

November 7, 2024

VIA EMAIL: shpda.online@shpda.alabama.gov

Alabama State Health Planning & Development Agency (SHPDA)
shpda.online@shpda.alabama.gov
P.O. Box 303025
Montgomery, Alabama 36130-3025

Re: Notice of Change of Ownership/Control in Certificate of Need Holder – Hospice of Montgomery, Inc. (SHPDA ID No. 101-P2507)

Dear Sir or Madam:

First Choice Hospice, LLC (“Acquiring Entity”) submits the attached Notice of Change of Ownership/Control in a Certificate of Need Holder to effectuate a Change of Ownership (“CHOW”) for the certificate of need held by Hospice of Montgomery, Inc. (“Current Authority”) (SHPDA ID No. 101-P2507). Payment of the CHOW Fee in the amount of \$2,500.00 has been made concurrent with this Notice through SHPDA’s electronic payment portal. Upon receipt of appropriate approvals, Acquiring Entity and Current Authority will enter into an Asset Purchase Agreement for Acquiring Entity to acquire certain assets of Current Authority. Specifically, Acquiring Entity and Current Authority intend to proceed to signing and closing of the transaction immediately upon the fulfillment of this Notice of Change of Ownership/Control as required by Ala. Code § 22-21-270 *et seq.* and Ala. Admin. Code r. 410-1-7-.04.

Should SHPDA require any additional information in connection with its review and processing of this Notice, please do not hesitate to contact me at (713) 651-2634 or bpachuca@winston.com.

[Remainder of Page Intentionally Left Blank]

800 Capitol St., Suite 2400
Houston, TX 77002-2925
+1 713-651-2600
+1 713-651-2700

Sincerely,



Banee Pachuca

Enclosures:

- Notice of Change of Ownership/Control Form
- Supplemental Response Attachment to Notice of Change of Ownership/Control Form
- Structure Charts Reflecting Pre-CHOW and Post-CHOW Ownership of Current Authority

cc: Christopher L. Richard
Gilpin Givhan, PC
2660 East Chase Lane, Suite 300
Montgomery, Alabama 36117
crichard@gilpingivhan.com

NOTICE OF CHANGE OF OWNERSHIP/CONTROL

The following notification of intent is provided pursuant to all applicable provisions of ALA. CODE § 22-21-270 (1975 as amended) and ALA. ADMIN. CODE r. 410-1-7-.04. This notice must be filed at least twenty (20) days prior to the transaction.

☐ Change in Direct Ownership or Control (of a vested Facility; ALA. CODE §§ 22-20-271(d), (e))

☒ Change in Certificate of Need Holder (ALA. CODE § 22-20-271(f))

☐ Change in Facility Management (Facility Operator)

Any transaction other than those above-described requires an application for a Certificate of Need.

Part I: Facility Information

SHPDA ID Number:

101-P2507

(This can be found at www.shpda.alabama.gov, Health Care Data, ID Codes)

Name of Facility/Provider:
(ADPH Licensure Name)

Hospice of Montgomery

Physical Address:

1111 Holloway Park

Montgomery, AL 36117

County of Location:

MONTGOMERY

Number of Beds/ESRD Stations:

0

CON Authorized Service Area (Home Health and Hospice Providers Only). Attach additional pages if necessary. Montgomery, Autauga, Elmore, Lowndes, Macon, Tallapoosa, Bullock, Chilton, Butler, and Crenshaw

Part II: Current Authority (Note: If this transaction will result in a change in direct ownership or control, as defined under ALA. CODE § 22-20-271(e), please attach organizational charts outlining current and proposed structures.)

Owner (Entity Name) of
Facility named in Part I:

Hospice of Montgomery, Inc.

Mailing Address:

1111 Holloway Park

Montgomery, AL 36117

Operator (Entity Name):

Hospice of Montgomery, Inc.

Part III: Acquiring Entity Information

Name of Entity:

First Choice Hospice, LLC

Mailing Address:

187 N. Church St., Suite 201

Spartanburg, SC 29306

Nov. 15, 2024

State Health Planning and Development Agency

Alabama CON Rules & Regulations
STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

Operator (Entity Name):

ACG Alabama, LLC

Proposed Date of Transaction is
on or after:

On or after November 20, 2024

Part IV: Terms of Purchase

Monetary Value of Purchase:

\$ 2,000,000.00

Type of Beds:

N/A (in-home hospice, no inpatient beds)

Number of Beds/ESRD Stations:

0

Financial Scope: to Include Preliminary Estimate of the Cost Broken Down by Equipment, Construction, and Yearly Operating Cost:

Projected Equipment Cost: \$ 12,000.00

Projected Construction Cost: \$ 0.00

Projected Yearly Operating Cost: \$ 970,000.00

Projected Total Cost: \$ 982,000.00

On an Attached Sheet Please Address the Following:

- 1.) The services to be offered by the proposal (the applicant will state whether he has previously offered the service, whether the service is an extension of a presently offered service, or whether the service is a new service).
- 2.) Whether the proposal will include the addition of any new beds.
- 3.) Whether the proposal will involve the conversion of beds.
- 4.) Whether the assets and stock (if any) will be acquired.

Part V: Certification of Information**Current Authority Signature(s):**

The information contained in this notification is true and correct to the best of my knowledge and belief.

Owner(s):

Operator(s):

Title/Date:

Operator (Entity Name): ACG Alabama, LLC

Proposed Date of Transaction is
on or after: _____

Part IV: Terms of Purchase

Monetary Value of Purchase: \$ 2,000,000.00

Type of Beds: N/A (in-home hospice, no inpatient beds)

Number of Beds/ESRD Stations: 0

Financial Scope: to Include Preliminary Estimate of the Cost Broken Down by Equipment, Construction, and Yearly Operating Cost:

Projected Equipment Cost: \$ 12,000.00

Projected Construction Cost: \$ 0.00

Projected Yearly Operating Cost: \$ 970,000.00

Projected Total Cost: \$ 982,000.00

On an Attached Sheet Please Address the Following:

- 1.) The services to be offered by the proposal (the applicant will state whether he has previously offered the service, whether the service is an extension of a presently offered service, or whether the service is a new service).
- 2.) Whether the proposal will include the addition of any new beds.
- 3.) Whether the proposal will involve the conversion of beds.
- 4.) Whether the assets and stock (if any) will be acquired.

Part V: Certification of Information

Current Authority Signature(s):

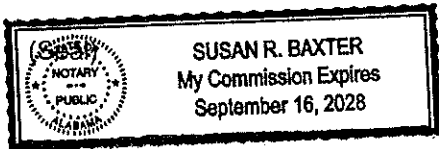
The information contained in this notification is true and correct to the best of my knowledge and belief.

Owner(s):  _____

Operator(s):  _____

Title/Date: Chairman, Board of Directors 11-6-2024

SWORN to and subscribed before me, this 6 day of November, 2024



Susan R Baxter
Notary Public

My Commission Expires: 9/16/2028

Acquiring Authority Signature(s):

I agree to be responsible for reporting of all services provided during the current annual reporting period, as specified in ALA. ADMIN. CODE r. 410-1-3-.12. The information contained in this notification is true and correct to the best of my knowledge and belief.

Purchaser(s): _____

Operator(s): _____

Title/Date: _____

SWORN to and subscribed before me, this _____ day of _____, _____.

(Seal)

Notary Public

My Commission Expires: _____

Author: Alva M. Lambert

Statutory Authority: § 22-21-271(c), Code of Alabama, 1975

History: New Rule

SWORN to and subscribed before me, this _____ day of _____, _____.

(Seal)

Notary Public

My Commission Expires: _____

Acquiring Authority Signature(s):

I agree to be responsible for reporting of all services provided during the current annual reporting period, as specified in ALA. ADMIN. CODE r. 410-1-3-.12. The information contained in this notification is true and correct to the best of my knowledge and belief.

Purchaser(s): ACG Alabama _____Operator(s): First Choice Hospice LLC _____Title/Date: CEO / 10-16-24 [Signature]SWORN to and subscribed before me, this 16 day of October, 2024.

(Seal)

Janelle I. Plows
Notary PublicMy Commission Expires: 04-29-2030

Author: Alva M. Lambert

Statutory Authority: § 22-21-271(c), Code of Alabama, 1975

History: New Rule

1.) The services to be offered by the proposal (the applicant will state whether he has previously offered the service, whether the service is an extension of a presently offered service, or whether the service is a new service).

First Choice Hospice, LLC intends to acquire certain assets of Hospice of Montgomery, Inc. and will continue to provide in home hospice services to patients in the same service area of Hospice of Montgomery, Inc. First Choice Hospice, LLC is a current hospice agency, and its acquisition of certain assets of Hospice of Montgomery, Inc. will allow for extended service areas under its current activities.

2.) Whether the proposal will include the addition of any new beds.

No.

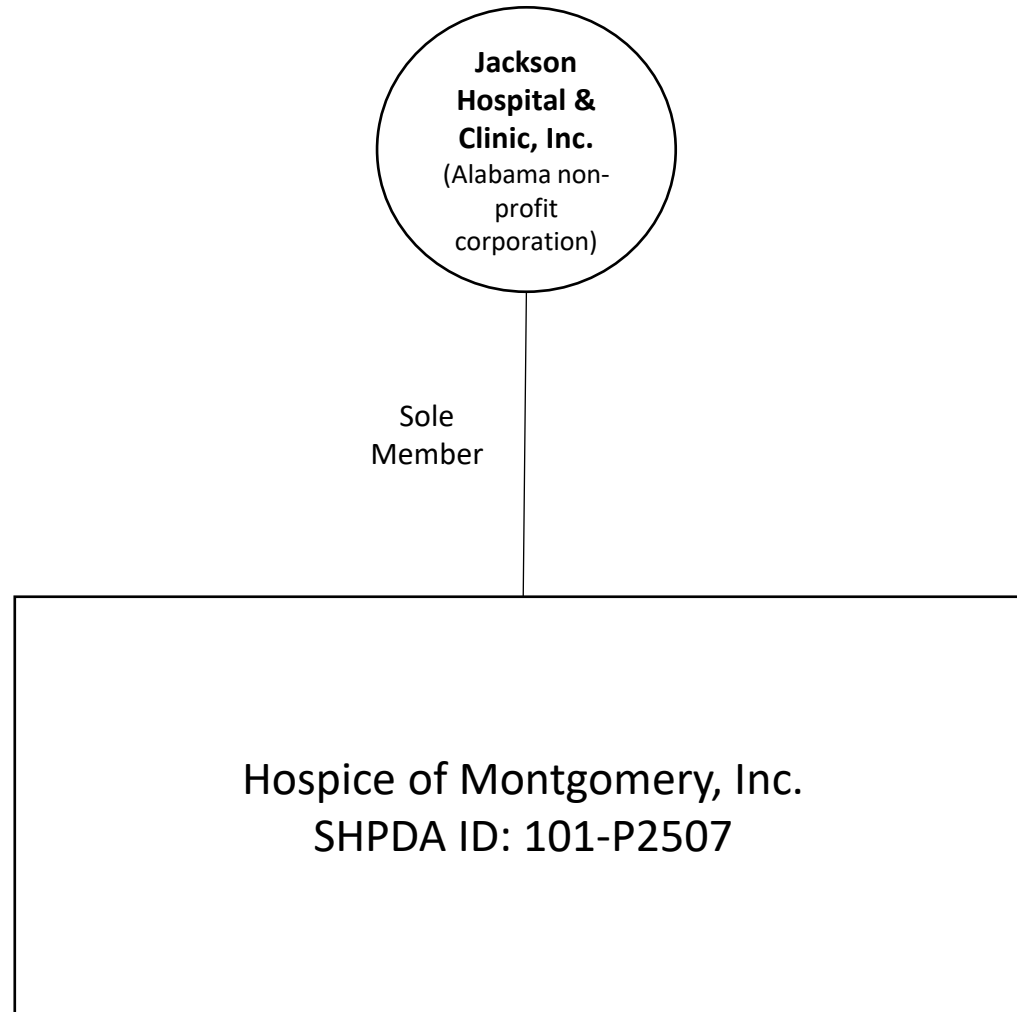
3.) Whether the proposal will include the conversion of beds.

No.

4.) Whether the assets and stock (if any) will be acquired.

First Choice Hospice, LLC intends to acquire certain assets of Hospice of Montgomery, Inc.

Ownership Prior to CHOW



Ownership After CHOW

