

## Alabama CON Report

CON Review Board Meeting April 20, 2022

### I. Certificate of Need Program

- A. **AL2022-005, Saad Enterprises, Inc. d/b/a Saad Hospice Services, Mobile, AL:** Proposes to add ten (10) additional inpatient hospice beds to The Retreat, an existing inpatient hospice facility in the city of Mobile. **Opposition: None.**

**Approved.**

- B. **AL2022-007, Florence Eye Surgery Center, LLC, Lauderdale County, AL:** Proposes to develop and operate a new single-specialty ambulatory surgery center (ASC) specializing in ophthalmic surgery in the city of Florence, Lauderdale County, AL. **Opposition: Laser Eye Surgery Center of Florence and Shoals Outpatient Surgery. Contested Case requested 3/1/2022. ALJ assigned 3/9/2022. Shoals Outpatient Surgery withdrew opposition 3/28/2022. Laser Eye Surgery Center of Florence withdrew opposition 3/29/2022. ALJ transferred the project back to the agency on 3/31/2022.**

**Approved.**

- C. **AL2022-009, East Alabama Medical Center, Opelika, AL:** Proposes to add thirty (30) general acute care beds to the existing hospital in Opelika, Lee County, AL, resulting in a total of three hundred forty-four (344) 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 Bed Availability Assurance for Acute Care Hospitals Rule. **Opposition: None.**

**Approved.**

- D. **AL2022-011, Sapphire Community Dialysis, LLC, Montgomery, AL:** Proposes to expand the existing End Stage Renal Disease (ESRD) treatment facility consisting of nine (9) hemodialysis stations, which includes one (1) isolation station and one (1) peritoneal dialysis station, through the addition of seven (7) new hemodialysis stations, for a total of sixteen (16) stations. **Opposition: None.**

**Approved.**

- E. **Request for Reconsideration:**

**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 &**

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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 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 vote of the CONRB 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. At the February 16, 2022, CONRB meeting, the board remanded the case back to the ALJ for further findings of fact and conclusions of law, taking into account the totality of the project and HVIA's election to restrict services to eliminate PCI and ablation procedures.

The CON Review Board denied the Request for Reconsideration of their ruling on February 16, 2022, remanding the case back to the ALJ.

### For Informational Purposes Only:

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.

**AL2021-046, Affinity Hospital, LLC d/b/a Grandview Medical Center, Trussville, AL:** Proposes to establish a Freestanding Emergency Department (FED) in the city of Trussville, Jefferson County, AL. **Opposition: St. Vincent's East. ALJ was assigned 10/4/2021. ALJ's Recommended Order was filed on 3/2/2022 approving this project.**

**AL2021-055, St. Vincent's East, Trussville, AL:** Proposes to construct and operate a freestanding emergency department (FED) in Trussville, Jefferson County, AL. **Opposition: Affinity Hospital, LLC d/b/a Grandview Medical Center. ALJ was assigned 12/3/2021. ALJ's Recommended Order was filed on 3/2/2022 approving this project.**

## II. Reviewability Determinations and Pending Reviewability Determinations

### A. Reviewability Determinations:

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

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

**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: Non-Reviewable.**

**RV2022-018, Shelby Baptist Medical Center**, proposes to renovate facility to create a new, advanced fourteen (14) bed cardiovascular unit comprised of six (6) ICU and eight (8) stepdown beds on the second floor of the main hospital building. **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. **(Opposition filed 6/23/2021 by EAMC) 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.**

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

**RV2022-019, Children's Hospital of Alabama**, proposes to expand the emergency department to include the addition of sixteen (16) emergency department exam rooms. **Status: Pending.**

**RV2022-020, Department of Radiology of the University of South Alabama School of Medicine**, proposes to open a radiology physician practice location, including diagnostic services in Fairhope, AL. **Status: Pending.**



Bradley Arant Boult Cummings LLP

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**RV2022-021, Thomas Hospital ASC**, proposes to renovate within existing space to include one (1) additional procedure room and two (2) more pre-op and post-op patient bays in Baldwin County, AL. **Status: Pending.**

The next CON Review Board meeting will be held on **May 18, 2022.**