



Children's
of Alabama®

RV2025-010
RECEIVED

Nov 06 2024

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

November 6, 2024

VIA EMAIL

Ms. Emily Marsal
Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, Alabama 36104
shpda.online@shpda.alabama.gov

**Re: Request for Determination of Non-Reviewability
The Children's Hospital of Alabama (073-6530170)
Jefferson County, Alabama**

Dear Ms. Marsal:

On behalf of The Children's Hospital of Alabama ("COA"), a 332-bed pediatric hospital located in Birmingham, Alabama and pursuant to Alabama Certificate of Need ("CON") Program Rules and Regulations ("CON Rules"), including CON Rule § 410-1-7-.02, COA requests a determination by the Alabama State Health Planning and Development Agency ("SHPDA") that the proposed relocation of Children's on 3rd Outpatient Rehabilitation Center to another building located in Jefferson County, Alabama is not subject to certificate of need ("CON") review under *Ala Code* § 22-21-260 *et. seq.* and the CON Rules.

To complete your review, COA respectfully submits the following information:

Children's on 3rd Outpatient Rehabilitation Center is currently located at 1208 3rd Avenue South, Birmingham, Alabama 35294 and is proposing to relocate to Children's at Patriot Park Outpatient Services at 200 Wildwood Parkway, Homewood, Alabama 35209. The distance between the two locations is 5 miles. The relocation of the clinic will not involve (i) the addition or conversion of any beds, (ii) the acquisition of stock or assets, (iii) any change in services (iv) exceed expenditure thresholds as set forth in CON Rule 410-1-2-.07 and outlined below, or (v) any changes in staff, management, or service area of the clinic because of the proposed relocation.

Capital costs for the relocation are \$6,395,052 which includes \$5,500,00 construction; \$500,000 for furniture, fixtures, and equipment; and a first-year lease cost of \$395,052. The term of the lease is ten years. New annual operating costs are \$365,000 and there will be no new major

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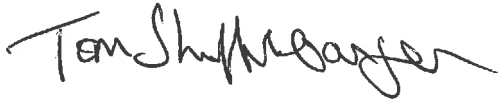
1600 7th Avenue South Birmingham, Alabama 35233 tel 205.638.9100 www.ChildrensAL.org

medical equipment. Therefore, the proposed relocation will not exceed any of the CON expenditure thresholds as set forth in CON Rule 410-1-2-.07, which effective October 1, 2024, are \$3,379,066 for major medical equipment; \$1,350,305 for new annual operating costs; and \$6,751,537 for other capital expenditures.

Based on the foregoing information we respectfully request SHPDA grant a determination of non-reviewability for the relocation of Children's on 3rd Outpatient Rehabilitation Center. Pursuant to CON Rule § 410-1-7-.02, a \$1,000.00 filing fee is being paid to the SHPDA via the online payment portal. A copy of the confirmation of payment is attached.

Thank you for your consideration. We welcome the opportunity to address any questions regarding this matter. Should you need further information, please contact Brian Massey at brian.massey@childrensal.org.

Sincerely,

A handwritten signature in black ink, reading "Tom Shufflebarger". The signature is fluid and cursive, with the first name "Tom" being more prominent.

Tom Shufflebarger
President and CEO
The Children's Hospital of Alabama

Affirmation of Requesting Party:

The undersigned, being first duly sworn, hereby make oath or affirm that he/she is [include position with entity requesting the determination], has knowledge of the facts in this request, and to the best of his/her/their information, knowledge and belief, such facts are true and correct.

Affiant Tom Shufflebarger

TOM SHUFFLEBARGER

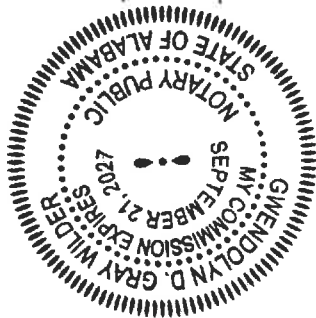
President and CEO

SUBSCRIBED AND SWORN to before me this 6th day of NOV.
2024

Gwendolyn D. Gray Wilder

Notary Public

My commission expires 9/21/2027



Your Receipt

PURCHASE RECEIPT**SHPDA**

PO Box 303025
Montgomery AL 36130-3025
(334)242-4109
bradford.williams@shpda.alabama.gov
OTC Local Ref ID: 125927542
11/6/2024 02:39 PM

Status: **APPROVED**
Customer Name: The Children's of Alabama
Account Number: **5672
Routing Number: 062000019

Items	Quantity	TPE Order ID	Total Amount
Letter of Non-Reviewability	1	104919956	\$1,000.00
Applicant Name: The Children's Hospital of Alabama			
Filing Date: 11/6/2024			
Phone Number: 205-638-9012			
Email Address: christi.napper@childrensal.org			
Total remitted to the SHPDA			\$1,000.00
Alabama total amount charged			\$1,004.00

I authorize "State of Alabama" to electronically debit my account.
Customer Copy



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of Alabama®

RV2025-010

RECEIVED

Nov 25 2024

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

November 25, 2024

VIA EMAIL

Ms. Emily Marsal
Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, Alabama 36104
shpda.online@shpda.alabama.gov

**Re: Request for Determination of Non-Reviewability (RV2025-010)
The Children's Hospital of Alabama (SHPDA ID: 073-6530170)
Jefferson County, Alabama**

Dear Ms. Marsal:

This letter is written in response to the above referenced Reviewability Determination Request and correspondence from SHPDA dated November 13, 2024, with the need for further clarification on several components of The Children's Hospital of Alabama's ("COA") request for facility relocation.

To complete your review, COA respectfully submits the following information:

- The request indicates that The Children's Hospital of Alabama seeks the relocation of Children's on 3rd Outpatient Rehabilitation Center in Birmingham, Alabama to Children's at Patriot Park Outpatient Services in Homewood, Alabama. Please provide clarification regarding the complete ownership structure for the proposed project.
 - Both Children's on 3rd Outpatient Rehabilitation Center and Children's at Patriot Park Outpatient Services are owned by COA and services rendered under COA's provider number. Both locations are in leased space.
- Please reference the Certificate of Need (CON) associated with this filing.
 - Please reference the attached December 16, 2009, communication from COA external legal counsel to the SHPDA Executive Director whereby the Executive Director confirmed only a letter of clarification would be required stating that the "existing PT/OT/SH/Rehab Services...will be moved to another functionally appropriate leased space" and that the "relocation of existing services to

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1600 7th Avenue South Birmingham, Alabama 35233 tel 205.638.9100 www.ChildrensAL.org

appropriate functional locations was contemplated in the CON application and covered by CON 2252-H".

- The applicant, Children's Hospital of Alabama is located at 1600 7th Avenue South in Birmingham, Alabama and Children's on 3rd Outpatient Rehabilitation Center is currently located at 1208 3rd Avenue South in Birmingham, Alabama. Please provide confirmation for this Agency concerning whether these two (2) locations are considered to be on the same campus.
 - Please reference the attached December 16, 2009, communication from COA external legal counsel to the SHPDA Executive Director stating that the "existing clinical PT/OT/SH/Rehab Services currently being performed on the third level of the Park Place parking deck will be moved to another functionally appropriate leased space within the Children's/UAB Medical Center District Complex at University Park, 1200 3rd Avenue South".
- Provide detailed information for this Agency concerning the types of outpatient therapy presently offered at Children's on 3rd Outpatient Rehabilitation Center at 1208 3rd Avenue South in Birmingham, Alabama.
 - Physical therapy; occupational therapy; and speech and hearing therapy are presently offered at Children's on 3rd Outpatient Rehabilitation Center.
- The referenced request estimates \$5,500,000.00 in construction costs. Please provide further details concerning the planned construction at Children's at Patriot Park Outpatient Services, the proposed site in Homewood, Alabama for the referenced relocation request.
 - COA will be renovating (e.g., wall construction, making bathrooms child-friendly, etc.) 27,245sf of open space at the Patriot Park location.

Thank you for your consideration. We welcome the opportunity to address any other questions regarding this matter.

Sincerely,



Tom Shufflebarger
President and CEO
The Children's Hospital of Alabama

LENORA W. PATE

ATTORNEY AT LAW

(205) 930-5162

lpate@sirote.com

S I R O T E
— & —
P E R M U T T
A PROFESSIONAL CORPORATION

December 16, 2009

RECEIVED

DEC. 16 2009

**STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY**

Alva M. Lambert
Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870 (36104)
P. O. Box 303025
Montgomery, AL 36130-3025

Re: CON Project AL2008-042/Certificate of Need 2252-H; Children's Hospital of Alabama
("Children's")
Statement of Clarification

Dear Mr. Lambert:

This is to follow up and confirm our discussions of December 8, 2009 regarding Children's Replacement Hospital CON Project AL2008-042 ("Project") relating to Certificate of Need 2252-H ("CON"), and specifically the construction of the pedestrian bridge connector to the Park Place parking deck building necessitating the move of certain existing services on level 3 of the Park Place building as contemplated in the CON Application ("Application") relating to the Project.

As we discussed, the Children's Replacement Hospital is currently under construction pursuant to CON 2252-H. The CON Application and CON 2252-H included the construction of a pedestrian bridge system to certain other Medical Center Complex facilities/buildings, including connection to the existing Park Place parking deck building, to better serve patients, families, visitors, employees, as well as connect to the existing Children's Hospital Facility.

The Park Place parking deck building is immediately north of the proposed new facility. The construction of the bridge connector to the Park Place parking deck is more fully described on pages 19 and 30 of the CON Application, and is shown on the Schematics in Attachment C of the Application on Level 2-2/16 and on the Stacking Diagram-North-South-16/16, showing the bridge connector at the third level of the Park Place parking deck building.

The CON Application contemplated that the construction of the connector bridge would necessitate clinical services being moved and placed in functional locations based upon service, staffing synergy, support services required, with the location of existing services to be appropriate with other services as a part of a comprehensive pediatric health system.

DOCSBHM\1673174\1\

LAW OFFICES AND MEDIATION CENTERS
2311 HIGHLAND AVENUE SOUTH BIRMINGHAM, ALABAMA 35205
POST OFFICE BOX 55727 BIRMINGHAM, ALABAMA 35255-5727

TELEPHONE | 205.930.5100 FAX | 205.930.5101 URL | <http://www.sirote.com>
B i r m i n g h a m | H u n t s v i l l e | M o b i l e

This is to confirm that to effectuate what was contemplated in the CON Application relating to the connector bridge system construction, the Physical Therapy/Occupational Therapy/Speech and Hearing/Rehab Services ("PT/OT/SH/Rehab Services") currently being provided on the third level of the Park Place parking deck is being moved, so that the bridge connector construction can proceed, in accordance with the CON Application and CON 2252-H.

This Statement of Clarification is to confirm our discussions on December 8, 2009, that the existing PT/OT/SH/Rehab Services currently being performed on the third level of the Park Place parking deck will be moved to another functionally appropriate leased space within the Children's/UAB Medical Center District Complex at University Park, 1200 3rd Avenue South, Birmingham, Alabama.

These existing clinical PT/OT/SH/Rehab Services will continue to be provided by Children's under the Children's Hospital provider number, with the cost of moving these clinical services to enable the construction of the pedestrian connector as contemplated in the CON Application being part of the Total Cost of the CON Project and estimated to be as follows:

- \$225,000.00 approximate lease costs for an annual 3 year minimum lease term with automatic renewal provisions is currently being negotiated;
- \$1.7 million for lease hold renovations and furnishings;
- \$183,000.00 approximate costs of new equipment in the University Park location;
- Additional annual operating costs increase to be no more than \$50,000.00.

Accordingly, the costs to move these existing clinical services so that the pedestrian bridge connector system can be constructed is not anticipated to result in an increase to the Total Cost of the Project, as set forth on page 5 of the Application.

Since the relocation of existing services to appropriate functional locations was contemplated in the CON Application and covered by CON 2252-H and the costs associated to effectuate such relocation will not result in any material increase to the Total Cost of the Project, you have confirmed that only a letter of clarification would be required and that no project modification pursuant to CON Rule 410-1-10-.03 would be required.

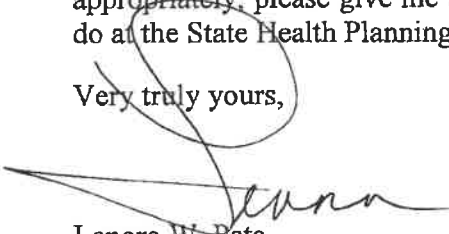
As recommended, however, Children's will include the costs, associated with this necessary move of the PT/OT/SH/Rehab Services to University Park from the Park Place parking deck building to effectuate the construction of the connector bridge, in its periodic progress reports of Project AL2008-042 to SHPDA.

Alva M. Lambert
December 16, 2009
Page 3

Thank you again for discussing this clarification, and for confirming that this Statement of Clarification should be filed at this time, with subsequent progress reports filed as required, to effectuate the intent of CON Project AL2008-042, including the move of existing clinical services pursuant to CON 2252-H.

If you have any questions regarding these discussions, or if I have not accurately described them appropriately, please give me a call immediately. As always, we greatly appreciate all that you do at the State Health Planning and Development Agency and your assistance in these matters.

Very truly yours,



Lenora W. Pate
FOR THE FIRM

LWP/ac



Children's
of Alabama®

RV2025-010

RECEIVED

Nov 26 2024

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

November 25, 2024

VIA EMAIL

Ms. Emily Marsal
Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, Alabama 36104
shpda.online@shpda.alabama.gov

**Re: Request for Determination of Non-Reviewability (RV2025-010)
The Children's Hospital of Alabama (SHPDA ID: 073-6530170)
Jefferson County, Alabama**

Dear Ms. Marsal:

As discussed with Bradford Williams, please reference the attached document for further information related to The Children's Hospital of Alabama's Letter of Non-Reviewability Request.

Thank you,

Brian Massey
Vice President, Government Relations
Children's of Alabama

Russell Campus

1600 7th Avenue South Birmingham, Alabama 35233 tel 205.638.9100 www.ChildrensAL.org



Hospital
073-6530170

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870

MONTGOMERY, ALABAMA 36104

December 30, 2016

Lenora W. Pate, Esquire
Sirote & Permutt, PC
P. O. Box 55727
Birmingham, AL 35255-5727

RE: RV2017-004
The Children's Hospital of Alabama

Dear Ms. Pate:

This is written in response to your letter received on November 14, 2016, regarding your request for The Children's Hospital ("Children's Hospital") to open a second location to provide existing hospital outpatient Physical Therapy/Occupational Therapy/Speech, and Hearing/Rehabilitation Center Services in a proposed new leased space at Magnolia Hall, 3600 Ridgeway Drive, Homewood, Alabama 35209. The same existing hospital outpatient Rehab Center Services currently provided at the Children's Third Avenue South location will also be provided at the proposed new location, with the exception of hearing services that may not be offered initially.

You state that Children's Hospital estimates that the proposal will involve only the following total approximate expenditures: Major Medical Equipment, \$141,950.77; New Operating Costs, \$189,995.20; Other Capital Expenditures, \$285,608.12, for Total Proposal Costs of \$617,554.09. This project will not result in the addition of any beds and does not involve the conversion of any beds. Based on this information, your request is approved.

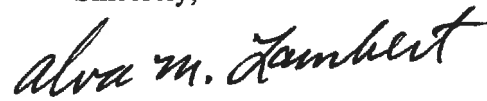
Pursuant to Rule 410-1-2-.05 of the *Alabama Certificate of Need Program Rules and Regulations* and according to the facts that have been provided, this approval is made with a clear understanding that this proposal will not result in the offering of any new health services or any capital expenditure in excess of the Certificate of Need capital expenditure thresholds, as they currently exist.

Pursuant to Rule 410-1-7.02 of the *Alabama Certificate of Need Program Rules and Regulations*, this opinion is for informational purposes only and is based on circumstances, as they currently exist. This approval is also based on the assumption that you have disclosed all pertinent information relative to this request. Should there be any deviations from the facts and premises

Lenora W. Pate, Esquire
RV2017-004
Page 2

which you provided to this Agency, and should circumstances prove to be other than represented, this letter will become null and void.

Sincerely,

A handwritten signature in black ink that reads "Alva M. Lambert". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Alva M. Lambert
Executive Director

AML/nh

cc: Kristin Norman, ADPH



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

November 17, 2016

NOTICE

RE: Request for Reviewability Determination – RV2017-004

This is written to notify you that the attached request for a letter of non-reviewability has been received. Any affected person may file comments regarding this request, per 410-1-7-.02 of the *Alabama Certificate of need Program Rules and Regulations*.

Enclosure: see attached



Sirote & Permutt, PC
2311 Highland Avenue South
Birmingham, AL 35205-2972

PO Box 55727
Birmingham, AL 35255-5727

Lenora W. Pate
Attorney at Law
lpate@sirote.com
Tel: 205-930-5162
Fax: 205-212-3801

November 10, 2016

VIA E-MAIL (shpda.online@shpda.alabama.gov)

ALVA M. LAMBERT
Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, AL 36140

Re: *The Children's Hospital of Alabama*
Request for Non-Reviewability Determination

Dear Mr. Lambert:

On behalf of The Children's Hospital of Alabama ("Children's Hospital") and pursuant to the Alabama Certificate of Need ("CON") Program Rules and Regulations ("CON Rules") § 410-1-7-.02 and § 410-1-3-.09, attached hereto as **Exhibit A** is a Request for your determination that the opening of a second new Children's Hospital leased location to provide existing hospital outpatient Physical Therapy/Occupational Therapy/Speech and Hearing/Rehabilitation Center Services ("PT/OT/SH/Rehab Services") does not require a CON in that it does not involve a new institutional health service or any expenditures in excess of the statutory thresholds requiring CON Review.

In accordance with CON Rule § 410-1-3-.09, a pdf copy of this Request is being submitted electronically on the 10th day of November, 2016, to shpda.online@shpda.alabama.gov; a paper original will be preserved in our files; and a fee of \$1,000.00 is being sent via overnight FedEx to SHPDA on the 10th day of November, 2016, for delivery on the next business day, Monday, November 14, 2016.

Please give me a call if you have any questions.

With kindest personal regards,



Lenora W. Pate
FOR THE FIRM

LWP/lcc
Enclosure



Alva M. Lambert
November 10, 2016
Page 2

c: Nicole Horn
Brad Williams
Mike McDevitt
Christi Napper

EXHIBIT A

**BEFORE THE STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY OF THE STATE OF ALABAMA§**

IN THE MATTER OF:

THE CHILDREN'S HOSPITAL OF ALABAMA

)
)
)
)
)

**Request for Non-Reviewability
Determination
RV-_____**

REQUEST FOR NON-REVIEWABILITY DETERMINATION

On behalf of The Children's Hospital of Alabama ("Children's Hospital") and pursuant to the Alabama Certificate of Need Program Rules and Regulations ("CON Rules") § 410-1-7-.02 and § 410-1-3-.09, and Alabama Code § 22-21-260, *et.seq.*, this Request is hereby filed with the State Health Planning and Development Agency ("SHPDA") for a determination that Children's Hospital's proposal, more fully described herein, to open a second Children's Hospital location to provide its existing hospital outpatient Physical Therapy/Occupational Therapy/Speech and Hearing/Rehabilitation Center Services ("PT/OT/SH/Rehab Center Services") in a proposed new leased space at 3600 Ridgeway Drive, Homewood, Alabama, 35209, is not subject to CON Review for the reasons stated below, and that no CON is required for this Proposal ("Proposal").

The following factual and legal information is hereby included in support of this Request, and a Children's Hospital check in the amount of \$1,000.00 made payable to the State Health Planning and Development Agency is being filed in accordance with CON Rule § 410-1-3-.09, simultaneously with SHPDA, as the required filing fee for this Request pursuant to CON Rule § 410-1-7-.02.

PROPOSAL

I. Facts:

1.1 Children's Hospital is a not-for-profit Pediatric Specialty Hospital located in Birmingham, Alabama in Jefferson County. In addition to providing the total scope of pediatric specialty services for the citizens of Alabama, Children's Hospital also currently offers and provides ,

and has continuously provided since the 1990's, existing hospital outpatient Physical Therapy/Occupational Therapy/Speech and Hearing/Rehabilitation Center Services.

1.2 Children's Hospital's existing hospital outpatient PT/OT/SH Rehab Center Services are currently provided exclusively at its University Park, 1208 Third Avenue South, Birmingham, Alabama, 35233 location. ("Children's Third Avenue South PT/OT/SH/Rehab Center Services" or "Children's Third Avenue South Location").

1.3 All existing Children's Third Avenue South PT/OT/SH/Rehab Center Services are currently owned and operated exclusively by Children's Hospital; provided by Children's Hospital Medical Services Staff and Children's Hospital clinical therapy staff; and billed under the Children's Hospital's provider number.

1.4 Children's Hospital proposes to own and operate a new second leased location, to provide its existing hospital outpatient PT/OT/SH/Rehab Center Services, at Magnolia Hall, 3600 Ridgeway Drive, Homewood, Alabama, 35209, ("Children's Lakeshore PT/OT/SH/Rehab Center Services" or "Children's Lakeshore Location").

1.5 The same existing hospital outpatient PT/OT/SH Rehab Center Services currently provided at the Children's Third Avenue South location will also be provided at the proposed new Children's Lakeshore Location, with the exception of hearing services that may not be offered at the Children's Lakeshore Location initially, but may be in the future.

1.6 The Children's Hospital PT/OT/SH/Rehab Center Services proposed to be offered and provided in the new leased Children's Lakeshore Location will also be owned and operated exclusively by Children's Hospital; provided by Children's Hospital Medical Services Staff and Children's Hospital clinical therapy staff; and billed under the Children's Hospital provider number.

1.7 Children's Hospital proposes to lease 4,555 square feet of space in Magnolia Hall, owned by the Lakeshore Foundation, for an initial five (5) year lease term, upon commercially reasonable terms to be finalized and executed upon approval of this Request by SHPDA.

1.8 Children's Hospital proposes to use its existing outpatient Medical Services Staff, and its clinical therapy staff from the Children's Hospital Third Avenue South Location at the new proposed Children's Lakeshore Location, with no new Children's clinical therapy staff being hired for the Children's Lakeshore Location; however, Children's will hire new clerical registration staff to be located at the new proposed Children's Lakeshore Location.

1.9 Children's Medical Staff Services, currently provided by the UAB Division of Pediatric Medicine, and substantially similar Children's clinical therapy staff services currently provided at the Children's Third Avenue Location will also be provided at the new proposed Children's Lakeshore Location with some, or all, of the Children's Hospital clinical therapy staff traveling between the two Children's locations.

1.10 Although the new proposed Children's Lakeshore Location will be open full-time, just as the Children's Third Avenue South Location, the specific clinical specialty services may be provided on alternate dates between the Children's Lakeshore Location and the Children's Third Avenue South Location, if necessary to accommodate staffing scheduling ratios.

1.11 The existing outpatient Medical Director for the Children's Third Avenue South Location will provide Medical Director Rehabilitation Center Services for both the Children's Third Avenue South Location and the new proposed Children's Lakeshore Location.

1.12 The proposed expenditures associated with this Proposal fall well below the statutory expenditure thresholds for CON Review set forth in Alabama Code § 22-21-263, and CON Rules § 410-1-4-.01, as indexed and set forth in SHPDA's September 19, 2016 Memorandum, as follows:

Major Medical Equipment:	\$2,923,059
New Operating Costs:	\$1,169,223
Other Capital Expenditure:	\$5,846,117

1.13 Children's Hospital estimates that the Proposal will involve **only** the following total approximate expenditures:

Major Medical Equipment:	\$141,950.77
---------------------------------	---------------------

New Operating Costs:	\$189,995.20
Other Capital Expenditure:	\$285,608.12
Total Proposal Costs:	\$617,554.09

1.14 This Children's Proposal, therefore, does not trigger any statutory expenditure thresholds for CON Review, per Alabama Code § 22-21-263, as indexed.

1.15 This Proposal is necessary to alleviate existing space shortage at the Children's Hospital Third Avenue South Location, and to provide the unique environment for children and adolescents with physical disabilities at the new proposed leased Children's Lakeshore Location.

2. Legal Analysis.

2.1 This Proposal does not involve a "new institutional health service", by or on behalf of a healthcare facility, subject to CON Review as set forth in § 22-21-263 of the Alabama Code and CON Rule § 410-1-4-.01, in that the Proposal does not include:

(a) the construction, development, acquisition through lease or purchase or other establishment of a new health care facility or health maintenance organization; or

(b) any expenditure by or on behalf of a health care facility which as a capital expenditure exceeds the CON statutory threshold for major medical equipment, new annual operating costs, or any other capital expenditure by or on behalf of a health care facility;

(c) the addition of any new healthcare facility beds or stations; or

(d) any health service which is proposed to be offered in or through Children's Hospital which was not offered on a regular basis in or through Children's Hospital within the preceding twelve (12) month period;

(e) any other reviewable event under the existing CON Laws, Rules, or Regulations of the State of Alabama.

2.2 This Proposal merely involves new leased space by Children's Hospital for a new proposed Children's Lakeshore Location to alleviate space shortage at the Children's Third Avenue South Location for the provision of Children's existing hospital Outpatient PT/OT/SH/Rehab Center Services at

both locations, using the same Children's Hospital Medical Services Staff and Children's Hospital outpatient clinical therapy staff.

3. Conclusion and Request.

3.1 This Proposal does not involve a new institutional health service subject to CON Review pursuant to CON Rules § 410-1-4.01 *et. seq.* and § 22-21-260, *et. seq.* of the Alabama Code. Children's Hospital is merely proposing: to open and operate a new proposed Children's Lakeshore Location to alleviate existing space shortage at Children's Third Avenue South Location; to provide existing hospital outpatient PT/OT/SH/ Rehab Center Services at both Children's Hospital locations; to use existing Children's Hospital Medical Services Staff and existing Children's Hospital outpatient clinical therapy staff for both the Children's Third Avenue South Location and the new proposed Children's Lakeshore Location; to bill under the Children's Hospital provider number all PT/OT/SH/ Rehab Services at both locations; without any expenditure in excess of the current CON expenditure thresholds or any other new institutional health service or reviewable event under the existing CON Rules or Regulations.

3.2 Therefore, this Proposal is ~~due to be determined~~ as non-reviewable in accordance with the Alabama CON Laws, Rules, and Regulations.

Respectfully submitted this the __ day of November, 2016,



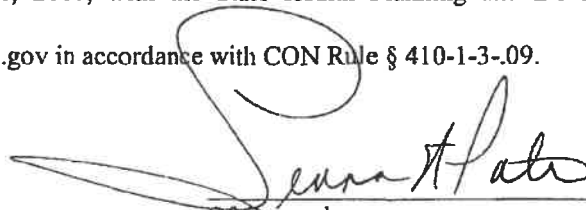
Lenora W. Pate
Attorney for The Children's Hospital of Alabama

OF COUNSEL:

Sirote & Permutt, P.C.
2311 Highland Avenue South
Birmingham, Alabama 35205
205.930.5162

CERTIFICATE OF SERVICE

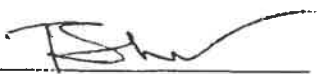
I hereby certify that a PDF copy of the above and foregoing Exhibit A was electronically filed this the 10th day of November, 2016, with the State Health Planning and Development Agency via shpda.online@shpda.alabama.gov in accordance with CON Rule § 410-1-3-.09.



Of Counsel

Affirmation of Requesting Party:

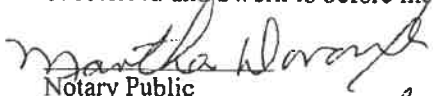
The Undersigned, being first duly sworn, hereby makes oath or affirms that he, **TOM SHUFFLEBARGER**, the Chief Operating Officer of the Children's Hospital of Alabama, has knowledge of the facts in this Request, and to the best of his information, knowledge and belief such facts are true and correct.

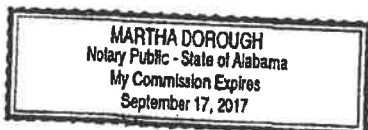


Tom Shufflebarger

Seal

Subscribed and Sworn to before me this the 10th day of November, 2016


Notary Public
My Commission Expires: Sept 17, 2017



Type Facility: Nursing H

Jefferson
Co

~~/~~ BIBB MEDICAL CENTER NURSING HOME
208 PIERSON AVE
CENTREVILLE AL 35042

~~/~~ TLC NURSING CENTER
PO BOX 698
ONEONTA AL 35121

~~/~~ TERRACE OAKS CARE & REHAB CTR
4201 BESSEMER SUPER HIGHWAY
BESSEMER AL 35020

~~/~~ MOUNT ROYAL TOWERS
300 ROYAL TOWERS DR
BIRMINGHAM AL 35209

~~/~~ PLANTATION MANOR NURSING HOME
PO BOX 97
MCCALLA AL 35111

~~/~~ SELF HEALTH CARE & REHAB CENTER INC
131 E CREST RD
HUEYTOWN AL 35023

~~/~~ ST. MARTINS IN THE PINES
4941 MONTEVALLO RD
BIRMINGHAM AL 35210

~~/~~ *Applicant*
CHILDREN'S HOSP OF AL OUTPATIENT REHAB CTR
1208 THIRD AVE SOUTH
BIRMINGHAM AL 35233

~~/~~ CHAMPION SPORTS MEDICINE & REHAB CTR
8000 LIBERTY PARKWAY STE 108
VESTAVIA AL 35242

~~/~~ OAK TRACE CARE & REHAB CTR
325 SELMA RD
BESSEMER AL 35020

~~/~~ GREENBRIAR AT THE ALTAMONT
600 CORPORATE PKWY STE 100
BIRMINGHAM AL 35242

~~/~~ BIRMINGHAM NURSING & REHAB CTR
1000 DUGAN AVE
BIRMINGHAM AL 35214

~~/~~ DIVERSICARE OF BESSEMER
820 GOLF COURSE RD
BESSEMER AL 35022

~~/~~ KIRKWOOD BY THE RIVER
3605 RATLIFF RD
BIRMINGHAM AL 35210

~~/~~ DIVERSICARE OF ONEONTA
215 VALLEY RD
ONEONTA AL 35121

~~/~~ SOUTH HAVEN HEALTH AND REHAB
3141 OLD COLUMBIANA ROAD
HOOVER AL 35226

~~/~~ EASTVIEW HEALTHCARE CENTER
7755 FOURTH AVENUE SOUTH
BIRMINGHAM AL 35206

~~/~~ ARLINGTON REHABILITATION & HEALTHCARE CTR
1020 TUSCALOOSA AVE SW
BIRMINGHAM AL 35211

~~/~~ OAKS ON PARKWOOD SKILLED NURSING
600 CORPORATE PKWY STE 100
BIRMINGHAM AL 35242

~~/~~ EAST GLEN
600 CORPORATE PKWY STE 100
BIRMINGHAM AL 35242

~~/~~ MAGNOLIA RIDGE CARE & REHAB CENTER
420 DEAN DRIVE
GARDENDALE AL 35071

~~/~~ CHERRY HILL REHAB & HEALTHCARE CENTER
1250 JEFF GERMANY PARKWAY
BIRMINGHAM AL 35214

~~/~~ CHAMPION SPORTS MEDICINE & REHAB CTR
592 FIELDSTOWN RD STE 108
GARDENDALE AL 35071

~~/~~ CIVIC CENTER HEALTH AND REHAB LLC
1201 NORTH 22ND ST
BIRMINGHAM AL 35234

~~/~~ BIRMINGHAM NURSING AND REHAB CTR EAST
733 MARY VANN LN
BIRMINGHAM AL 35215

~~/~~ BARON HOUSE OF HUEYTOWN
190 BROOKLANE DR
HUEYTOWN AL 35023

~~/~~ LEGACY HEALTH & REHAB OF PLEASANT GROVE
30 SEVENTH STREET
PLEASANT GROVE AL 35127

~~/~~ CAREGIVERS OF PLEASANT GROVE INC
700 FIRST AVENUE
PLEASANT GROVE AL 35127

Type Facility: Related F

~~B~~ROOKDALE THERAPY UNIVERSITY PARK
400 UNIVERSITY PARK DR
BIRMINGHAM AL 35209

~~S~~OUTH HEALTH AND REHABILITATION
1220 SOUTH SEVENTEENTH ST
BIRMINGHAM AL 35205

~~F~~AIRVIEW HEALTH & REHABILITATION CTR
1028 BESSEMER RD
BIRMINGHAM AL 35228

~~F~~AIR HAVEN RETIREMENT CTR
1424 MONTCLAIR ROAD
BIRMINGHAM AL 35210

~~D~~IVERSICARE OF RIVERCHASE
2500 RIVERHAVEN DR
BIRMINGHAM AL 35244

~~R~~ESTORE VESTAVIA
300 ROYAL TOWER DR
VESTAVIA AL 35209

~~C~~HAMPION SPORTS MEDICINE & REHAB CTR
805 ST VINCENT'S DRIVE STE G100
BIRMINGHAM AL 35205

~~S~~ELECT PHYSICAL THERAPY
553 BROOKWOOD VILLAGE
BIRMINGHAM AL 35209

~~C~~HAMPION SPORTS MEDICINE-GREYSTONE
201 DOUG BAKER BOULEVARD
BIRMINGHAM AL 35242

~~C~~HANDLER HEALTH AND REHAB CTR
850 9TH ST NW
ALABASTER AL 35007

~~M~~EADOWBROOK EXTENDED CARE
700 CORPORATE RIDGE DRIVE
BIRMINGHAM AL 35242

~~C~~OLUMBIANA HEALTH AND REHAB
22969 HWY 25
COLUMBIANA AL 35051

~~V~~ILLAGE AT COOK SPRINGS REHAB CTR
415 COOK SPRINGS RD
PELL CITY AL 35125

~~H~~EALTH CARE INC
PO BOX 130
ASHVILLE AL 35953

~~N~~ORTHWAY HEALTH AND REHABILITATION
1424 N 25TH ST
BIRMINGHAM AL 35234

~~O~~AK KNOLL HEALTH & REHABILITATION
824 SIXTH AVENUE WEST
BIRMINGHAM AL 35204

~~G~~ALLERIA WOODS RETIREMENT COMMUNITY
3850 GALLERIA WOODS DRIVE
BIRMINGHAM AL 35244

~~B~~ROOKDALE PLACE UNIVERSITY PARK
501 UNIVERSITY PARK DR
BIRMINGHAM AL 35209

~~A~~SPIRE PHYSICAL RECOVERY CTR AT HOOVER
575 SOUTHLAND DR
HOOVER AL 35226

~~N~~ORTH HILL NURSING AND REHAB CTR
200 N PINE HILL RD
BIRMINGHAM AL 35217

~~T~~RUSSVILLE HEALTH & REHABILITATION CTR
119 WATTERSON PARKWAY
TRUSSVILLE AL 35173

~~A~~SPIRE PHYSICAL RECOVERY CTR AT CAHABA RIVER
LLC
3070 HEALTH WAY
VESTAVIA AL 35242

~~R~~EHABCARE
100 SHADOW WOOD PARK STE B
BIRMINGHAM AL 35244

~~S~~HELBY RIDGE NURSING HOME
881 3rd ST NE
ALABASTER AL 35007

~~I~~MIMPACT REHAB AND SPORTS MEDICINE
101 CARRINGTON STE C
CALERA AL 35040

~~M~~EADOWVIEW NURSING CENTER
7300 OLD HWY 78 WEST
PELL CITY AL 35128

~~D~~IVERSICARE OF PELL CITY
510 WOLF CREEK RD NORTH
PELL CITY AL 35125

~~V~~ILLAGE AT COOK SPRINGS SKILLED NURSING
600 CORPORATE PKWY STE 100
BIRMINGHAM AL 35242

Type Facility: Nursing H

~~/~~COLONEL ROBERT L HOWARD STATE VETERANS HOME
7054 VETERANS PARKWAY
PELL CITY AL 35125

~~/~~COLIN LUKE ESQUIRE
~~/~~1901 SIXTH AVENUE N STE 1400
BIRMINGHAM AL 35203

~~/~~DAVID BELSER ESQUIRE
2865 ZELDA ROAD
MONTGOMERY AL 36106

~~/~~ZACHARY TROTTER ESQUIRE
1901 SIXTH AVENUE NORTH STE 1400
BIRMINGHAM AL 35203

~~/~~DEBORAH EARLY
1819 FIFTH AVE NORTH
BIRMINGHAM AL 35203

~~/~~DAN MURPHY ESQUIRE
1819 FIFTH AVE NORTH
BIRMINGHAM AL 35203

~~/~~ANNE MORRISON-LOW
1901 6TH AVE N STE 1500
BIRMINGHAM AL 35203

~~/~~RACHEL S BYRD ESQUIRE
1819 FIFTH AVE NORTH
BIRMINGHAM AL 35203

~~/~~GARY GRIFFIN
PO BOX 8551
GADSDEN AL 35902

~~/~~NORMAN WALKER ESQUIRE
PO BOX 78
MONTGOMERY AL 36101

~~/~~KATRINA MAGDON
4156 CARMICHAEL RD
MONTGOMERY AL 36106

~~/~~JOHN G BEARD PRESIDENT
2400 JOHN HAWKINS PARKWAY STE 104
BIRMINGHAM AL 35244

~~/~~MICHAEL COLE ESQUIRE
PO BOX 710
ATHENS AL 35612

~~/~~SCOTT BROOKINS
P O BOX 13085
TALLAHASSEE FL 32317
-3085

~~/~~LARITA MCGEE
PO DRAWER 5130
MONTGOMERY AL 36103
-5130

~~/~~STEPHEN PRESTON
1500 URBAN CENTER DRIVE STE 450
VESTAVIA AL 35242
HILLS

~~/~~JUDD A HARWOOD ESQUIRE
1819 FIFTH AVE NORTH
BIRMINGHAM AL 35203

~~/~~KRISTEN LARREMORE ESQUIRE
1901 SIXTH AVENUE NORTH STE 1400
BIRMINGHAM AL 35203

~~/~~CAREY M JOHNSON
1819 FIFTH AVE NORTH
BIRMINGHAM AL 35203

~~/~~KELLI FLEMING ESQUIRE
420 NORTH 20TH ST STE 3400
BIRMINGHAM AL 35203

~~/~~HOLLY S HOSFORD ESQUIRE
1819 FIFTH AVE NORTH
BIRMINGHAM AL 35203

~~/~~HENRY DAVIS
PO BOX 5624
MONTGOMERY AL 36103
-5624

~~/~~CAREY B MCRAE ESQUIRE
1819 FIFTH AVE NORTH
BIRMINGHAM AL 35203

Applicant Contact
~~/~~LENORA W PATE ESQUIRE
PO BOX 55727
BIRMINGHAM AL 35255
-5727

~~/~~JACK B LEVY ESQUIRE
1819 FIFTH AVENUE NORTH
BIRMINGHAM AL 35203

~~/~~FRANK G WILLIFORD
8949 GLENN ROSE WAY
MONTGOMERY AL 36117

~~/~~JENNIFER H CLARK ESQUIRE
1819 FIFTH AVE NORTH
BIRMINGHAM AL 35203

~~/~~FOREST MANOR INC
2215 32ND ST
NORTHPORT AL 35476

Type Facility: Nursing H

✓PARK MANOR HEALTH AND REHAB LLC
2201 MCFARLAND BLVD
NORTHPORT AL 35476

✓GLEN HAVEN HEALTH AND REHAB LLC
2201 32nd STREET
NORTHPORT AL 35476

✓ASPIRE PHYSICAL RECOVERY CTR OF W ALABAMA
2400 HOSPITAL DR
NORTHPORT AL 35476

✓RIDGEVIEW HEALTH SERVICES
907 11TH STREET NE
JASPER AL 35504

✓RIDGEWOOD HEALTH SERVICES INC
201 OAKHILL RD
JASPER AL 35504

✓WALKER REHABILITATION CENTER
41899 HWY 195
HALEYVILLE AL 35565

✓HUNTER CREEK HEALTH AND REHABILITATION
600 34th STREET
NORTHPORT AL 35473

✓TUSCALOOSA REHABILITATION & HAND CENTER
5690 WATERMELON RD STE 100
NORTHPORT AL 35473

✓HERITAGE HEALTH CARE & REHAB INC
1101 SNOWS MILL AVE
TUSCALOOSA AL 35406

✓CHAMPION SPORTS MEDICINE REHAB CTR JASPER
1705 78 EAST STE 500
JASPER AL 35501

✓CORDOVA HEALTH & REHABILITATION
70 HIGHLAND STREET WEST
CORDOVA AL 35550

✓SHADESCREST HEALTH CARE CENTER
PO BOX 1012
JASPER AL 35501

96 Facilities

Applicant
Lenora W. Pate, ESQ.
Sirote & Permutt PC
2311 Highland Ave. S
Bham, AL 35205



Sirote & Permutt, PC
2311 Highland Avenue South
Birmingham, AL 35205-2972

PO Box 55727
Birmingham, AL 35255-5727

Lenora W. Pate
Attorney at Law
lpate@sirote.com
Tel: 205-930-5162
Fax: 205-212-3801

November 10, 2016

VIA FEDERAL EXPRESS

Alva M. Lambert
Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, AL 36140


**Re: *The Children's Hospital of Alabama ("Children's Hospital")
Request for Non-Reviewability Determination ("Request")***

Dear Mr. Lambert:

Pursuant to ALA.ADMIN.CODE r.410-1-7-.02 (Request for Reviewability Determination), enclosed is the required filing fee in the amount of \$1,000 in connection with the Request for Non-Reviewability Determination ("Request") referenced above for your determination that the opening of a second new Children's Hospital leased location to provide existing hospital outpatient Physical Therapy/Occupational Therapy/Speech and Hearing/Rehabilitation Center Services does not require a CON in that it does not involve a new institutional health service or any expenditures in excess of the statutory expenditure thresholds requiring CON Review.

The Request was filed electronically pursuant to ALA.ADMIN CODE r. 410-1-3.09 (Electronic Filing) on behalf of the Children's Hospital with the State Health Planning and Development Agency via shpda.online@shpda.alabama.gov on the 10th day of November, 2016, and this filing fee is being sent via overnight FedEx to SHPDA on the 10th day of November, 2016, for delivery on the next business day, Monday, November 14, 2016, in accordance with the CON Rules.

Very truly yours,



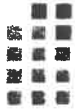
Lenora W. Pate
FOR THE FIRM

LWP/lcc
Enclosure

Birmingham Huntsville Mobile Pensacola

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sirote.com



Alva M. Lambert
November 10, 2016
Page 2

c: Nicole Horn
Brad Williams
Christi Napper
Mike McDevitt



Sirote & Permutt, PC
2311 Highland Avenue South
Birmingham, AL 35205-2972

PO Box 55727
Birmingham, AL 35255-5727

Lenora W. Pate
Attorney at Law
lpate@sirote.com
Tel: 205-930-5162
Fax: 205-212-3801

November 10, 2016

VIA E-MAIL (shpda.online@shpda.alabama.gov)

ALVA M. LAMBERT
Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, AL 36140

**Re: *The Children's Hospital of Alabama
Request for Non-Reviewability Determination***

Dear Mr. Lambert:

On behalf of The Children's Hospital of Alabama ("Children's Hospital") and pursuant to the Alabama Certificate of Need ("CON") Program Rules and Regulations ("CON Rules") § 410-1-7-.02 and § 410-1-3-.09, attached hereto as **Exhibit A** is a Request for your determination that the opening of a second new Children's Hospital leased location to provide existing hospital outpatient Physical Therapy/Occupational Therapy/Speech and Hearing/Rehabilitation Center Services ("PT/OT/SH/Rehab Services") does **not** require a CON in that it does not involve a new institutional health service or any expenditures in excess of the statutory thresholds requiring CON Review.

In accordance with CON Rule § 410-1-3-.09, a pdf copy of this Request is being submitted electronically on the 10th day of November, 2016, to shpda.online@shpda.alabama.gov; a paper original will be preserved in our files; and a fee of \$1,000.00 is being sent via overnight FedEx to SHPDA on the 10th day of November, 2016, for delivery on the next business day, Monday, November 14, 2016.

Please give me a call if you have any questions.

With kindest personal regards,



Lenora W. Pate
FOR THE FIRM

LWP/lcc
Enclosure

Birmingham Huntsville Mobile Pensacola

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sirote.com



Alva M. Lambert
November 10, 2016
Page 2

c: Nicole Horn
Brad Williams
Mike McDevitt
Christi Napper

EXHIBIT A

**BEFORE THE STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY OF THE STATE OF ALABAMA§**

IN THE MATTER OF:)	
)	
THE CHILDREN'S HOSPITAL OF ALABAMA)	Request for Non-Reviewability
)	Determination
)	RV-_____

REQUEST FOR NON-REVIEWABILITY DETERMINATION

On behalf of The Children's Hospital of Alabama ("Children's Hospital") and pursuant to the Alabama Certificate of Need Program Rules and Regulations ("CON Rules") § 410-1-7-.02 and § 410-1-3-.09, and Alabama Code § 22-21-260, *et seq.*, this Request is hereby filed with the State Health Planning and Development Agency ("SHPDA") for a determination that Children's Hospital's proposal, more fully described herein, to open a second Children's Hospital location to provide its existing hospital outpatient Physical Therapy/Occupational Therapy/Speech and Hearing/Rehabilitation Center Services ("PT/OT/SH/Rehab Center Services") in a proposed new leased space at 3600 Ridgeway Drive, Homewood, Alabama, 35209, is not subject to CON Review for the reasons stated below, and that no CON is required for this Proposal ("Proposal").

The following factual and legal information is hereby included in support of this Request, and a Children's Hospital check in the amount of \$1,000.00 made payable to the State Health Planning and Development Agency is being filed in accordance with CON Rule § 410-1-3-.09, simultaneously with SHPDA, as the required filing fee for this Request pursuant to CON Rule § 410-1-7-.02.

PROPOSAL

1. Facts:

1.1 Children's Hospital is a not-for-profit Pediatric Specialty Hospital located in Birmingham, Alabama in Jefferson County. In addition to providing the total scope of pediatric specialty services for the citizens of Alabama, Children's Hospital also currently offers and provides ,

and has continuously provided since the 1990's, existing hospital outpatient Physical Therapy/Occupational Therapy/Speech and Hearing/Rehabilitation Center Services.

1.2 Children's Hospital's existing hospital outpatient PT/OT/SH Rehab Center Services are currently provided exclusively at its University Park, 1208 Third Avenue South, Birmingham, Alabama, 35233 location. ("Children's Third Avenue South PT/OT/SH/Rehab Center Services" or "Children's Third Avenue South Location").

1.3 All existing Children's Third Avenue South PT/OT/SH/Rehab Center Services are currently owned and operated exclusively by Children's Hospital; provided by Children's Hospital Medical Services Staff and Children's Hospital clinical therapy staff; and billed under the Children's Hospital's provider number.

1.4 Children's Hospital proposes to own and operate a new **second** leased location, to provide its existing hospital outpatient PT/OT/SH/Rehab Center Services, at Magnolia Hall, 3600 Ridgeway Drive, Homewood, Alabama, 35209, ("Children's Lakeshore PT/OT/SH/Rehab Center Services" or "Children's Lakeshore Location").

1.5 The same existing hospital outpatient PT/OT/SH Rehab Center Services currently provided at the Children's Third Avenue South location will also be provided at the proposed new Children's Lakeshore Location, with the exception of hearing services that may not be offered at the Children's Lakeshore Location initially, but may be in the future.

1.6 The Children's Hospital PT/OT/SH/Rehab Center Services proposed to be offered and provided in the new leased Children's Lakeshore Location will also be owned and operated exclusively by Children's Hospital; provided by Children's Hospital Medical Services Staff and Children's Hospital clinical therapy staff; and billed under the Children's Hospital provider number.

1.7 Children's Hospital proposes to lease 4,555 square feet of space in Magnolia Hall, owned by the Lakeshore Foundation, for an initial five (5) year lease term, upon commercially reasonable terms to be finalized and executed upon approval of this Request by SHPDA.

1.8 Children's Hospital proposes to use its existing outpatient Medical Services Staff, and its clinical therapy staff from the Children's Hospital Third Avenue South Location at the new proposed Children's Lakeshore Location, with no new Children's clinical therapy staff being hired for the Children's Lakeshore Location; however, Children's will hire new clerical registration staff to be located at the new proposed Children's Lakeshore Location.

1.9 Children's Medical Staff Services, currently provided by the UAB Division of Pediatric Medicine, and substantially similar Children's clinical therapy staff services currently provided at the Children's Third Avenue Location will also be provided at the new proposed Children's Lakeshore Location with some, or all, of the Children's Hospital clinical therapy staff traveling between the two Children's locations.

1.10 Although the new proposed Children's Lakeshore Location will be open **full-time**, just as the Children's Third Avenue South Location, the specific clinical specialty services may be provided on alternate dates between the Children's Lakeshore Location and the Children's Third Avenue South Location, if necessary to accommodate staffing scheduling ratios.

1.11 The existing outpatient Medical Director for the Children's Third Avenue South Location will provide Medical Director Rehabilitation Center Services for both the Children's Third Avenue South Location and the new proposed Children's Lakeshore Location.

1.12 The proposed expenditures associated with this Proposal fall well below the statutory expenditure thresholds for CON Review set forth in Alabama Code § 22-21-263, and CON Rules § 410-1-4-.01, as indexed and set forth in SHPDA's September 19, 2016 Memorandum, as follows:

Major Medical Equipment:	\$2,923,059
New Operating Costs:	\$1,169,223
Other Capital Expenditure:	\$5,846,117

1.13 Children's Hospital estimates that the Proposal will involve **only** the following total approximate expenditures:

Major Medical Equipment:	\$141,950.77
---------------------------------	---------------------

New Operating Costs:	\$189,995.20
Other Capital Expenditure:	\$285,608.12
Total Proposal Costs:	\$617,554.09

1.14 This Children's Proposal, therefore, does not trigger any statutory expenditure thresholds for CON Review, per Alabama Code § 22-21-263, as indexed.

1.15 This Proposal is necessary to alleviate existing space shortage at the Children's Hospital Third Avenue South Location, and to provide the unique environment for children and adolescents with physical disabilities at the new proposed leased Children's Lakeshore Location.

2. Legal Analysis.

2.1 This Proposal does not involve a "new institutional health service", by or on behalf of a healthcare facility, subject to CON Review as set forth in § 22-21-263 of the Alabama Code and CON Rule § 410-1-4-.01, in that the Proposal does not include:

(a) the construction, development, acquisition through lease or purchase or other establishment of a new health care facility or health maintenance organization; or

(b) any expenditure by or on behalf of a health care facility which as a capital expenditure exceeds the CON statutory threshold for major medical equipment, new annual operating costs, or any other capital expenditure by or on behalf of a health care facility;

(c) the addition of any new healthcare facility beds or stations; or

(d) any health service which is proposed to be offered in or through Children's Hospital which was not offered on a regular basis in or through Children's Hospital within the preceding twelve (12) month period;

(e) any other reviewable event under the existing CON Laws, Rules, or Regulations of the State of Alabama.

2.2 This Proposal merely involves new leased space by Children's Hospital for a new proposed Children's Lakeshore Location to alleviate space shortage at the Children's Third Avenue South Location for the provision of Children's existing hospital Outpatient PT/OT/SH/Rehab Center Services at

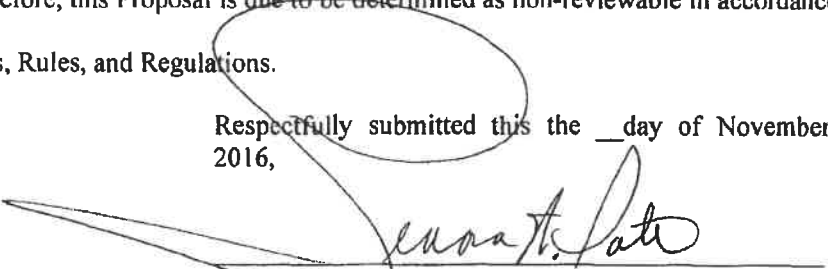
both locations, using the same Children's Hospital Medical Services Staff and Children's Hospital outpatient clinical therapy staff.

3. Conclusion and Request.

3.1 This Proposal does not involve a new institutional health service subject to CON Review pursuant to CON Rules § 410-1-4.01 *et. seq.* and § 22-21-260, *et. seq.* of the Alabama Code. Children's Hospital is merely proposing: to open and operate a new proposed Children's Lakeshore Location to alleviate existing space shortage at Children's Third Avenue South Location; to provide existing hospital outpatient PT/OT/SH/ Rehab Center Services at both Children's Hospital locations; to use existing Children's Hospital Medical Services Staff and existing Children's Hospital outpatient clinical therapy staff for both the Children's Third Avenue South Location and the new proposed Children's Lakeshore Location; to bill under the Children's Hospital provider number all PT/OT/SH/ Rehab Services at both locations; without any expenditure in excess of the current CON expenditure thresholds or any other new institutional health service or reviewable event under the existing CON Rules or Regulations.

3.2 Therefore, this Proposal is ~~due to be determined~~ as non-reviewable in accordance with the Alabama CON Laws, Rules, and Regulations.

Respectfully submitted this the ____ day of November,
2016,



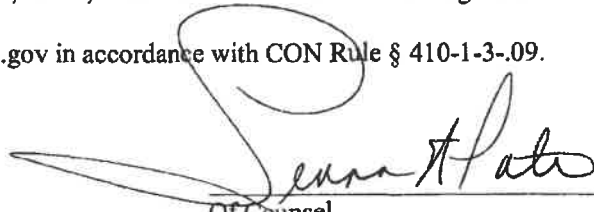
Lenora W. Pate
Attorney for The Children's Hospital of Alabama

OF COUNSEL:

Sirote & Permutt, P.C.
2311 Highland Avenue South
Birmingham, Alabama 35205
205.930.5162

CERTIFICATE OF SERVICE

I hereby certify that a PDF copy of the above and foregoing Exhibit A was electronically filed this the 10th day of November, 2016, with the State Health Planning and Development Agency via shpda.online@shpda.alabama.gov in accordance with CON Rule § 410-1-3-.09.



Of Counsel

Affirmation of Requesting Party:

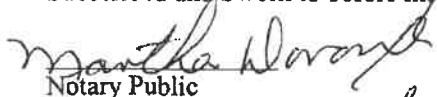
The Undersigned, being first duly sworn, hereby makes oath or affirms that he, **TOM SHUFFLEBARGER**, the Chief Operating Officer of the Children's Hospital of Alabama, has knowledge of the facts in this Request, and to the best of his information, knowledge and belief such facts are true and correct.



Tom Shufflebarger

Seal

Subscribed and Sworn to before me this the 10th day of November, 2016


Notary Public
My Commission Expires: Sept 17, 2017

