



BALCH & BINGHAM LLP

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

HEALTHCARE BULLETIN

June 16, 2010

ALABAMA CON REVIEW BOARD UPDATE

This project has 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. The Administrative Law Judge approved this project.

Contested Case

AL2009-034, St. Vincent's Outpatient Surgery Services, LLC, Birmingham, AL: Proposes to convert the North Tower outpatient operating rooms to an Ambulatory Surgery Center.

Opposition: Birmingham Outpatient Surgery Center, Ltd. and Affinity Hospital, LLC d/b/a Trinity Medical Center filed intervention/opposition and request for a Contested Case Hearing. Birmingham Outpatient Surgery Center, Ltd. withdrew their request for a Contested Case Hearing but remained an intervener.

I. CERTIFICATE OF NEED PROGRAM

A. Emergency Request

AL2010-189, STV One Nineteen Senior Living, LLC d/b/a Somerby at St. Vincent's One Nineteen, Hoover, AL: Emergency request to convert twenty-four assisted living beds to twenty-four specialty care assisted living beds.

Opposition: Noland Health Services, Inc. filed opposition.

Granted.

B. Contested Case

AL2009-020, Valley Surgery Center, LLC, Florence, AL: Proposal to expand its services to become a multi-specialty Ambulatory Surgery Center. Administrative Law Judge filed Recommended Order of Denial.

Opposition: Florence Surgery Center, Helen Keller Hospital and Eliza Coffee Memorial Hospital filed opposition/intervention and request for a Contested Case Hearing.

Administrative Law Judge's Order Adopted.

C. Hospice Non-Substantive Review Projects:

1. **AL2010-104, AseraCare Hospice-Demopolis, LLC, Selma, AL:** Proposal to continue to provide hospice services in Perry and Dallas counties.

Opposition: None

Approved.

2. **AL2010-110, Caring Hands Hospice, Inc. d/b/a Caring Hands Hospice, Tuscaloosa, AL:** Proposal to continue to provide hospice services in Greene, Hale, Jefferson, Sumter, and Tuscaloosa counties.

Opposition: None

Approved.

3. **AL2010-129, Chattahoochee Hospice, Inc., Valley, AL:** Proposal to continue to provide hospice services in Chambers, Randolph, and Lee counties.

Opposition: None

Approved.

4. **AL2010-146, Ivy Creek of Tallapoosa, LLC, d/b/a Lake Martin Hospice, Dadeville, AL:** Certificate of Need 2394-HPC issued to the applicant on April 1, 2010, consists of Tallapoosa and Chambers County. Counties requested to be added to Medicare Provider No. 01-1621 are Clay, Coosa, Elmore, Lee, Macon, and Randolph counties.

Opposition: None

Approved.

5. **AL2010-147, Comfort Care Hospice of Brewton, Brewton, AL:** Certificate of Need 2333-HPC issued to the applicant on March 4, 2010, consists of Conecuh, Escambia, and Monroe counties. Counties requested to be added to Medicare Provider No. 01-1640 are Baldwin, Clarke, Mobile, and Washington counties.

Opposition: The Colbert County-Northwest Alabama Health Care Authority d/b/a Keller Community Hospice withdrew intervention/opposition and request for a contested case hearing.

Approved.

6. **AL2010-148, Comfort Care Hospice of Gadsden, Gadsden, AL:** Certificate of Need 2363-HPC issued to the applicant on March 4, 2010, consists of Calhoun and Etowah counties. Counties requested to be added to Medicare Provider No. 01-1668 are Cherokee and Cleburne counties.
Opposition: The Colbert County-Northwest Alabama Health Care Authority d/b/a Keller Community Hospice withdrew intervention/ opposition and request for a contested case hearing.
Approved.
7. **AL2010-149, Comfort Care Hospice of Moulton, Moulton, AL:** Certificate of Need 2331-HPC issued to the applicant on March 4, 2010, consists of Lawrence, Madison, Morgan, and Winston counties. Counties requested to be added to Medicare Provider No. 01-1654 are Colbert, Franklin, Lauderdale, Limestone, and Marion counties.
Opposition: The Colbert County-Northwest Alabama Health Care Authority d/b/a Keller Community Hospice withdrew intervention/ opposition and request for a contested case hearing.
Approved.
8. **AL2010-150, Comfort Care Hospice of Wetumpka, Wetumpka, AL:** Certificate of Need 2359-HPC issued to the applicant on March 4, 2010, consists of Autauga, Elmore, Montgomery, and Tallapoosa counties. Counties requested to be added to Medicare Provider No. 01-1673 are Macon, Pike, Chambers, Coosa, Russell, Bullock, and Lee counties.
Opposition: The Colbert County-Northwest Alabama Health Care Authority d/b/a Keller Community Hospice withdrew intervention/ opposition and request for a contested case hearing.
Approved.
9. **AL2010-154, Hospice of North Alabama, LLC, Huntsville, AL:** Certificate of Need 2320-HPC issued to the applicant on April 1, 2010, consists of Blount, Cullman, Jackson, Lawrence, Limestone, Madison, Marshall, Morgan, Franklin, Colbert, Lauderdale, Lamar, Marion, and Winston Counties. Counties requested to be added to Medicare Provider No. 01-1622 are DeKalb, Fayette, and Walker counties.
Opposition: None
Approved.
10. **AL2010-155, Wiregrass Hospice, LLC, Hoover, AL:** Certificate of Need 2298-HPC-E issued to the applicant on November 4, 2009, consists of Autauga, Bibb, Calhoun, Chilton, Clay, Cleburne, Dallas, Elmore, Jefferson, Lowndes, Macon, Marion, Montgomery, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston counties. Counties requested to be added to Medicare Provider No. 01-1675 are Butler, Coosa, and Fayette counties.
Opposition: None
Approved.

11. **AL2010-156, Wiregrass Hospice, LLC, Dothan, AL:** Certificate of Need 2297-HPC-E issued to the applicant on November 5, 2009, consists of Baldwin, Barbour, Bullock, Coffee, Crenshaw, Covington, Dale, Geneva, Henry, Houston, Lee, Mobile, Pike, and Russell counties. Counties requested to be added to Medicare Provider No. 01-1522 are Clarke, Conecuh, Escambia, and Washington counties.

Opposition: None

Approved.

II. **REVIEWABILITY DETERMINATIONS**

- A. **RV2010-010, Renal Treatment Centers Southeast, LP d/b/a DaVita Piedmont:** Request to establish a ten (10) station dialysis facility consisting of nine (9) hemodialysis stations and one (1) hemodialysis isolation station in Calhoun County.

Status: Non-Reviewable

- B. **RV2010-012, Renal Treatment Centers Southeast, LP d/b/a DaVita Hokes Bluff:** Request to establish a ten (10) station dialysis facility consisting of nine (9) hemodialysis stations and one (1) hemodialysis isolation station in Etowah County.

Status: Non-Reviewable

- C. **RV2010-018, Affinity Hospital, LLC d/b/a Trinity Medical Center:** Request to relocate its Psychiatric DPU located on the 6th floor to the 10th floor.

Status: Non-Reviewable

III. **PENDING REVIEWABILITY DETERMINATIONS**

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

Status: Pending

- B. **RV2010-019, AseraCare Hospice-Monroeville, LLC d/b/a AseraCare Hospice-Foley:** Request to relocate the administrative hospice office from 1113 A McKenzie Street, Foley, AL to 708 West Laurel Avenue, Foley, AL.

Status: Pending

- C. **RV2010-020, Southeast Alabama HomeCare, LLC d/b/a Southeast Alabama HomeCare:** Request to establish a home health branch office in Barbour County.

Status: Pending

- D. **RV2010-021, HGA HomeCare, LLC d/b/a HGA HomeCare of Decatur:** Request to establish a home health branch office in Cullman County.

Status: Pending

The next meeting of the CON Board will be July 21, 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



The Alabama CON Review Board Update is published as an informational resource for clients and friends of Balch & Bingham, LLP. It does not contain legal advice, and is not a solicitation to perform legal services. No representation is made that the quality of legal services performed by Balch & Bingham LLP is greater than the quality of legal services performed by other lawyers. Design, logo, and content © 2006, Balch & Bingham LLP.