



BALCH & BINGHAM LLP

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

HEALTHCARE BULLETIN

May 18, 2011

ALABAMA CON REVIEW BOARD UPDATE

I. CERTIFICATE OF NEED PROGRAM

A. **Contested Case**

AL2007-021, Vestavia Surgical Services, LLC, Vestavia, AL: Proposal to establish and operate a new multi-specialty Ambulatory Surgery Center consisting of four operating rooms and two procedure rooms. ALJ filed Order of approval.

Opposition: Birmingham Surgery Centers, LLC.

Affinity Hospital, LLC, St. Vincent's Health System and One Nineteen ASC, LLC, Baptist Health System, Inc. d/b/a Princeton Baptist Medical Center and Birmingham Outpatient Surgery Center, Ltd. d/b/a Outpatient CareCenter withdrew intervention/opposition and request for a contested case hearing.

APPROVED.

B. **AL2011-005, East Alabama Health Care Authority d/b/a East Alabama**

Health Services, LLC, Opelika/Auburn, AL: Proposal to transfer sixteen (16) specialty care assisted living beds from Camellia Place, a fifty-eight (58) bed Specialty Care Assisted Living Facility. Two (2) of the beds will be transferred to Magnolia Place Specialty Care Assisted Living Facility, and fourteen (14) will be transferred to Azalea Place Assisted Living Facility.

Opposition: None

Postponed from April 6, 2011 Board Meeting.

APPROVED.

- C. **AL2011-015, Renal Treatment Centers-Southeast, LP d/b/a Talladega Dialysis, Talladega, AL:** Proposal to add one (1) home training station to its existing End Stage Renal Disease (ESRD) facility which currently consists of ten (10) hemodialysis stations. The home training station will be used alternately for peritoneal dialysis training and home hemodialysis training.
Opposition: None
APPROVED.
- D. **AL2011-016, Bio-Medical Applications of Alabama, Inc. d/b/a Fresenius Medical Care Gardendale, Gardendale, AL:** Proposal to add five (5) ESRD stations to its existing twelve (12) stations, which will increase the facility to seventeen (17) total ESRD stations, one of which will be an isolation station. Home training will also be offered as a treatment option at the facility.
Opposition: None
APPROVED.
- E. **AL2011-017, Dialysis Clinic, Inc. d/b/a DCI Mitylene Park, Montgomery, AL:** Proposal to construct a new seventeen (17) station ESRD facility. One of the stations will be used as an isolation station for Hepatitis-B surface antigen positive patients.
Opposition: None
APPROVED.
- F. **AL2011-018, Eldercare of the Shoals, Inc. d/b/a Green Oaks Inn, Florence, AL:** Proposal to convert an existing sixteen (16) bed Assisted Living Facility to a sixteen (16) bed Specialty Care Assisted Living Facility.
Opposition: None
APPROVED.
- G. **AL2011-019, DVA Healthcare Renal Care, Inc. d/b/a Demopolis Dialysis, Demopolis, AL:** Proposal to add three (3) hemodialysis stations to its existing twelve (12) stations, of which eleven (11) are hemodialysis stations and one (1) is a home training station.
Opposition: None
APPROVED.

II. **REVIEWABILITY DETERMINATIONS**

- A. **RV2011-007, Rehab Associates, LLC d/b/a Champion Sports Medicine & Rehabilitation Center-Calera:** Request to establish an outpatient rehabilitation facility providing physical therapy only.
Status: Non-Reviewable

- B. RV2011-008, Comfort Care Hospice of Cullman:** Request to establish a branch office in Walker County.
Status: Non-Reviewable
- C. RV2011-009, Comfort Care Hospice of Pelham:** Request to establish a branch office in Tuscaloosa County.
Status: Non-Reviewable
- D. RV2011-010, Comfort Care Hospice of Brewton:** Request to establish a branch office in Mobile County.
Status: Non-Reviewable
- E. RV2011-011, Comfort Care Hospice of Moulton:** Request to establish a branch office in Madison County.
Status: Non-Reviewable
- F. RV2011-012, Bay Minette Dialysis:** Request to establish a three (3) station dialysis facility in Baldwin County.
Status: Reviewable
Opposition: Bio-Medical Applications of Alabama, Inc.
- G. RV2011-013, East Alabama Medical Center HomeCare, LLC d/b/a HomeCare of East Alabama Medical Center:** Request to establish a branch office in Lee County.
Status: Non-Reviewable
- H. RV2011-014, Southeast Alabama HomeCare, LLC d/b/a Southeast Alabama HomeCare:** Request to establish a branch office in Geneva County.
Status: Non-Reviewable
- I. RV2011-016, Renal Treatment Centers Southeast, LP d/b/a Andalusia Dialysis:** Request to establish a ten station hemodialysis facility consisting of nine hemodialysis stations and one hemodialysis isolation station in Covington County.
Status: Non-Reviewable
- J. RV2011-017, Sunrise Dermatology, LLC:** Request determination of whether performing removal of cancerous tumors by a dermatologist in his private office utilizing the Mohs Procedure and follow-up reconstructive surgery in Mobile County is reviewable.
Status: Non-Reviewable

III. PENDING REVIEWABILITY DETERMINATIONS

- A. **RV2011-018, Physicians Choice Dialysis of Lee, LLC**: Request to establish an ESRD facility consisting of nine hemodialysis stations and one peritoneal dialysis station in Lee County.

Status: Pending

Opposition: Dialysis Clinic, Inc.

- B. **RV2011-019, Hartford Health Care**: Request to relocate existing bedrooms and add a physical therapy unit, dining room, and day room.

Status: Pending

IV. NEW BUSINESS

Proposed Rule Change: 410-1-7-.06 Filing of a Certificate of Need Application

APPROVED FOR PUBLICATION.

Proposed Rule Change: 410-1-8-.05 Majority Decision

APPROVED FOR PUBLICATION.

The next meeting of the CON Board will be June 15, 2011 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.