



## 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

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RECEIVED

Apr 15 2020

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

WAIVER IDENTIFICATION: TW2020-026

**REQUEST FOR CERTIFICATE OF NEED WAIVER**

FACILITY ID NO.: 101-N0005 COUNTY: Montgomery

FACILITY/PROVIDER NAME: Hillview Acquisition Inc., d/b/a Hillview Terrace

STREET ADDRESS: 100 Perry Hill Road

CITY: Montgomery ZIP CODE: 36109

AUTHORIZED REPRESENTATIVE: Chris Schmidt

TITLE: CEO EMAIL ADDRESS: chris.schmidt@rehabselect.net

DIRECT TELEPHONE NUMBER: 334-546-5980

TYPE OF FACILITY/PROVIDER: Nursing Facility

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.

Transfer of a 10 skilled nursing facility beds to BBH SBMC, LLC d/b/a Shelby Baptist Medical Center

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

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):

Hillview Terrace proposes to transfer 10 skilled nursing facility beds to Shelby Baptist for use as an isolation and treatment facility for patients who have tested positive for COVID-19 or who are in need of isolation due to concerns about exposure to COVID-19 prior to being transferred to a skilled nursing facility.

Projected Construction/Renovation Costs: \$0.00 \_\_\_\_\_

Projected Equipment Costs: \$0.00 \_\_\_\_\_

Projected date additional services/equipment will be available for service: 4/15/2020 \_\_\_\_\_

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**

\_\_\_\_\_  
**Date**

**Chris Schmidt**  
\_\_\_\_\_

\_\_\_\_\_  
**Title**

**Printed Name**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**Notary Public**

(Seal)

My Commission Expires: \_\_\_\_\_

AFFIRMED BY EXECUTIVE DIRECTOR:

*Emily T. Mansuf*  
\_\_\_\_\_

4/15/2020  
\_\_\_\_\_  
**Date**

Projected Construction/Renovation Costs: 14.00

Projected Equipment Costs: 18.00

Projected date additional services/equipment will be available for service: 4/15/2020

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 430-2-5-.09-4 and 430-2-50-.05-4.

Chris Schmidt  
Signature of Authorized Officer

April 15, 2020  
Date

Chris Schmidt  
Printed Name

President/CEO  
Title

Sworn to and subscribed before me this 15<sup>th</sup> day of April, 2020

Jennifer Riviere  
Notary Public  
My Commission Expires: 1/11/2022



APPROVED BY EXECUTIVE DIRECTOR:

\_\_\_\_\_  
Emily T. Marsal Date