



## BALCH & BINGHAM LLP

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### HEALTHCARE BULLETIN

*September 15, 2010*

#### ALABAMA CON REVIEW BOARD UPDATE

##### I. CONTESTED CASES

The next four projects have been put on the agenda for informational purposes only. No vote is required because, “the recommended orders of the Administrative Law Judge becomes the final order of the Agency when no exceptions have been filed.” No exceptions were filed. These projects were approved.

- A. AL2010-137, Clanton Hospital, LLC d/b/a Chilton Medical Center, Clanton, AL: Proposal to convert ten (10) acute medical-surgical beds to ten (10) geriatric psychiatric beds for a dedicated geriatric psychiatric unit to serve those age 65 and older.

**The ALJ's Order was approval for the addition of nine (9) geriatric psychiatric beds for a geriatric psychiatric unit to serve those age 65 and older.**

- B. AL2010-140, Gadsden Regional Medical Center, LLC, Gadsden, AL: Proposal to reallocate eight (8) acute care beds to adult psychiatric beds thereby increasing the number of beds in its Adult Psychiatric Unit to eighteen (18).

**The ALJ's Order was approval for the conversion or reallocation of six (6) acute care beds to use as psychiatric beds to serve adults between the age of 19 and 65.**

- C. AL2010-144, Premier Behavioral Solutions of Alabama, Inc. d/b/a Laurel Oaks Behavioral Health Center, Dothan, AL: Proposal to add ten (10) psychiatric beds, using an existing nursing unit, to serve children and adolescents limited to 18 years of age and younger.

**The ALJ's Order was approval for the addition of eight (8) psychiatric beds to serve Children & Adolescents limited to 18 years of age and younger.**

- D. AL2010-145, Lakeland Community Hospital, LLC, d/b/a Lakeland Community Hospital, Haleyville, AL: Proposal to add ten (10) psychiatric beds for a dedicated geriatric psychiatric unit to serve primarily those age 65 and older.
- The ALJ's Order was for the approval of nine (9) psychiatric beds for a geriatric psychiatric unit to serve primarily those age 65 and older.

## II. CERTIFICATE OF NEED PROGRAM

### A. Hospice Non-Substantive Review Projects:

1. AL2010-197, First Choice Hospice, Inc. d/b/a First Choice Hospice, Elba, AL: Certificate of Need 2412-HPC issued to the applicant on April 1, 2010, consists of Coffee, Covington, Crenshaw, Geneva, and Pike counties. The counties requested to be added to Medicare Provider No. 01-1656 are Montgomery, Bullock, Escambia, Conecuh, and Butler counties.  
**Opposition: None**  
**APPROVED.**
2. AL2010-202, Covenant Hospice, Inc., Dothan, AL: Certificate of Need 2347-HPC-MOD#1 issued to the applicant on May 6, 2010, consists of Houston, Henry, Barbour, Geneva, Dale, Pike, Coffee, Covington, Crenshaw, Escambia, Butler, Monroe, Baldwin, Mobile, Conecuh, and Washington counties. Counties requested to be added to Medicare Provider No. 01-1577 are Autauga, Bullock, Chilton, Choctaw, Clarke, Coosa, Dallas, Elmore, Lee, Lowndes, Macon, Marengo, Montgomery, Russell, Tallapoosa, and Wilcox counties.  
**Opposition: None**  
**APPROVED.**
3. AL2010-194, Southeast Cancer Network d/b/a Southeast Hospice Network, LLC, Jasper, AL: Certificate of Need 2404-HPC issued to the applicant April 1, 2010, consists of Autauga, Bibb, Blount, Bullock, Chilton, Cullman, Dallas, DeKalb, Elmore, Etowah, Jackson, Jefferson, Macon, Marshall, Montgomery, Morgan, Marion, Shelby, St. Clair, Talladega, Tuscaloosa, Walker, and Winston counties. Counties requested to be added to Medicare Provider No. 01-1663 are Butler, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coosa, Crenshaw, Fayette, Greene, Hale, Lamar, Lawrence, Lee, Limestone, Lowndes, Madison, Perry, Pickens, Pike, Randolph, Russell, and Tallapoosa counties.  
**Opposition: Wiregrass Hospice, LLC withdrew opposition/ intervention September 8, 2010**  
**APPROVED.**

**B. Contested Case**

**AL2009-009, Affinity Hospital, LLC, d/b/a Trinity Medical Center of Birmingham, Birmingham, AL:** Proposes to replace/relocate the existing 560-bed hospital at its current location at 800 Montclair Rd. in Birmingham with a 398-bed facility on the site of the former "280 Digital Hospital," located at 3660 Grandview Pkwy. in Birmingham. ALJ filed Order of approval.

**Opposition: Brookwood Medical Center and St. Vincent's Health System filed opposition/intervention and request for a contested case hearing. Select Specialty Hospital-Birmingham withdrew opposition and intervention.**

**APPROVED.**

**III. 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: Non-Reviewable**

- B. RV2010-033, Huntsville Hospital:** request to offer offsite sterilization services.

**Status: Non-Reviewable**

- C. 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: Non-Reviewable**

- D. 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: Non-Reviewable**

- E. 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: Non-Reviewable**

- F. 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: Non-Reviewable**

- G. **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: Non-Reviewable**

**IV. PENDING REVIEWABILITY DETERMINATIONS**

- A. **RV2010-032, Huntsville Hospital:** request to expand electrophysiology services by adding an outpatient Electrophysiology Laboratory.

**Status: Pending**

- B. **RV2010-039, Self Nursing Home:** request to relocate sixteen nursing home beds from one building to another on the existing campus of Self Nursing Home in Jefferson County.

**Status: Pending**

- C. **RV2010-040, Athens-Limestone Hospital:** request to expand the existing fire protection sprinkler system into other areas within the hospital.

**Status: Pending**

**The next meeting of the CON Board will be October 20, 2010 at 10:00 a.m.**

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

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