



BALCH & BINGHAM LLP

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

HEALTHCARE BULLETIN

January 19, 2011

ALABAMA CON REVIEW BOARD UPDATE

Governor Robert Bentley has until further notice, cancelled all meetings of the CON Board, the State Health Coordinating Council (“SHCC”), and all associated committees and task forces. A moratorium has been placed until further notice, on (i) the acceptance and/or processing of any Certificate of Need applications by the State Health Planning and Development Agency (“SHPDA”), any SHPDA administrative law judge, or the CON Board; and (ii) any adoption, re-adoption, adjustment, revision or amendment to or of the State Health Plan by the SHCC or SHPDA. A copy of the Executive Order is attached.

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EXECUTIVE ORDER NUMBER 3

WHEREAS, I, Governor Robert Bentley, have determined that the citizens of Alabama deserve the best possible, cost-effective healthcare planning and programs;

WHEREAS, the citizens of Alabama have an overriding interest in the containment of health care costs and, particularly, in the growth in spending on our Medicaid programs;

WHEREAS, in light of federal healthcare legislation and new policy initiatives, it is necessary to re-evaluate Alabama's healthcare policies;

WHEREAS, the Certificate of Need Review Board (the "CON Board"), the State Health Coordinating Council (the "SHCC") and the State Health Planning and Development Agency ("SHPDA") are responsible for Alabama's state health planning process; and

WHEREAS, I find that a moratorium, until further notice, on (i) the acceptance and/or processing of any Certificate of Need applications by SHPDA, any SHPDA administrative law judge or the CON Board and (ii) any adoption, re-adoption, adjustments, revisions or amendments to the State Health Plan by the SHCC or SHPDA, would be in the best interest of the people of the State of Alabama in that it would allow the administration to study and further act upon the health policy needs of Alabama.

NOW, THEREFORE, based on these considerations, and for other good and valid reasons thereto, I, Robert Bentley, as Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, do hereby impose a moratorium, until further notice, on (i) the acceptance and/or processing of any Certificate of Need applications by SHPDA, any SHPDA administrative law judge or the CON Board and (ii) any adoption, re-adoption, adjustment, revision or amendment to or of the State Health Plan by the SHCC or SHPDA.

BE IT FURTHER ORDERED that no Certificate of Need applications upon which a final decision has been rendered by SHPDA, even where a Certificate of Need has not yet been issued, shall be affected.

Executive Order No. 3

Page Two

BE IT FURTHER ORDERED that this moratorium shall become effective immediately upon the signing hereof, and shall remain in effect until amended or rescinded by the Governor.

DONE AND ORDERED this 18TH day of January, 2011.



Robert Bentley
Robert Bentley
Governor

ATTEST:

Beth Chapman
Beth Chapman
Secretary of State