdrew their intervention/opposition and contested case hearing request.

Upheld ALJ and approved.

II. REVIEWABILITY DETERMINATIONS

- A. Rural, Bibb Medical Center:** Request to convert five (5) acute care beds to inpatient hospice beds.

Status: Non-Reviewable

- B. Rural, Hale County Hospital:** Request to utilize eight (8) acute care beds as swing beds and utilize four (4) acute care beds as inpatient hospice beds.

Status: Non-Reviewable

- C. RV2010-003, Rehab Associates, LLC:** Request to convert from comprehensive outpatient rehabilitation facilities to single physical therapy facilities in Jackson and Madison Counties.

Status: Non-Reviewable

III. PENDING REVIEWABILITY DETERMINATIONS

- A. RV2010-004, Renal Treatment Centers Southeast, LP d/b/a DaVita Calera:** Request to establish a ten station dialysis facility consisting of nine hemodialysis stations and one hemodialysis isolation station in Shelby County.

Status: Pending

- B. RV2010-005, Rehab Associates, LLC:** Request to convert from CORF to a single physical therapy facility.

Status: Pending

- C. RV2010-006, Alabama Physical Rehabilitation Service, Inc.:** Request to convert from CORF to a single service facility.

Status: Pending

- D. RV2010-007, Gentiva Home Health Troy:** Request to relocate the administrative office two blocks away.

Status: Pending

IV. NEW BUSINESS

- A. **Declaratory Ruling 126:** DaVita Dialysis of Mobile has submitted a Petition for Declaratory Ruling, requesting that the CON Review Board order that DaVita Project No. AL2009-037, Bio Medical Project No. AL2009-056 (Bio Medical Applications of Alabama, Inc. d/b/a FMC USA Jaguar) and Bio Medical Project No. AL2009-057 (Bio Medical Applications of Alabama, Inc. d/b/a FMC East Mobile) be consolidated so that all three Projects may be heard by the same ALJ in the same contested case proceeding, and respectfully requests that the CON Review Board and SHPDA request that the Governor appoint one ALJ to hear all three contested cases in one proceeding.

Denied.

- B. **410-1-4-.02 Construction or Relocation of an Administrative or Branch Office:** The construction or relocation of an administrative or branch office of a home health agency or in-home hospice provider which: (1) is within a county for which the provider is the holder of a CON; and (2) at which no patient care is provided, does not constitute the construction, development, acquisition or other establishment of a new health care facility requiring a Certificate of Need under ALA. CODE § 22-21-263(a)(1) (1975 as amended). The home health or hospice agency shall notify SHPDA in writing of its construction or relocation plans at least thirty-five (35) days in advance of the action. As part of such notification, a home health or hospice agency may obtain a reviewability determination letter pursuant to ALA. ADMIN CODE 410-1-7-.02, acknowledging compliance with this rule, with a copy of said letter sent to the Alabama Department of Public Health. Nothing in this rule shall be construed as authorizing the extension of a home health or in-home hospice services beyond those areas authorized under the provider's Certificate of Need or as may be otherwise authorized under Alabama law.

Voted to publish the Rule.

The next meeting of the CON Board will be February 17, 2010 at 10:00

a.m.

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