

March 6, 2026

AL2022-015  
**RECEIVED**  
**Mar. 06, 2026**

STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

*Via Electronic Mail:* [shpda.online@shpda.alabama.gov](mailto:shpda.online@shpda.alabama.gov)

Emily T. Marsal, Executive Director  
Alabama State Health Planning &  
Development Agency  
100 North Union Street, Suite 870  
Montgomery, Alabama 35104

Re: Project Modification Request  
Opelika Senior Services, LLC d/b/a The Harbor at Opelika  
Project No. AL2022-015; CON No. 3002-SCALF

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Dear Ms. Marsal:

Please accept this correspondence as Opelika Senior Services, LLC d/b/a The Harbor at Opelika's ("Opelika") Project Modification Request pursuant to ALA. ADMIN. CODE R. 410-1-10-.03 of the Certificate of Need Rules (the "CON Rules") related to CON No. 3002-SCALF (the "CON") issued to Opelika on June 24, 2022:

Executive Summary

On June 24, 2022, the CON was issued to Opelika to add twenty-four (24) specialty care assisted living facility ("SCALF") beds to the Harbor at Opelika, an existing thirty-six (36) bed SCALF, resulting in a total of sixty (60) SCALF beds in Opelika, Lee County, Alabama. See Exhibit A, Opelika Certificate of Need. In the plans approved by the Certificate of Need Review Board ("CONRB"), Opelika proposed to construct a new wing on its existing facility to create the additional space necessary to house the twenty-four new SCALF beds approved by the CONRB. However, the labor shortages and inflation created by the COVID-19 pandemic caused prices to skyrocket to the point that the project was no longer feasible. Despite our client's best efforts to value engineer the project, Opelika could not get a firm construction cost estimate low enough to make the project financially feasible.

Birmingham

Mobile  
[starneslaw.com](http://starneslaw.com)

Nashville

Due to the unforeseen increase in costs caused by the pandemic, Opelika requests a project modification to the above-referenced project. In lieu of constructing a new wing, Opelika proposes to convert twenty (20) of its existing single occupancy rooms to double occupancy. As part of the requested project modification, Opelika proposes to release four SCALF beds previously approved by the CONRB. This will result in a decrease in the number of SCALF beds approved from twenty-four (24) beds to twenty (20) beds. The Alabama Department of Public Health (“ADPH”) has reviewed and approved Opelika’s room conversion plans. *See Exhibit B, ADPH Final Plan Submittal Approval.*

### Project Modification Proposal

Opelika proposes to convert twenty (20) of its existing thirty-two (32) patient rooms from single occupancy to double occupancy. The following modifications will be required in each of the renovated rooms:

- Two doors will be moved. One door will be replaced with a cased opening. The second door will be reinstalled and replaced with a new door;
- Installation of a privacy curtain;
- Installation of a new towel bar or hook;
- Patching and painting of impacted trim, doors, and four walls;
- Add or raise electrical boxes and wiring for televisions and move switches in the bathroom; and
- Install an additional nurse call device (room and personal pendent).

Opelika confirmed the existing facility common areas will accommodate the addition of twenty new residents. Opelika will add additional tables and chairs to the resident dining area to accommodate all residents in its facility. As part of the renovations, Opelika will also expand its existing kitchen to add a new sink and expanded dishwasher. The proposed work will be completed by a subcontractor. Upon approval of the project modification, Opelika will promptly find a suitable subcontractor and enter into a construction contract to perform the work. A copy of the construction contract will promptly be provided to the State Health Planning and Development Agency (“SHPDA”).

Opelika originally estimated a total project cost of \$5,684,476.00 broken down into major categories as follows:

- Total Construction Costs           \$ 4,753,037
- Total Equipment Costs             \$ 110,000
- First Year Annual Operating       \$ 821,439

By comparison, Opelika's proposal to convert double occupancy rooms to single occupancy rooms will cost substantially less than new construction. Opelika estimates that it will cost approximately \$7,000 to renovate each room for a total of \$140,000, plus \$30,000 to expand its existing kitchen, totaling \$170,000 in total construction costs.

Assuming all twenty beds are filled in the first year following licensure, Opelika projects a revised total project cost of \$1,466,000 broken down into major categories as follows:

- Total Construction Costs                   \$ 170,000
- Total Major Equipment Costs           \$ 0
- First Year Annual Operating           \$ 1,296,000

Opelika's proposal to convert double occupancy rooms to single occupancy rooms will save an estimated \$4,583,037 in construction costs to provide twenty SCALF beds in Lee County. The revised project will cost \$73,300.00 per bed, as opposed to \$236,853.17 per bed as originally approved by the CONRB.

The expected savings in construction costs will benefit the patients and families needing SCALF services and those patients currently receiving SCALF services at Opelika's facility. Opelika intends to examine the compatibility of each resident to ensure the safety of both residents to live with a roommate prior to placing two SCALF residents together in the same room.

Opelika's proposal qualifies for a project modification reviewable by the Executive Director of SHPDA pursuant to CON Rule 410-1-10-.03. While Opelika's request involves a request to *decrease* the number of SCALF beds previously approved, it does not involve the *addition* of new beds not previously approved by the CONRB and is thus reviewable by the Executive Director of SHPDA in accordance with CON Rule 410-1-10-.03(2). Further, Opelika's request does not involve a change in bed classification, the provision of new health services not specified in Opelika's original CON application, falls below the financial thresholds for review provided by CON Rule 410-1-4-.01, and does not involve the relocation of the approved SCALF beds from the physical location previously approved by the CONRB. *See* CON Rule 410-1-10-.03(2).

All parties of record in the underlying contested case hearing related to Project No. AL2022-015 are being notified of this request for a project modification through their counsel of record as required by the CON Rules. The filing fee of \$8,436.75, representing 35% of the original CON filing fee of \$24,105.00, is being paid through the SHPDA electronic payment portal simultaneously with the filing of this project modification.

Emily T. Marsal  
March 6, 2026  
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If you have any questions or need any additional information, please let me know.

Sincerely,

STARNES DAVIS FLORIE LLP

A handwritten signature in blue ink, appearing to read "Brandon A. Jackson", with a long horizontal flourish extending to the right.

Brandon A. Jackson

Attorney for Opelika Senior Services,  
LLC d/b/a The Harbor at Opelika

# **EXHIBIT A**

## Opelika Certificate of Need

**ALABAMA**  
**STATE HEALTH PLANNING & DEVELOPMENT AGENCY**  
**CERTIFICATE OF NEED**  
**FOR HEALTH CARE SERVICES**

**I. IDENTIFICATION**

1. Certificate of Need 3002-SCALF	2. Date Issued: June 24, 2022	3. Termination Date: June 23, 2023
4. Project Number: AL2022-015	5. Name of Facility: Opelika Senior Services, LLC d/b/a The Harbor at Opelika	
6. Service Area: Lee County	7. Location of Facility: 1001 Fox Run Parkway Opelika, Alabama 36801	
8. Type of Facility: SCALF	9. Number of Beds: 24	10. Estimated Cost: \$5,684,476.00
11. Services to be provided: Add twenty-four (24) specialty care assisted living facility (SCALF) beds to The Harbor at Opelika, an existing thirty-six (36) bed SCALF, resulting in a total of sixty (60) SCALF beds, in Opelika, Lee, County, Alabama, pursuant to a Settlement Agreement.		

**II. CERTIFICATE OF NEED**

The decision of the Administrative Law Judge, James F. Hampton, in the contested case hearing proceeding shall be considered the final decision of SHPDA pursuant to § 22-21-275(14) Code of Alabama, 1975, as amended.

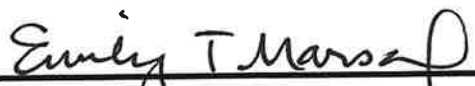
As set forth in the May 27, 2022 Order of the Administrative Law Judge James F. Hampton, the Administrative Law Judge concludes that:

1. The proposed facility is consistent with the appropriate *Alabama State Health Plan* in effect at the time the application was filed.
2. That less costly, more efficient or more appropriate alternatives to such inpatient services are not available, and that the development of such alternatives has been studied and found not practicable.
3. That existing inpatient facilities providing inpatient services similar to those proposed are being used in an appropriate and efficient manner consistent with community demands for services.
4. That in the case of new construction, alternatives to new construction have been considered and have been implemented to the maximum extent practicable.
5. That patients will experience serious problems in obtaining inpatient care of the type proposed in the absence of the proposed new service.

**III. ISSUANCE OF CERTIFICATE OF NEED**

This Certificate of Need is issued to **Opelika Senior Services, LLC d/b/a The Harbor at Opelika** only, for a period not to exceed 12 months from the date of issuance. This Certificate of Need is not transferable and any action on the part of the Applicant to transfer this Certificate of Need will render the Certificate of Need null and void.

**ORIGINAL**

  
\_\_\_\_\_  
Emily T. Marsal, Executive Director

# **EXHIBIT B**

ADPH Final Plan Submittal Approval



Scott Harris, M.D., M.P.H.  
STATE HEALTH OFFICER

June 27, 2025

Mr. Matthew Twitchell  
MTA  
200 W. MKL Blvd. Suite 200  
Chattanooga, TN 37402

Dear Mr. Twitchell:

Re: ADPH Project # B-25-018  
The Harbor at Opelika  
Opelika, Alabama  
Converting 20 Private Rooms to Semi-Private Rooms  
24-41 (architect's project number)

The final-stage plans and specifications received on June 3, 2025, have been reviewed for compliance with the applicable regulations and codes.

The final-stage construction plans are approved.

The Final Stage Drawing Approval Fee is now due. Please send this fee payment, along with the completed Final Plan Review Approval Fee Worksheet (go to <http://www.adph.org/facmgmt> and click on "Plan Review"), and a copy of the latest cost estimate, to our office within 14 days.

Please note that our approval does not relieve your office of the responsibility for the documents being complete and in compliance with all applicable regulations and codes at the local and state level. It also does not prevent this office or other officials having jurisdiction from requiring correction of errors or code violations in plans or construction observed during subsequent reviews or inspections.

Contract modifications or changes shall be submitted to and approved by this office prior to implementing the work. Any changes made to approved plans to include any plan sheets added, whether due to comments of this office or otherwise, shall be clouded or annotated on subsequent "revised" plan submittals.

Mr. Twitchell  
June 27, 2025

Please ensure that sprinkler plans with the correct facility name, ADPH project number and the State Fire Marshal's permit number included are submitted for review and approval. The submittal package shall include plans, hydraulic calculations and copies of the manufacturer's catalog sheets for materials to be installed.

Any changes to drawings from the previous submittal shall be clouded or otherwise highlighted.

Please provide a written request two to three weeks prior to the desired final acceptance inspection to schedule a tentative date. Along with the request, provide the status of completing any outstanding items of your final inspection punch list. Please insure completeness of any outstanding correspondence or other requirements prior to request. The actual inspection date must be confirmed with our office.

At the conclusion of the final inspection, the Final Inspection Fee shall be due. Send the Final Inspection Fee Worksheet, a copy of the latest contractor's pay request, and any fee due to our office. Our Certificate of Completion (COC) will not be issued prior to receipt of this worksheet, supporting documents and any fee due. The Rules of ASBH Chapter 420-5-21, "Payment of Plan Review Fees," including the fee worksheets, may be found by clicking on "Plan Review" at <http://www.adph.org/facmgmt>. Any additional inspections necessary require additional fees.

**When timely delivery is critical, we recommend overnight delivery to: Alabama Department of Public Health, Technical Services Unit, RSA Tower, Suite 1510, 201 Monroe Street, Montgomery, Alabama 36104.**

At the final inspection provide a copy of close-out documents per attachment.

**I appreciate the cooperation extended this office; and if I can be of assistance to you, please contact me at (334) 206-5103, fax (334) 206-5890, or email at [McArthur.Davis@adph.state.al.us](mailto:McArthur.Davis@adph.state.al.us).**

Sincerely,



Mac Davis  
Technical Services Unit

MD/aa  
cc: Mr. Blake Ray