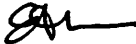


STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

MEMORANDUM

DATE: May 1, 2024
TO: Members of the Certificate of Need Review Board
FROM: Emily T. Marsal, Executive Director 
SUBJECT: Material for review prior to May 15, 2024 CONRB meeting

Please review the following information prior to the CON Review Board meeting on Wednesday, May 15, 2024. The meeting will be held virtually.

1. Tentative Agenda
2. Minutes from the April 17, 2024 meeting
3. AL2023-021, Affinity Hospital, LLC d/b/a Grandview Medical Center – Contested Case
4. AL2023-013, Birmingham Operations, LLC d/b/a Harmony at Birmingham – Project modification.
5. AL2024-005, QHG of Enterprise, Inc. d/b/a Medical Center Enterprise
6. Reviewabilities

ETM/tml

Enclosures: As stated



TENTATIVE AGENDA

CERTIFICATE OF NEED REVIEW BOARD

May 15, 2024, 10:00 a.m.

The meeting will be held virtually. The minimum number of board members as required by law will be present in room 387 of the RSA Union building located at 100 N. Union St., Montgomery, Alabama.

PRESIDING: DR. SWAID N. SWAID, CHAIRMAN

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|------|-----------------------------|----------------------|
| I. | CALL TO ORDER | CHAIRMAN |
| II. | ROLL CALL | Mrs. Emily T. Marsal |
| III. | ADOPTION OF AGENDA | CHAIRMAN |
| IV. | MINUTES OF April 17, 2024 | CHAIRMAN |
| V. | CHAIR'S REPORT | CHAIRMAN |
| VI. | SHPDA ADMINISTRATIVE REPORT | Mrs. Emily T. Marsal |
| VII. | CERTIFICATE OF NEED PROGRAM | Mrs. Emily T. Marsal |

A. Contested Case:

AL2023-021, Affinity Hospital, LLC d/b/a Grandview Medical Center, Hoover, AL: Proposes to establish a Freestanding Emergency Department (FED) in the city of Hoover, Shelby County, Alabama. The proposed FED will operate as an extension and part of Grandview Medical Center, an existing four hundred thirty-four (434) bed acute care hospital in Jefferson County, Alabama. **Opposition: BBH SBMC, LLC d/b/a Shelby Baptist Medical Center and St. Vincent's Birmingham** filed 7/17/2023 and 7/24/2023, respectively. Contested case requested 7/24/2023 and 7/25/2023. ALJ was assigned 7/31/2023. ALJs recommended order was filed 2/27/2024. Exceptions were filed 3/4/2024.

B. Project Modification:

AL2023-013, Birmingham Operations, LLC d/b/a Harmony at Birmingham, Jefferson County, AL: The applicant seeks a relocation of the senior living community, which includes a thirty-two (32) bed SCALF in the city of Trussville, Jefferson County, Alabama due to difficulties with the existing site.

- C. **AL2024-005, QHG of Enterprise, Inc. d/b/a Medical Center Enterprise, Coffee County, AL:** Proposes to convert five (5) acute care beds to swing beds at its existing general acute care hospital that currently operates ten (10) swing beds in the city of Enterprise, Coffee County, Alabama. **Opposition: None**

For Informational Purposes Only:

The next project has been placed on the agenda for informational purposes only. No vote is required as "the recommended order of the Administrative Law Judge becomes the final order of the Agency when no exceptions have been filed." The project was approved, and no exceptions were filed.

Contested Case:

AL2023-028, Affinity Hospital, LLC d/b/a Grandview Medical Center, Birmingham, AL: Proposes the addition of thirty-five (35) general acute care beds to their existing four hundred and thirty-four (434) beds, increasing its total licensed bed capacity to four hundred and sixty-nine (469) at its existing hospital in Birmingham, Jefferson County, Alabama. **Opposition: BBH P BMC, LLC d/b/a Brookwood Baptist Medical Center.** Request for Contested Case filed by applicant on 11/13/2023 and by the opposition on 11/17/2023. ALJ was assigned 11/20/2023. ALJs recommended order was filed 4/23/2024 approving the project. Brookwood withdrew opposition 4/29/2024. No exceptions were filed.

Reviewability Determinations:

RV2024-008, Spencer Recovery Centers, Inc., proposes to establish and operate a residential mental health treatment center in Chambers County. **Status: Reviewable**

RV2024-010R, The Health Care Authority of the City of Eufaula d/b/a Medical Center Barbour, proposes to convert status to Critical Access Hospital. **Status: Non-Reviewable**

RV2024-011, Hospice of North Alabama, LLC, proposes to establish a branch office in Cullman County. **Status: Non-Reviewable**

RV2024-016R, Professional Resource Management, Inc. d/b/a Bullock County Hospital, proposes to convert Bullock County Hospital from a general acute care hospital to a Rural Emergency Hospital (REH). **Status: Non-Reviewable**

RV2024-017, DVA Renal Healthcare, Inc. d/b/a Red Mountain Home Training Dialysis, proposes to provide home dialysis services on site in a dialysis den at The Healthcare Center of Buck Creek to residents of the Buck Creek Facility. **Status: Non-Reviewable**

Pending Reviewability Determinations:

RV2024-009, The Healthcare Authority for Baptist Health d/b/a Baptist Medical Center South, proposes to operate an outpatient dialysis department with two dialysis bays to treat hemodialysis dependent patients who are oxygen dependent tracheostomy patients, new hemodialysis patients awaiting insurance approval, undocumented hemodialysis patients awaiting charity sponsorship at a clinic, and other complex cases on a transitional basis in Montgomery County. **Status: Pending**

RV2024-013, P4 Physical Therapy, LP - Athens, proposes to add the services of an occupational therapist to its existing facility. **Status: Pending**

RV2024-014, P4 Physical Therapy, LP - Gardendale, proposes to add the services of an occupational therapist to its existing facility. Status: Pending

RV2024-015, P4 Physical Therapy, LP - Jemison, proposes to add the services of an occupational therapist to its existing facility. Status: Pending

RV2024-018, USA Health Providence Hospital, proposes to add extracorporeal oxygenation (ECMO) to its existing heart and lung services. Status: Pending

RV2024-019, Fresenius Medical Care Birmingham Home, proposes to provide home dialysis services on site at Arabella Health & Wellness of Birmingham by Fresenius Medical Care Birmingham Home to residents of the Arabella facility. Status: Pending

RV2024-020R, Geneva County Health Care Authority, Inc. d/b/a Wiregrass Medical Center, proposes to convert its status to Critical Access Hospital. Status: Pending

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|-------|--------------|----------|
| VII. | OLD BUSINESS | CHAIRMAN |
| VIII. | NEW BUSINESS | CHAIRMAN |
| IX. | ADJOURNMENT | CHAIRMAN |

CERTIFICATE OF NEED REVIEW BOARD
April 17, 2024

The Certificate of Need Review Board held its monthly meeting on Wednesday, April 17, 2024 in the Alabama State Capitol Auditorium.

Board Members Present

General Ed Crowell, Vice Chairman
Mr. Freddy Ard
Dr. Natalie Fox
Ms. Carol Knight
Mr. Ormand Thompson, III
Mr. Bill Wallace
Mr. Joseph Weaver

SHPDA Staff

Emily T. Marsal
Bradford L. Williams
Teresa Lee
Toni Ferguson
Kristin Norman
Jen Magallon
Melissa Trehern

Board Members Not Present

Dr. Swaid N. Swaid, Chairman
Mr. Randy Jones

Court Reporter

Patrick Miller

Legal Representative

Mark D. Wilkerson, Esquire

A copy of the register of others participating are on file in the office of the State Health Planning and Development Agency.

General Ed Crowell, Vice Chairman, called the meeting to order at 10:00 a.m. Mrs. Emily Marsal, Executive Director of the State Health Planning and Development Agency, called the roll and a quorum was confirmed. General Crowell requested a motion to move the contested case to the end of the agenda. Mr. Freddy Ard made a motion to move the contested case to the end of the agenda and adopt, seconded by Mr. Joseph Weaver. The motion carried unanimously.

General Crowell requested a motion to approve the minutes from the February 21, 2024 meeting. Mr. Ormand Thompson made a motion to approve the minutes, seconded by Dr. Natalie Fox. The motion carried unanimously.

General Crowell announced that Dr. Swaid was not present so he would be serving in his stead. He thanked everyone for being present. General Crowell stated the members would listen carefully and he was looking forward to cross-communication amongst all parties.

Mrs. Marsal gave an update regarding the State Health Plan. The SHCC met on April 11, 2024 and adopted the *2024-2027 Alabama State Health Plan*. Mrs. Marsal is grateful to the SHCC. A lot of thought and input went into the process and major changes are reflected in the sections regarding Ambulatory Surgery Centers (ASCs) and Inpatient

Rehabilitation (IRF). The SHP is in the Governor's Office for signature. Once approved, it will be published in the Administrative Monthly.

Certificate of Need Program

AL2024-003, Foley Therapy, LLC, Baldwin County, AL: Proposes to establish a multi-disciplinary outpatient rehabilitation center through the addition of outpatient speech and physical therapy services to its existing facility in Foley, Baldwin County. **Opposition: None**

Mr. Steve Preston and Ms. Maria Andrews-Michael, of Foley Therapy, spoke on behalf of the project.

Ms. Knight made a motion to approve the project, seconded by Mr. Thompson. General Crowell called for the vote. The motion carried unanimously.

AL2024-004, Apex MGT, LLC d/b/a Valley Park Manor SCALF, Chambers County, AL: Proposes to expand its Specialty Care Assisted Living Facility (SCALF) by adding nine (9) SCALF beds at its existing facility in Valley, Chambers County. **Opposition: None**

Attorney Holly Hosford, Amber Griggs, Valley Park Manor Administrator, and Mr. Habib Bokhari, Valley Park Manor owner, spoke on behalf of the project.

After all questions were answered, Mr. Thompson made a motion to approve the project, seconded by Mr. Weaver. General Crowell called for the vote. The motion carried unanimously.

Mr. Thompson and Dr. Fox recused themselves at 10:22 a.m. and left the meeting.

Contested Case:

AL2023-016, Foley Hospital Corporation d/b/a South Baldwin Regional Medical Center, Loxley, AL: Proposes to establish a Freestanding Emergency Department (FED) in Baldwin County, AL. **Opposition: Gulf Health Hospitals, Inc. d/b/a Thomas Hospital, d/b/a Thomas Medical Center, d/b/a North Baldwin Infirmary, & d/b/a Thomas Hospital FED at Malbis; Mobile Infirmary Association d/b/a Mobile Infirmary Medical Center Freestanding Emergency Department at Saraland; and any related or affiliated companies.** Contested case requested by intervenors on June 16 and June 20, 2023. ALJ assigned June 23, 2023. ALJs recommended order received January 31, 2024. Exceptions filed February 7, 2024. CONRB voted to carryover the project until the next available CONRB meeting.

Speakers for the Opposition:

Attorney Jim Williams, Infirmiry Health Executive President/Chief Executive Officer Mark Nix, Daphne Mayor Robin Lejeune, and Bay Minette Mayor Bob Wills spoke in opposition of the project.

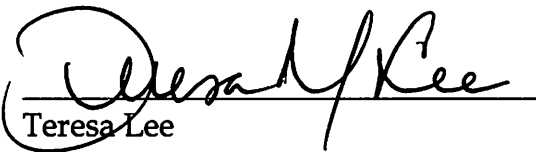
Speakers for the Applicant:

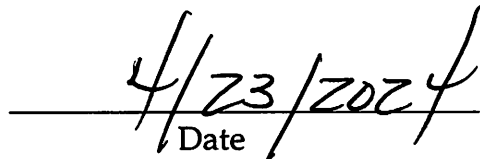
Attorney Jennifer Clark, Loxley Mayor Richard Teal, Fire Chief Raymond Lovell, Senator Chris Elliot, Representative Donna Givens, and Mrs. Yolanda Johnson spoke on behalf of the project.

After all questions and comments were addressed, General Crowell asked for directions from General Counsel Mark Wilkerson. Once the available board actions were explained, Mr. Bill Wallace made a motion to affirm the ALJs order and reject the project. The motion was seconded by Mr. Weaver. A roll call vote was taken by Mrs. Marsal. The motion passed with a vote of 3-1 as follows: Mr. Ard voted no and Ms. Knight, Mr. Wallace, and Mr. Weaver voted yes.

There being no further business before the Board, General Crowell adjourned the meeting at 11:26 a.m.

Prepared by:


Teresa Lee


Date

Approved by:

Swaid N. Swaid, M.D., Chairman

Date