

## Alabama CON Report

CON Review Board Meeting February 16, 2022

### I. Certificate of Need Program

- A. **AL2021-052, The Piedmont Health Care Authority d/b/a Dugger Mountain Specialty Care Facility, Piedmont, AL:** Proposes to add twenty-three (23) Specialty Care Assisted Living Facility (SCALF) beds to the applicant's existing nine (9) SCALF beds. **Opposition: None.**

**Approved.**

- B. **AL2021-053, The Clubhouse Autism & Developmental Learning Center, LLC, Jackson, AL:** Proposes to establish a multi-specialty outpatient pediatric rehabilitation facility providing speech and occupational therapy services in Jackson, Clarke County, Alabama. **Opposition: None.**

**Continued to the March 16, 2022, CON Review Board meeting.**

- C. **AL2021-054, Alabama Department of Veterans Affairs, Enterprise, AL:** Proposes to establish a one hundred seventy-four (174) bed state veterans home with approximately fifty-four (54) of these beds designated for memory care in Enterprise, Coffee County, Alabama. **Opposition: None.**

**Approved.**

- D. **Project Modification - AL2020-036, Aria at Siluria, LLC, Alabaster, AL:** Proposes to develop a senior living campus that will include thirty-two (32) Specialty Care Assisted Living Facility (SCALF) units, as well as thirty-two (32) Assisted Living Facility (ALF) and sixty (60) Independent Living units. **The Project Modification request is for relocation of the original site to a new location within Shelby County, 500 Industrial Road, Alabama, Alabama 35007, approximately 1.5 miles from the original proposed location, due to unforeseen issues relating to the construction of this project. The proposed change in location will not change the cost of the project or require any other modifications.**

**Approved.**

- E. **AL2021-051, Physicians Choice Dialysis of Montgomery, LLC d/b/a Montgomery Community Dialysis, Montgomery, AL:** Proposes to expand its existing End Stage Renal Disease (ESRD) facility by adding twelve (12) hemodialysis stations. **Opposition: Renal Treatment Centers - Southeast LP d/b/a Monarch Dialysis.**

**Approved.**

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- F. **AL2022-001, Foley Hospital Corporation d/b/a South Baldwin Regional Medical Center, Foley, AL:** Proposes to add thirty (30) general acute care beds to the existing hospital in Foley, Baldwin County, Alabama, resulting in a total of one hundred forty-two (142) licensed beds, pursuant to ALA. ADMIN. CODE r. 410-2-4-.02(5) of the Acute Care section of the 2020-2023 Alabama State Health Plan, also known as the Bed Availability Assurance for Acute Care Hospitals Rule. **Opposition: None.**

**Approved.**

- G. **AL2022-002, Hartland, LLC d/b/a Hartland Assisted Living, Mobile, AL:** Proposes to establish and operate a sixteen (16) bed Specialty Care Assisted Living Facility (SCALF) in Mobile, Alabama. **Opposition: None.**

**Approved.**

- H. **Contested Case:**

**AL2021-021, Madison Home Health Services, LLC, Madison County, AL:** Proposes to establish home health services in Madison County. **Opposition: Amedisys Home Health of Alabama, LLC, Encompass Health Home Health of Alabama, LLC, and LHC Group, Inc. and HGA HomeCare, LLC d/b/a Huntsville Hospital HomeCare (collectively) and Gentiva Health Services, Inc. d/b/a Kindred at Home.** ALJ was assigned 5/25/2021. **AL2021-020, Caring Hearts Home Care, LLC** withdrew their CON application on 11/20/2021. ALJ's Recommended Order was filed on 1/24/2022 granting approval of both projects. The intervenors collectively filed exceptions to the ALJ's Recommended Order on 1/31/2022.

**AL2021-024, ProHealth Home Health, LLC, Madison County, AL:** Proposes to establish home health services in Madison County. **Opposition: Amedisys Home Health of Alabama, LLC, Encompass Health Home Health of Alabama, LLC, and LHC Group, Inc. and HGA HomeCare, LLC d/b/a Huntsville Hospital HomeCare (collectively) and Gentiva Health Services, Inc. d/b/a Kindred at Home.** ALJ was assigned 5/25/2021. **AL2021-020, Caring Hearts Home Care, LLC** withdrew their CON application on 11/20/2021. ALJ's Recommended Order was filed on 1/24/2022 granting approval of both projects. The intervenors collectively filed exceptions to the ALJ's Recommended Order on 1/31/2022.

The CON Review Board adopted ALJ's Recommended Order.

For Informational Purposes Only:

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The next two projects were placed on the agenda for informational purposes only. No vote was required as “the recommended order of the Administrative Law Judge becomes the final order of the Agency when no exceptions have been filed.” The projects were approved through a Settlement Agreement between the two (2) parties and no exceptions were filed.

**AL2021-044, North Alabama Shoals Hospital, Muscle Shoals, AL:** Proposes to add five (5) inpatient rehabilitation beds through renovation of space adjacent to their existing thirty-two (32) bed rehab program. **Opposition: Rehabilitation Hospital of North Alabama, LLC d/b/a Encompass Health Rehabilitation Hospital of North Alabama. ALJ was assigned 9/30/2021. ALJ’s Recommended Order was filed on 1/31/2022 approving this project for two (2) beds.**

**AL2021-045, Rehabilitation Hospital of North Alabama, LLC d/b/a Encompass Health Rehabilitation Hospital of North Alabama, Huntsville, AL:** Proposes to add five (5) inpatient rehabilitation facility (IRF) beds to the CON-approved 82-bed replacement inpatient rehab hospital currently under construction in Huntsville. **Opposition: North Alabama Shoals Hospital. ALJ was assigned 9/30/2021. ALJ’s Recommended Order was filed on 1/31/2022 approving this project for three (3) beds.**

## II. Reviewability Determinations and Pending Reviewability Determinations

### A. Reviewability Determinations:

**RV2022-001, Rehab Associates, LLC d/b/a Champion Sports Medicine,** proposes to establish a single specialty rehabilitation agency in Jasper, Alabama. **Status: Non-Reviewable.**

**RV2022-007, ProHealth Hospice-Gadsden, LLC,** proposes to open a branch office in Shelby County, which the facility is permitted to serve under CON 2506-HPC. **Status: Non-Reviewable.**

**RV2022-008, USA Health Children’s & Women’s Hospital,** proposes to convert four (4) general medical surgical acute care beds to ICU beds for OB/GYN patients. **Status: Non-Reviewable.**

**RV2022-009, Jackson Hospital and Clinic, Inc.,** proposes to continue operation of the established Monoclonal Antibody Clinic authorized by TW2021-031. **Status: Non-Reviewable.**

**RV2022-010, ProHealth Home Health, LLC,** proposes to establish a drop site in Jasper, Walker County. **Status: Non-Reviewable.**

**RURAL RV, The Tombigbee Health Care Authority d/b/a Whitfield Regional Hospital**, proposes to reopen the obstetrics services/program at the hospital. **Status: Non-Reviewable.**

## B. Pending Reviewability Determinations:

**RV2021-019, The Heart Center Cardiology**, proposes to establish an office-based lab pursuant to Ala. Admin. r. 410-1-7-.02 in order to perform low-risk peripheral angiography and interventional procedures and fixed-base diagnostic coronary angiography procedures within his private practice. **Status: Pending (Opposition filed 6/23/2021 by EAMC).**

**RV2022-011, Outpatient Care Center**, proposes to expand its existing facility by adding five (5) beds to the recovery suite, a second nurse's stations, and two (2) restrooms. **Status: Pending.**

**RV2022-012, Dr. Jason Beaver**, proposes to add percutaneous dialysis maintenance procedures to the menu of services provided in the physician's office. **Status: Pending.**

**RV2022-013, Dale Medical Center Home Health**, proposes to relocate facility to another site within Dale County. **Status: Pending.**

**RV2022-014, Community Hospice of Dale Medical Center**, proposes to relocate facility to another site within Dale County. **Status: Pending.**

**RV2022-015, Good Samaritan Hospice of Madison**, proposes to establish a branch office in Cullman, Alabama, which is located within its service area pursuant to CON 2460-HPC. **Status: Pending.**

**RV2022-016, IOP Services, LLC**, proposes to establish an intensive outpatient mental health counseling facility by a licensed physician's medical practice. **Status: Pending.**

**RV2022-017, Baptist Medical Center East**, proposes to operate an Obstetrical (OB) Emergency Department by relocating and transitioning its existing OB triage unit into a formal OB Emergency Department. **Status: Pending.**

## III. Old Business

**AL2020-050, 2LR Healthcare Holdings LLC d/b/a Heart & Vascular Institute of Alabama, Montgomery, AL:** Proposes to establish a single specialty ambulatory surgery center (ASC) in order to perform endovascular and cardiac catheterization procedures. **Opposition: Jackson Hospital & Clinic, Inc., Jackson Surgery Center, LLC d/b/a Jackson Surgery Center, The Health Care Authority for Baptist Health, an Affiliate of UAB Health System d/b/a Baptist Medical Center South and**



Bradley Arant Boult Cummings LLP

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**d/b/a Baptist Medical Center East, and Baptist Ventures, Inc. d/b/a Montgomery Surgical Center, LLC. The ALJ filed Findings of Fact and Conclusions of Law denying the application on 7/28/2021. 2LR Healthcare Holdings LLC d/b/a Heart & Vascular Institute of Alabama filed exceptions to the ALJ's Recommended Order on 8/4/2021. Upon a vote of the CON Review Board at its September 15, 2021, meeting, disposition of the AL2020-050 CON application, including the Recommended Order of the ALJ, was carried over until the January 2022 Board meeting, or in the event such meeting is not held, the next following meeting of the Board.**

**The CON Review Board remanded the case to the ALJ for consideration of the merits of the proposed project without percutaneous coronary intervention and ablation procedures.**

**The next CON Review Board meeting will be held on March 16, 2022.**