

I. Certificate of Need Program

- A. AL2014-001, **Excel Rehabilitation, LLC, Montgomery, AL:** Proposes to add outpatient pediatric speech therapy to its current facility providing outpatient pediatric occupational therapy. **Opposition: None**

Approved

B. **Contested Case**

AL2013-036, **Hometown Home Health Care of Cherokee County, LLC:** Proposes to establish a Medicare-certified home health agency in Cherokee County. Administrative law judge filed recommended order approving the project on February 20, 2014. **Opposition: Gentiva Health Services, Inc., and Amedisys Home Health, Inc., of Alabama filed intervention/opposition and request for a contested case hearing. Allied Home Care of Alabama, Inc., withdrew intervention/opposition and request for contested case hearing.**

Approved

C. **Contested Case**

AL2013-037, **Hometown Health Care of Blount County, LLC:** Proposes to establish a Medicare-certified home health agency in Blount County. Administrative law judge filed recommended order approving the project on February 20, 2014. **Opposition: Gentiva Health Services, Inc., and Amedisys Home Health, Inc., of Alabama filed intervention/opposition and request for a contested case hearing. Comfort Care Home Health Services, LLC, submitted a letter in opposition. Allied Home Care of Alabama, Inc., and Saad Enterprises d/b/a Saad Health Care Services Blount County withdrew intervention/opposition and request for contested case hearing.**

Approved

II. Reviewability Determinations and Pending Reviewability Determinations

Reviewability Determinations:

RV2014-007, Shelby Baptist Ambulatory Surgery Center, LLC, requests to lease space from Shelby Baptist Medical Center for the use of two to four additional procedure rooms.

Status: Non-Reviewable

Pending Reviewability Determinations:

RV2014-001, Shelby Baptist Ambulatory Surgery Center, LLC, requests to lease space from Shelby Baptist Medical Center for the use of two to four additional procedure rooms. **Status: Pending**

RV2014-008, Athens-Limestone HomeCare, LLC d/b/a Athens-Limestone HomeCare, requests to relocate its administrative offices of the home health agency within the city of Athens, Alabama.

Status: Pending

RV2014-009, Tri-Vista Rehab, Inc., requests to establish an outpatient therapy clinic providing physical and occupational therapy in Birmingham, Alabama.

Status: Pending

RV2014-010, Extencicare Health & Rehabilitation Center, requests to provide outpatient physical therapy within the existing nursing home in Houston County.

Status: Pending

RV2014-011, Providence Hospital, requests to establish an urgent care center through a joint venture between Providence Park and Dr. Richard Oyler or an entity he owns. **Status: Pending**

RV2014-012, AccuMed Health Services, LLC d/b/a Amedisys Home Health Care, requests to establish a branch agency in Mobile County through Certificate of Need authority.

Status: Pending

III. Old Business

Discussion of Inpatient Hospice Beds

IV. New Business

Declaratory Ruling Request 144:

Noland Hospital Birmingham, LLC, and Noland Hospital Shelby, LLC, respectfully request the CON Review Board (CONRB) to declare that Select's CON application, Project No. AL2014-014, is inconsistent with the SHP that was in effect when the application was filed. Therefore, in accordance with the precedence now established by the CONRB's decision in HealthSouth of Dothan, Inc, Project No. AL2010-214 and DR-131, and in addition to all previously submitted precedence, petitioners request that Select's CON application, Project No. AL2014-014, is due to be dismissed. **Opposition: Select Specialty Hospitals, Inc. d/b/a Select Specialty Hospital-Birmingham filed opposition March 12, 2014.**

In a bifurcated ruling, the Board held that Select's application was not consistent with the State Health Plan because the addition of long term acute care beds requires the conversion of general acute care beds, and Select was not proposing the conversion of beds with its relocation.

However, the Board also made clear that, under a separate provision in the State Health Plan, an existing long term care facility may increase beds without an additional conversion if the need is justified based on a detailed assessment of patient discharges after stays of 25 days or more.



410-1-2-.20: Cost Overrun

(Vote delayed until April Meeting)

410-1-10-.03: Project Modifications after Issuance of Certificate of Need

(Vote delayed until April Meeting)

The next CON Review Board meeting will be held on April 16, 2014.