



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

NOTICE FOR ISSUANCE OF TEMPORARY WAIVER

In the fifth supplemental State of Emergency for the COVID-19 pandemic, Governor Ivey gave the State Health Planning and Development Agency (Agency) the ability to promulgate rules in order to issue temporary waivers to the normal Certificate of Need (CON) process for providers specifically requiring additional capacity or services directly related to the State of Emergency declared for the COVID-19 pandemic.

The Agency has filed two emergency administrative rules: ALA. ADMIN. CODE r. 410-2-5-.09-E COVID-19 State of Emergency, passed by the Statewide Health Coordinating Council, and ALA. ADMIN. CODE r 410-1-10-.05-E Emergency Provisions Related to COVID-19 Emergency, passed by the Certificate of Need Review Board. Both of these emergency rules can be found on the SHPDA website.

By filling out this attached form, the applicant has requested a temporary waiver under these emergency rules and it has been signed and notarized that this request is directly related to the COVID-19 pandemic. The affirmation by the SHPDA Executive Director is related solely to the addition and/or provision of any beds, stations, or services during the State of Emergency and succeeding 60-day period and does not affirm any permanent CON authority for such request. The affirmation shall also not be considered to be a waiver of any requirements related to the Alabama Department of Public Health or any other regulatory agency.

Pursuant to ALA. ADMIN. CODE r. 410-2-5-.09-E (3), the request as affirmed, "shall automatically terminate on the earlier of (i) as applicable, the discontinuation of services or closure of facilities subject to the waiver; or (ii) sixty (60) days following the termination of the State of Emergency as recognized in the Declaration." Furthermore, the rule states, "[a]ny continued operation of institutional health services authorized under a waiver granted pursuant to this section will require a CON, which shall be subject to existing CON criteria and procedures, including compliance with the State Health Plan, without regard to emergency rules adopted by the CON Board or SHCC in response to the Declaration. It is the intent of this subsection that services, facilities or other new institutional health services established as a result a waiver be considered 'new' for purposes of an application for CON authority to extend such new institutional health services beyond the deadlines in this subsection."

In addition, pursuant to ALA. ADMIN. CODE r. 410-2-5-.09-E (4), "new institutional health services authorized on a temporary basis pursuant to a waiver granted under this rule shall not be considered for purposes of the permanent need methodology in the State Health Plan."

For any questions or concerns, please contact the Agency at (334) 242-4103.

MAILING ADDRESS: P.O. BOX 303025, MONTGOMERY, ALABAMA 36130-3025
PHONE: (334) 242-4103 FAX: (334) 242-4113

FOR STAFF USE ONLY:

RECEIVED

WAIVER IDENTIFICATION: TW2020-024

Apr 13 2020

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

REQUEST FOR CERTIFICATE OF NEED WAIVER

FACILITY ID NO.: AL 2014-027, CON 2695-HPC COUNTY: MOBILE

FACILITY/PROVIDER NAME: SAAD ENTERPRISES INC., dba SAAD HOSPICE SERVICES

STREET ADDRESS: 1515 UNIVERSITY BLVD. S.

CITY: MOBILE ZIP CODE: 36609

AUTHORIZED REPRESENTATIVE: HENRY B. FULGHAM

TITLE: CHIEF OPERATING OFFICER EMAIL ADDRESS: henry.fulgham@saadhealthcare.com

DIRECT TELEPHONE NUMBER: 251-287-8886

TYPE OF FACILITY/PROVIDER: HOSPICE INPATIENT

Pursuant to a declaration issued by Governor Ivey on April 2, 2020, the following additional services are being enacted pursuant to Ala. Admin. Code r 410-2-5-.09-E and 410-1-10-.05-E.

Saad Hospice Services is requesting a temporary waiver for the immediate use and operation of 3 additional inpatient hospice beds for our existing inpatient hospice facility in Mobile County, Alabama.

Does this request involve an increase in: Beds No Yes Number 3

ESRD Stations No Yes Number _____

Provide a brief explanation of how these services will assist in the health and safety of citizens during the emergency (attach additional sheets if necessary):

We are applying for the waiver for the three additional CON beds as a measure to provide additional support to local hospitals and healthcare agencies. It is imperative at this time that patients that are actively dying, but haven't been diagnosed with COVID-19, are removed from the acute hospital setting in order to provide increased infection control for a peaceful end of life experience. Since January 2020, there have been 14 days where our facility has had an admission waitlist where actively dying patients remained in hospitals due to lack of bed space. On any given day, the waitlist was anywhere from 1-4 patients that remained in intensive care units or med surg beds while waiting to be admitted for end of life care and for us to provide a peaceful death experience. Since the worldwide pandemic, there has been increased difficulty in skilled nursing facility placement from an acute care setting. Our hospice facility has given us the opportunity to accept patients needing assistance with placement to provide additional relief to the hospitals. The three additional CON beds would allow us to continue our efforts to support our local medical community in their efforts to fight COVID-19.

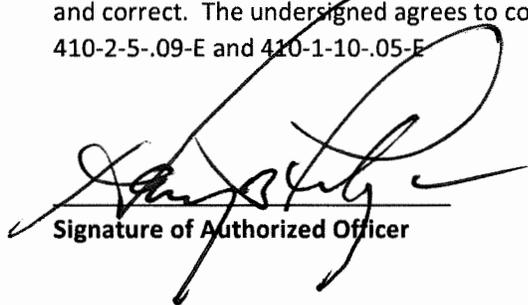
Projected Construction/Renovation Costs: \$ -0-

Projected Equipment Costs: \$ -0-

Projected date additional services/equipment will be available for service: IMMEDIATELY

If this Waiver request involves construction of a new facility and/or acquisition of new equipment, provide a brief description of the proposal on a separate sheet of paper and return with this form.

The undersigned, being first duly sworn, hereby affirms that he/she has direct knowledge of the facts contained this request, and to the best of their information, knowledge, and belief, such facts are true and correct. The undersigned agrees to comply with the requirements and limitations outlined by Rules 410-2-5-.09-E and 410-1-10-.05-E



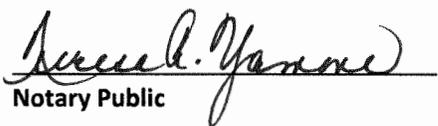
Signature of Authorized Officer

4-10-20
Date

HENRY B. FULGHAM
Printed Name

CHIEF OPERATING OFFICER
Title

Sworn to and subscribed before me this 10TH day of APRIL, 2020.


Notary Public

(Seal)

My Commission Expires: 3-21-23

AFFIRMED BY EXECUTIVE DIRECTOR: Emily T. Mansif 4/13/2020
Date