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May 24, 2018

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 Pelham 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 Pelham ("Comfort Care Pelham") requesting your determination that Comfort Care Pelham 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 2315-HPC, Comfort Care Pelham has CON authority to provide in-home hospice services in the following counties: Shelby, Jefferson, Bibb, Tuscaloosa, and Chilton.
2. Comfort Care Pelham seeks approval to establish a branch office of Comfort Care Pelham in Gardendale, Jefferson County. The branch office will operate under the Medicare Provider Number of Comfort Care Pelham, Medicare No. 01-1607. 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 Pelham is authorized to serve under CON 2315-HPC.
3. This transaction does not alter the services provided by Comfort Care Pelham. Additionally, this transaction does not alter the CON authorized service area of Comfort Care Pelham.

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 2017 threshold amounts set forth in CON Rule § 410-1-4-.01, that is, \$2,981,520 for major medical equipment, \$1,192,607 for annual operating cost, and \$5,963,039 for other capital expenditures.

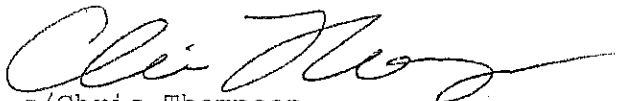
5. Furthermore, the relocation does not involve the addition, relocation or reallocation of beds and does not entail the acquisition of major medical equipment. It does not involve the offering of a new health care service, as Comfort Care Pelham currently provides in-home hospice services and is CON-authorized to provide such services in Jefferson 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.

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Based on the facts stated above and the applicable Rules, Comfort Care Pelham requests your determination that its proposed establishment of an in-home hospice branch office in Jefferson 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) 458-5325 or at cthompson@burr.com. Thank you in advance for your attention to this matter.

Sincerely,



s/Chris Thompson,

Chris Thompson

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 Pelham, 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 17th day of May, 2018.
John M. Teel
Notary Public My Commission Expires:
My commission expires: November 6, 2021

KV2018-018

RECEIVED

May 24 2018

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

BURR • • • FORMAN LLP
results matter

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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 2017 threshold amounts set forth in CON Rule § 410-1-4-.01, that is, \$2,981,520 for major medical equipment, \$1,192,607 for annual operating cost, and \$5,963,039 for other capital expenditures.

5. Furthermore, the relocation does not involve the addition, relocation or reallocation of beds and does not entail the acquisition of major medical equipment. It does not involve the offering of a new health care service, as Comfort Care Pelham currently provides in-home hospice services and is CON-authorized to provide such services in Jefferson 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.

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Based on the facts stated above and the applicable Rules, Comfort Care Pelham requests your determination that its proposed establishment of an in-home hospice branch office in Jefferson 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) 458-5325 or at cthompson@burr.com. Thank you in advance for your attention to this matter.

Sincerely,

s/Chris Thompson,
Chris Thompson

Affirmation of Requesting Party:

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Lisa Teel, COO
Lisa Teel, COO Comfort Care Hospice

(SEAL)

SUBSCRIBED AND SWORN to before me this 17th day of May, 2018.

Andrew M. Teel
Notary Public My Commission Expires:
My commission expires: November 6, 2021