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STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY

March 2, 2017

Alva Lambert, Esq.
Executive Director
Alabama State Health Planning &
Development Agency
100 North Union Street, Suite
870
Montgomery AL 36104

**Re: Comfort Care Hospice of Brewton Branch Office - Request for
Reviewability Determination**

Dear Mr. Lambert:

Pursuant to Chapter 410-1-7-.02 of the Alabama Certificate of Need Program Rules and Regulations (the "Rules"), we respectfully submit this letter on behalf of Comfort Care Hospice of Brewton ("Comfort Care Brewton") requesting your determination that Comfort Care Brewton may establish a branch office in a county it is permitted to serve under its single Medicare provider number Certificate of Need ("CON") without further filings or requests to the Alabama State Health Planning and Development Agency ("SHPDA"). To assist with your determination, I submit the following information:

Facts:

1. Pursuant to CON 2333-HPC, Comfort Care Brewton has CON authority to provide in-home hospice services in the following counties: Conecuh, Escambia, Monroe, Baldwin, Clarke, Mobile and Washington.
2. Comfort Care Brewton seeks approval to establish a branch office of Comfort Care Brewton in Monroe County. The branch office will operate under the Medicare Provider Number of Comfort Care Brewton, Medicare No. 053-P2444. No services will be provided at the branch office because the services will be rendered in the patients' homes. Additionally, the branch office will only serve patients in the counties Comfort Care Brewton is authorized to serve under CON 2333-HPC.
3. This transaction does not alter the services provided by Comfort Care Brewton. Additionally, this transaction does not alter the CON authorized service area of Comfort Care Brewton.

4. The establishment of the hospice branch does not involve the construction, development, acquisition or other establishment of a new health care facility and does not involve any capital expenditures exceeding the threshold amounts set forth in CON Rule § 410-1-4-.01. See CON Rule 410-1-4-.02 ("The construction or relocation of an administrative or branch office of a home health agency or in-home hospice provider which: (1) is within the service area for which the provider is a holder of a CON (excluding home health agencies' contiguous county service areas authorized pursuant to § 22-21-265(f), *Code of Ala.* 1975, as amended); and (2) at which no patient care is provided, does not constitute the construction, development, acquisition or other establishment of a new health care facility requiring a Certificate of Need under § 22-21-263(a)(1), *Code of Ala.* 1975, as amended.").

5. Furthermore, the relocation does not involve the addition, relocation or reallocation of beds and does not entail the acquisition of major medical equipment.

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It does not involve the offering of a new health care service, as Comfort Care Brewton currently provides in-home hospice services and is CON-authorized to provide such services in Monroe County. Consequently, this transaction does not involve a new institutional health service subject to review, as defined by *Ala. Admin. Code* § 410-1-4-.01 and *Ala. Code* § 22-21-263.

Based on the facts stated above and the applicable Rules, Comfort Care Brewton requests your determination that its proposed establishment of an in-home hospice branch office in Monroe County is not subject to CON review under *Ala. Code* § 22-21-260, *et seq.*, and the CON Rules, and is permissible without further filings or requests to SHPDA. I attach the required attestation. A check in the amount of \$1,000.00 is being sent via overnight delivery.

If you have any questions or need further information, please contact me. I may be reached at (205) 458-5209 or at acsmith@burr.com. Thank you in advance for your attention to this matter.

s/Angie Cameron Smith,
Angie Cameron Smith

Sincerely,

Alva Lambert, Esq.
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Affirmation of Requesting Party:

The undersigned, being first duly sworn, hereby make oath or affirm that she is Chief Operating Officer of Comfort Care Hospice, has knowledge of the facts in the attached Reviewability Determination Request for a branch office of Comfort Care of Brewton, and to the best of her information, knowledge and belief, such facts are true and correct.

Lisa Teel, COO
Lisa Teel, COO Comfort Care Hospice

(SEAL)

SUBSCRIBED AND SWORN to before me this 24th February day of 2017.

Sarah M. Teel
Notary Public
My commission expires: 11/16/2017