



BALCH & BINGHAM LLP

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HEALTHCARE BULLETIN

February 20, 2008

ALABAMA CON REVIEW BOARD UPDATE

I. SHPDA ADMINISTRATIVE REPORT

A. Contested Cases

AL2006-028, TriStar Healthcare of Alabama, LP: Proposal to provide home health services to patients in Tallapoosa County.

AL2006-044, TriStar Healthcare of Alabama, LP: Proposal to provide home health services to patients in St. Clair County.

The above two projects have been put on the agenda for informational purposes only. No vote is required because, "the recommended order of the Administrative Law Judge becomes the final order of the Agency when no exceptions have been filed." No exceptions were filed. Both projects were **denied**.

II. CERTIFICATE OF NEED PROGRAM

A. AL2008-002, Providence Hospital; Mobile, AL: Proposal to reconfigure and renovate its existing obstetrics facility to accommodate current and expected demand for services. The number of single-room maternity suites will be increased from six (6) to twenty (20), through conversion of existing postpartum rooms. Opposition: None.

Approved.

B. Contested Case-Batched Applications

AL2005-035-A, Madison Hospital, LLC d/b/a Madison Hospital: Proposal to establish a sixty (60)-bed acute care hospital in Madison County.



ALJ filed recommended order. Opposition: Athens-Limestone Hospital and The Health Care Authority of the City of Huntsville, d/b/a Madison Medical Center filed intervention, opposition and request for contested case hearing.

AL2005-036-A, The Health Care Authority of the City of Huntsville, d/b/a Madison Medical Center: Proposal to establish a sixty (60)-bed acute care hospital in Madison County. ALJ filed recommended order. Opposition: Athens-Limestone Hospital withdrew opposition. Madison Hospital, LLC d/b/a Madison Hospital filed intervention, opposition and request for contested case hearing.

Both projects were continued until the March meeting because a quorum was not present after two members recused themselves due to potential conflicts of interest.

III. REVIEWABILITY DETERMINATIONS:

A. RV2007-065, Harrison Radiation Oncology, P.C., requests to install and operate a linear accelerator in the private office of Dr. Lowndes Harrison and Dr. Christopher Jahraus. **Status: Non-Reviewable.**

B. RV2008-008, Valley Surgery Center, LLC, requests to become multi-specialty Ambulatory Surgery Center. **Status: Reviewable Opposition: Florence Surgery Center and Eliza Coffee Memorial Hospital.**

C. RV2008-015, USA Children's and Women's Hospital, requests to expand their existing Labor and Delivery Suite. **Status: Non-Reviewable.**

D. RV2008-016, Gentiva Health Services d/b/a Mid-South Home Health Agency, Inc., requests to apply for separate Medicare-enrollments for its offices located in Mobile, Pell City, Clanton, Jasper, and Cullman, which will continue to operate under their designated parent home health agencies. **Status: Non-Reviewable.**

E. RV2008-017, L.V. Stabler Memorial Hospital, requests to establish a Sleep Disorder Center. **Status: Non-Reviewable.**

F. RV2008-018, Turning Point Rehabilitation, LLC, requests to establish a social based residential drug and alcohol treatment. **Status: Reviewable Opposition: Bradford Health Services.**



G. RV2008-020, Omniflight Helicopters, Inc., requests to add an air ambulance, including emergency medical care, to its existing air ambulance services. The air ambulance would be based in Sylacauga, and would serve the area of Central Alabama, with a planned service area of approximately a 150 mile radius. **Status: Non-Reviewable.**

H. RV2008-021, Omniflight Helicopters, Inc., requests to add an air ambulance service to its existing services to serve specialty needs of pediatric and neonatal patients of the Children's Health System in Jefferson County. **Status: Non-Reviewable.**

I. RV2008-022, Cherokee County Nursing Home, requests to add offices for the human resources department. **Status: Non-Reviewable.**

J. RV2008-023, Infirmary Hospice, requests to add Baldwin County to their service area. **Status: Non-Reviewable**

K. RV2008-024, Rehab Associates d/b/a Champion Sports Medicine & Rehab Center-Pelham, requests to establish an outpatient physical therapy rehabilitation facility. **Status: Non-Reviewable**

L. RV2008-025, Huntsville Endoscopy Center, Inc., requests to add one operating room to the existing single specialty free-standing Ambulatory Surgery Center. **Status: Non-Reviewable**

M. RV2008-026, Children's Hospital/The University of Alabama Hospital, requests to relocate the Pediatric Kidney Transplant Surgical Component from University Hospital to Children's Hospital. **Status: Non-Reviewable**

N. RV2008-027, Foundation North Mobile Retirement, LLC d/b/a North Mobile Retirement Center, requests to renovate space to obtain four additional resident rooms, two semi-private and two private with four additional baths. **Status: Non-Reviewable**

O. RV2008-028, Greenbriar at the Altamont, LLC, requests to operate a physical therapy rehabilitation center on its campus. **Status: Non-Reviewable**

P. Rural Exemption Reviewability, Dale Medical Center, requests to add one operating room to the existing two operating rooms. **Status: Non-Reviewable**



IV. PENDING REVIEWABILITY DETERMINATIONS:

A. RV2008-019, Mobile Urology Group, P.A., requests to acquire a Varian Medical System which includes a High Energy Clinac iX Linear Accelerator with 120 multi-leaf collimator, On Board Imager, CBCT, Eclipse Treatment Planning System, and ARIA Oncology Information System to be installed in a physician's office. **Status: Pending Opposition: Infirmiry Health System and its affiliates, Mobile Infirmiry Medical Center, Infirmiry West, Thomas Hospital, Thomas Medical Center, Infirmiry Eastern Shore and North Baldwin Infirmiry.**

Status: Reviewable per grant of Declaratory Ruling 116.

B. RV2008-029, Good Samaritan Hospice of Madison, Inc., requests to relocate its office from 540 Hughes Road, Madison, Alabama to 929 20th Street, Haleyville, Alabama. **Status: Pending**

C. RV2008-030, Urological Associates of Dothan, P.A., requests to acquire a VARIAN Medical System which includes a High Energy Clinac iX Linear Accelerator with 120 multi-leaf collimator, On Board Imager, CBCT, Eclipse Treatment Planning System, and ARIA Oncology Information System to be installed in a physician's office. **Status: Pending**

D. RV2008-031, Surgical Specialists Group, LLC, d/b/a Alabama Outpatient Surgery Center, requests to convert one room into an operating room. **Status: Pending**

E. RV2008-032, Rehab Associates, LLC, d/b/a Champion Sports Medicine & Rehab Center-Toney, requests to establish a comprehensive outpatient rehabilitation facility offering physical therapy, physician and social services. **Status: Pending**

F. RV2008-033, USA Children's and Women's Hospital, requests to expand its existing radiology suite. **Status: Pending**

V. NEW BUSINESS

A. Declaratory Ruling 116:

Infirmiry Health System and its affiliates, Mobile Infirmiry Medical Center, Infirmiry West, Thomas Hospital, Thomas Medical Center, Infirmiry Eastern Shore and North Baldwin Infirmiry seeks a declaratory ruling that Mobile Urology Group, P.A.



proposed plan to relocate its primary office, to acquire and operate a \$3 million VARIAN medical system therein, and to associate six new physician members is subject to mandatory Certificate of Need review pursuant to the Alabama State Health Plan and the State Health Planning and Development Agency's Rules and Regulations. Specifically, Infirmiry Health System seeks a declaratory ruling that Mobile Urology Group, P.A. proposed plan is not exempt from mandatory review pursuant to the Physicians' Office Exemption.

Granted. Mobile Urology Group, P.A. is not exempt from mandatory review pursuant to the Physician's Office Exception.

B. Declaratory Ruling 117:

Southeast Alabama Medical Center seeks a declaratory ruling that Urological Associates of Dothan, P.A. proposed plan to close and develop its two existing offices into a new primary office of sufficient size to house at least nine (9) physicians and, simultaneously, acquire and operate a \$3 million VARIAN medical system within such office, is subject to mandatory Certificate of Need review pursuant to the Alabama State Health Planning and Development Agency's Rules and Regulations. Specifically, Southeast Alabama Medical Center seeks a declaratory ruling that Urological Associates of Dothan, P.A. proposed plan is not exempt from mandatory review pursuant to the Physicians' Office Exemption.

Continued until the March meeting.

VI. FOR INFORMATIONAL PURPOSES ONLY:

The Board's next meeting is scheduled for Wednesday, March 19, 2008 at 10:00 a.m. in the State Capitol Auditorium.