



October 11, 2018

Mr. Alva M. Lambert
Executive Director
State Health Planning & Development Agency
RSA Union Building
100 North Union Street
Montgomery, AL 36104-3719

Re: Request for Reviewability Determination to Establish Branch Office in Birmingham

Dear Mr. Lambert,

Pursuant to Alabama Certificate of Need Program Rules and Regulations §410-1-7-.02, I am writing on behalf of ProHealth Hospice-Gadsden, LLC (“ProHealth”) to request that the State Health Planning and Development Agency (“SHPDA”) issue a determination that ProHealth is not required to obtain a new Certificate of Need (“CON”) to establish a branch office in Birmingham, which is located in Jefferson County which ProHealth is permitted to serve under Certificate of Need 2506-HPC. As background for this request, ProHealth submits the following:

1. Pursuant to CON 2506-HPC, ProHealth has CON authority to provide in-home hospice services in the following counties: Bibb, Blount, Calhoun, Cherokee, Chilton, Coosa, DeKalb, Etowah, Jefferson, Marshall, Shelby, Saint Clair, Tuscaloosa, and Walker.
2. ProHealth seeks approval to establish a branch office in Birmingham, Jefferson County. The branch office will operate under ProHealth’s Medicare Provider Number, 01-1686.
3. No services will be provided at the branch office because the services will be provided in the patient’s homes.
4. The branch office will only serve patients in the counties ProHealth is authorized to serve under CON 2506-HPC.
5. This request does not seek to alter the services provided by ProHealth and the request does not seek to alter ProHealth’s authorized CON service area.
6. The establishment of the branch office does not involve the construction, development, acquisition, or other establishment of a new health care facility and does not involve any capital expenditures in excess of the threshold amounts set forth in CON Rule §

410-1-4-.01 (\$2,981,520 for major medical equipment, \$1,192,607 for annual operating cost, and \$5,963,039 for other capital expenditures).

7. The establishment of the branch office does not involve the addition, relocation, or reallocation of beds and does not entail the acquisition of major medical equipment.
8. The establishment of the branch office does not involve the offering of a new health care service, as ProHealth currently provides in-home hospice services to patients in Jefferson County authorized by CON 2506-HPC.
9. The establishment of the branch office does not involve a new institutional health service subject to review under Ala. Code § 22-21-263 and/or Ala. Admin. Code § 410-1-4-.01.

Based upon the facts stated above and the applicable rules, ProHealth respectfully requests that SHPDA issue a determination that ProHealth's establishment of a branch office in Jefferson County is: (1) permissible without further filings or requests to SHPDA; and (2) not subject to CON review. ProHealth will submit the \$1,000 filing fee through SHPDA's electronic portal.

If you have any questions or would like to discuss this request in further detail, please do not hesitate to reach out to me at the number or email address listed above. I appreciate your help in getting this reviewability determination request processed.

Sincerely,




David A. Lester

Affirmation of Request Party

The undersigned, being first duly sworn, hereby make oath or affirm that he is the Chief Executive Officer of ProHealth Hospice-Gadsden, LLC, has knowledge of the facts in this request, and to the best of his information, knowledge, and belief, such facts are true and correct.

Affiant:  (Seal)

Subscribed and sworn to before me this 11th day of October, 2018

Notary Public: 

My commission expires: 06/22/2019

