



BALCH & BINGHAM LLP

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HEALTHCARE BULLETIN

October 20, 2010

ALABAMA CON REVIEW BOARD UPDATE

I. CERTIFICATE OF NEED PROGRAM

A. **Pending Emergency Request Application**

AL2011-002, Daniel Senior Living of Inverness I, LLC d/b/a Danberry at Inverness, Hoover, AL: Emergency application requesting to convert twelve assisted living beds to twelve specialty care assisted living beds in Shelby County. **Opposition: Noland Health Services, Inc. filed notice of opposition and intervention.**

CONTINUED TO NEXT MEETING.

B. **Reconsideration Request**

AL2009-009, Affinity Hospital, LLC, d/b/a Trinity Medical Center of Birmingham, Birmingham, AL: Proposal 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. The ALJ filed Order of approval. The CONRB upheld ALJ's Order of Approval with the stipulation of twenty-six (26) beds being reduced for a bed capacity of 372 beds at the September 15, 2010 meeting.

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.

DENIED.

- C. **Contested Case**
AL2009-010, Addiction and Mental Health Services, Inc. d/b/a Bradford Health Services, Pelham, AL: Proposal to relocate eighteen (18) approved substance abuse beds from the current Bradford Pelham campus in Shelby County to Baldwin County.
Opposition: Redmont Health Services, Inc. withdrew opposition/intervention and request for a contested case hearing. ALJ has remanded this project to the CONRB.
APPROVED.
- D. **Contested Case**
AL2009-011, Addiction and Mental Health Services, Inc. d/b/a Bradford Health Services, Shelby County and Madison County, AL: Proposal to relocate twenty (20) substance abuse beds from the current Bradford Pelham campus in Shelby County and eighty-four (84) existing beds from the current Madison County campus to a new location in Madison County.
Opposition: Redmont Health Services, Inc. withdrew opposition/intervention and request for a contested case hearing. ALJ has remanded this project to the CONRB.
APPROVED.
- E. **Contested Case**
AL2009-012, Addiction and Mental Health Services, Inc. d/b/a Bradford Health Services, Pelham, AL: Proposal to relocate thirty-two (32) substance abuse beds from Bradford Pelham campus in Shelby County to Montgomery County.
Opposition: Redmont Health Services, Inc. withdrew opposition/intervention and request for a contested case hearing. ALJ has remanded this project to the CONRB.
APPROVED.
- F. **Contested Case**
AL2010-001, Addiction and Mental Health Services, Inc. d/b/a Bradford Health Services, Warrior, AL: Proposal to relocate eighteen (18) authorized substance abuse beds from the campus of Can-away Methodist Medical Center to the existing campus of Bradford Lodge at Warrior in Jefferson County. Approximately 3,100 square feet will be added to the existing facility.
Opposition: Redmont Health Services, Inc. withdrew opposition/intervention and request for a contested case hearing. ALJ has remanded this project to the CONRB.
APPROVED.

G. Contested Case

AL2010-215, Noland Health Services, Inc. d/b/a Noland Hospital Tuscaloosa, LLC, Tuscaloosa, AL: Proposal to add five (5) long term acute care beds to its hospital-within-a-hospital located on the campus of DCH Regional Medical Center.

Opposition: None

APPROVED.

H. Hospice Non-Substantive Review Projects:

1. **AL2010-159, Gadsden Home Care Services, LLC d/b/a Gadsden Regional Hospice, Attalla AL:** Certificate of Need 2354-HPC issued to the applicant on March 4, 2010, consists of Blount, Calhoun, Cherokee, DeKalb, Etowah, and Marshall counties. The county requested to be added to Medicare Provider No. 01-1504 is St. Clair County.

Opposition: None

APPROVED.

2. **AL2010-199, Baptist Medical Center South d/b/a Baptist Hospice, Montgomery, AL:** Certificate of Need 2336-HPC issued to the applicant on March 4, 2010, consists of Autauga, Bullock, Butler, Chilton, Crenshaw, Dallas, Elmore, Lowndes, Macon, Montgomery, Pike, and Tallapoosa counties. County requested to be added to Medicare Provider No. 01-1500 is Coosa County.

Opposition: None

APPROVED.

3. **AL2010-200, First Choice Hospice, Inc., d/b/a First Choice Hospice Andalusia, AL:** Proposes to provide hospice services to residents of Covington, Butler, Escambia, and Conecuh counties from an office to be established at 1015 South Three Notch Street, Andalusia, AL. Covington County is currently being served from the office in Elba, and will be restructured from the Elba office to the Andalusia office upon licensure and certification of the Andalusia office.

Opposition: None

APPROVED.

4. **AL2010-203, Hospice of Montgomery, Inc., Montgomery, AL:** Certificate of Need 2318-HPC issued to the applicant on February 4, 2010, consists of Montgomery, Autauga, Butler, Crenshaw, and Elmore counties. The counties requested to be added to Medicare Provider No. 01-1523 are Bullock, Chilton, Lowndes, Macon, and Tallapoosa counties.

Opposition: None

APPROVED.

5. **AL2010-204, Hospice of West Alabama, Inc., Tuscaloosa, AL:** Certificate of Need 2386-HPC issued to the applicant on April 1, 2010 consists of Bibb, Greene, Hale, Pickens, and Tuscaloosa counties. Counties requested to be added to Medicare Provider No. 01-1517 are Fayette and Lamar counties.
Opposition: None
APPROVED.

6. **AL2010-205, Hospice of Marshall County, Inc., Albertville, AL:** Certificate of Need 2334-HPC issued to the applicant on March 4, 2010, consists of Marshall, Morgan, DeKalb, Blount, Madison, Etowah, Cullman and Jackson counties. St. Clair County is requested to be added to Medicare Provider No. 01-1513.
Opposition: None
APPROVED.

7. **AL2010-206, Hospice of the Valley, Inc., Decatur, AL:** Certificate of Need 2405-HPC issued to the applicant on April 1, 2010, consists of Morgan, Lawrence, Limestone, Cullman, and Marshall counties. Counties requested to be added to Medicare Provider No. 01-1511 are Madison and Franklin counties.
Opposition: None
APPROVED.

8. **AL2010-207, Home Choice of Alabama, Inc. d/b/a Springhill Home Health & Hospice, Mobile, AL:** Certificate of Need 2324-HPC issued to the applicant on April 1, 2010, consists of Baldwin and Mobile counties. Washington County is requested to be added to Medicare Provider No. 01-1642.
Opposition: None
APPROVED.

9. **AL2010-208, Lakeside Hospice, Inc., Pell City, AL:** Certificate of Need 2319-HPC issued to the applicant on February 4, 2010, consists of Jefferson, Calhoun, Shelby, St. Clair, and Talladega counties. Counties requested to be added to Medicare Provider No. 01-1526 are Etowah, Blount, and Coosa counties.
Opposition: None
APPROVED.

10. **AL2010-210, Holistic Health Care, Inc., Birmingham, AL:** Certificate of Need 2406-HPC issued to the applicant on April 1, 2010, consists of Bibb, Blount, Chilton, Jefferson, St. Clair, Shelby, Talladega, and Walker counties. Counties requested to be added to Medicare Provider No. 01-1652 are Tuscaloosa, Etowah, Coosa, and Tallapoosa counties.

Opposition: None

APPROVED.

11. **AL2010-211, Saad's Hospice Services, Inc., Mobile, AL:** Certificate of Need 2367-HPC issued to the applicant on March 4, 2010, consists of Mobile and Baldwin counties. Counties requested to be added to Medicare Provider No. 01-1503 are Escambia and Washington counties.

Opposition: None

APPROVED.

II. **REVIEWABILITY DETERMINATIONS**

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

Status: Non-Reviewable

- 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: Non-Reviewable

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

Status: Non-Reviewable

III. **PENDING REVIEWABILITY DETERMINATIONS**

- A. **RV2010-041, Atmore Community Hospital:** Request to expand the Emergency Department.

Status: Pending

- B. **RV2010-042, Saad Healthcare Services, Inc.:** Request to establish an outpatient single service physical therapy clinic in Mobile County.

Status: Pending

- C. **Rural, Rush Hospital/Butler, Inc. d/b/a Choctaw General Hospital:** Request to establish an outpatient ten station hemodialysis unit within the hospital.

Status: Pending

IV. NEW BUSINESS

A. **Declaratory Ruling 131:**

Andalusia Manor, LLC; Crowne Health Care of Eufaula, LLC; Florida Health and Rehabilitation, LLC; United States Health and Housing d/b/a Oakview Manor; Opp Health and Rehabilitation, LLC; Ozark Health and Rehabilitation, LLC, and Westside Terrace, LLC: Request the Certificate of Need Review Board, pursuant to Alabama Certificate of Need Rules and Regulations, Rule 410-1-9-.01, take jurisdiction over this matter and issue a declaratory ruling to declare that the Certificate of Need application filed by HealthSouth of Dothan, Inc., project number AL2010-214, is inconsistent with the State Health Plan in effect at the time the application was filed.

GRANTED.

B. **Declaratory Ruling 132:**

Crestwood Medical Center: Request the Certificate of Need Review Board, pursuant to Alabama Certificate of Need Rules and Regulations, Rule 410-1-9-.01, take jurisdiction over this matter and issue a declaratory ruling to declare that (1) the physician's office exemption no longer applies to the Heart Center cath lab; (2) Huntsville Hospital must apply for and obtain a CON in order to operate the Heart Center cath lab as hospital-based; and (3) Huntsville Hospital must cease operation of the Heart Center cath lab until it has received such a CON.

DENIED.

The next meeting of the CON Board will be November 17, 2010 at 10:00 a.m.

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