

Original Executive Order

EXECUTIVE ORDER NUMBER 14

WHEREAS, I, Governor Bob Riley, have determined that the citizens of Alabama have an overriding interest in the containment of health care costs and, particularly, in the control of the growth in spending on our Medicaid programs; and

WHEREAS, a variety of factors, including federal regulation, unfunded federal mandates, and the lack of adequate state funds, have resulted in severe concerns about the current status of the financial well-being of the Medicaid program and the budgets of the State of Alabama; and

WHEREAS, health care and Medicaid costs and budgets can be adversely impacted by addition of new institutional health services, such as unneeded skilled nursing facility beds, particularly if the necessity therefor has not been reasonably justified; and

WHEREAS, the Certificate of Need Review Board and the State Health Planning and Development Agency ("SHPDA") are responsible for the approval of the addition of skilled nursing facility beds; and

WHEREAS, I find that a moratorium until further notice, on the acceptance and processing of Certificate of Need applications for additional skilled nursing facility beds, including applications to add skilled nursing facility beds under the exception to the Certificate of Need process provided under Ala. Code § 22-21-265(d), would be in the best interest of the people of the State of Alabama in that it would allow the administration and legislature to study and act upon the financial situation of our Medicaid system and the overall health care delivery system.

NOW, THEREFORE, based upon these considerations, and for other good and valid reasons relating thereto, I, Bob Riley, 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 on all applications to add skilled nursing facility beds.

BE IT FURTHER ORDERED that no adjustments by the Statewide Health Coordinating Council, and any of its committees, to the State Health Plan for the purpose of adding more skilled nursing facility beds to the now described need, and on the filing of, acceptance of, consideration of, and acting upon any and all Certificate of Need applications to add skilled nursing facility beds, either before the Certificate of Need Review Board or an Administrative Law Judge or to add skilled nursing facility beds under an exception to the Certificate of Need process under Ala. Code § 22-21-265(d) shall be made.

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

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 21st day of November, 2003.



Bob Riley

Bob Riley
Governor

ATTEST:

Nancy Worley
Nancy Worley
Secretary of State

Original Executive Order
EXECUTIVE ORDER NUMBER 14
AMENDMENT NO. 1

WHEREAS, Executive Order 14, issued on November 21, 2003, established a moratorium on the filing of, acceptance of, and acting upon any and all Certificate of Need applications for additional skilled nursing facility beds by the State Health Planning and Development Agency (SHPDA) and its Certificate of Need (CON) Review Board, including applications to add skilled nursing facility beds under the exception to the CON process provided under Ala. Code §22-21-265(d); and

WHEREAS, I have determined that the public interest is best served by amending such moratorium to allow the processing and consideration of CON applications for twelve (12) additional skilled nursing facility beds in Mobile County, Alabama, for the limited purpose of the emergency relocation of patients resulting from the unexpected closing of a skilled nursing facility operated by the Sisters of the Poor in New Orleans, Louisiana, to similar facilities in Mobile Alabama, subject to any such CON applicant agreeing to certain terms and conditions designed to ensure that such new beds will not add to Alabama's Medicaid costs; and

NOW THEREFORE, I, Bob Riley, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, and for other good and valid reasons, which relate thereto, do hereby amend Executive Order 14 for the limited purpose of allowing the processing and consideration of applications for a CON for twelve (12) additional skilled nursing facility beds in Mobile County, Alabama, to allow for the relocation of such number of patients from a skilled nursing facility operated by the Sisters of the Poor in New Orleans, Louisiana, to a similar facility in Mobile, Alabama.

BE IT FURTHER ORDERED that any application submitted pursuant to this amendment shall stipulate that:

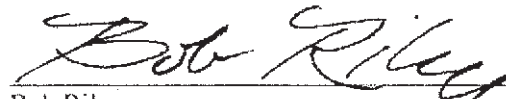
(1) any CON granted pursuant thereto will expire twelve (12) months from its issuance and that the applicant waives any rights associated with such bed authority after such expiration date; and

(2) that the applicant will not seek reimbursement, in any fashion, from the Medicaid program of the State of Alabama related to the occupancy of such beds and the services provided to such residents.

BE IT FURTHER ORDERED that in all other respects, the terms and conditions of Executive Order 14 shall remain in full force and effect and that this Amendment No. 1 shall become effective immediately upon signing and shall remain in effect until amended or modified by the Governor.

DONE AND ORDERED this 12th day of August, 2005.




Bob Riley
Governor

Attested:


Nancy L. Worley
Secretary of State

Original Executive Order
EXECUTIVE ORDER NUMBER 14
AMENDMENT NUMBER 2

WHEREAS, Executive Order Number 14 issued on November 21, 2003, established a moratorium on the filing of, acceptance of, consideration of, and acting upon any and all Certificate of Need applications for additional skilled nursing facility beds by the State Health Planning and Development Agency ("SHPDA") and its Certificate of Need ("CON") Review Board, including applications to add skilled nursing facility beds under the exception to the CON process provided under Ala. Code § 22-21-265(d); and

WHEREAS, pursuant to Executive Order 14, Amendment No. 1 was amended on August 12, 2005 for the limited purposes of allowing applications for certain skilled nursing home beds in Mobile County, Alabama; and

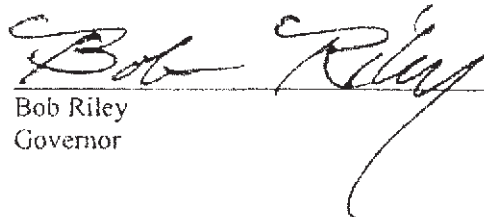
WHEREAS, I have determined that the public interest is best served by amending such moratorium to allow the processing and consideration of CON applications for eight (8) additional skilled nursing facility beds in Montgomery County, Alabama for the limited purpose of the emergency relocation of special needs children displaced by Hurricane Katrina into existing skilled nursing facilities in Montgomery, Alabama, which serve handicapped children. Such new beds will be used only for this specified purpose and for no other purposes.

NOW THEREFORE, I, Bob Riley, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of Alabama, and for other good and valid reasons, which relate thereto, do hereby amend Executive Order No. 14 for the limited purpose of allowing the processing and consideration of applications for a CON for eight (8) additional skilled nursing facility beds in Montgomery County, Alabama to allow for the emergency relocation of such number of special needs children displaced as a result of Hurricane Katrina.

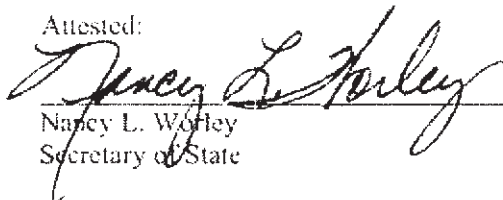
BE IT ORDERED that any application submitted pursuant to this amendment shall stipulate that any bed authority resulting from the CON shall be surrendered upon the transfer or other disposition of the displaced special needs patients from the CON holder's facility.

BE IT FURTHER ORDERED that in all other respects, the terms and conditions of Executive Order No. 14 shall remain in full force and effect, and that this Amendment No. 2 shall become effective immediately upon signing and shall remain in effect until amended or modified by the Governor.

DONE AND ORDERED this 26th day of September, 2005.



Bob Riley
Governor

Attested:


Nancy L. Worley
Secretary of State

Pursuant to Executive Order 707: Executive Order 583

Original Executive Order

**EXECUTIVE ORDER NUMBER 14
AMENDMENT NUMBER 3**

WHEREAS, Executive Order No. 14, issued on November 21, 2003, established a moratorium on the filing of, acceptance of, consideration of, and acting upon any and all Certificate of Need applications for additional skilled nursing facility beds by the State Health Planning and Development Agency ("SHPDA") and its Certificate of Need ("CON") Review Board, including applications to add skilled nursing facility beds under the exception to the CON process provided under Ala. Code § 22-21-265(d); and

WHEREAS, pursuant to Executive Order 14, Amendment No. 1, this moratorium was amended on August 12, 2005, for the limited purpose of allowing applications for certain skilled nursing home beds in Mobile County, Alabama; and

WHEREAS, pursuant to Executive Order Number 14, Amendment No. 2, this moratorium was further amended on September 26, 2005, to allow the processing and consideration of CON applications for eight (8) additional skilled nursing facility beds in Montgomery County, Alabama, for the limited purpose of the emergency relocation of special needs patients resulting from Hurricane Katrina to existing skilled nursing facilities in Montgomery County, Alabama, subject to any CON applicant agreeing to certain terms and conditions designed to ensure that such new beds will be used only for these specified purposes; and

WHEREAS, state, federal and local officials have been involved in the planning for a new veterans home in the Pell City, Alabama, area, which will provide needed services to veterans living in Alabama, including up to two-hundred and sixty (260) skilled nursing beds; and

WHEREAS, a substantial portion of the funding for the provision of health care in such facility will come from the federal government, limiting the burden that such a facility would have on Alabama's Medicaid system; and

WHEREAS, I have thus determined that the public interest is best served by amending the moratorium for the limited purpose of allowing the processing and consideration of a CON application for a state veterans' home or veterans' nursing home to be built in Pell City, Alabama.

NOW, THEREFORE, I, Bob Riley, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of Alabama, and for other good and valid reasons which relate thereto, do hereby amend Executive Order No. 14 for the limited purpose of allowing the processing and consideration of a CON

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application for a new veterans' home in Pell City, Alabama, with a skilled nursing bed capacity not to exceed two-hundred and sixty (260) additional skilled nursing facility beds.

BE IT FURTHER ORDERED that except as amended herein and in Amendments No. 1 and 2, Executive Order No. 14 shall remain in full force and effect.

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

DONE AND ORDERED this 14th day of September 2009.



Attested:


Beth Chapman
Secretary of State



Bob Riley
Governor