

**Original Executive Order
EXECUTIVE ORDER NUMBER 3**

WHEREAS, the citizens of Alabama have an overriding interest in the containment of the costs of health care and, particularly, in the control of the growth in spending on the State's Medicaid programs; and

WHEREAS, a variety of factors, including federal regulation and unfunded federal mandates, have resulted in severe concerns about the current status of the financial well-being of the Medicaid program and the budgets of the State of Alabama; and

WHEREAS, health care and Medicaid costs and budgets can be adversely impacted by additions of new institutional health services, particularly if the necessity therefor has not been reasonably justified; and

WHEREAS, the Certificate of Need Review Board and the State Health Planning and Development Agency ("SHPDA") are responsible for the approval of the addition of any new institutional health services in Alabama; and

WHEREAS, the recent transition in state government has brought about, and will continue to bring about significant changes in the membership of appointed boards and positions throughout the state government; and

WHEREAS, the office concludes that a moratorium on the acceptance and processing of Certificate of Need applications would be in the best interests of the people of the State of Alabama in that it would allow the Certificate of Need Board to further consider and regulate applications for new institutional health services, and would allow the newly elected administration and legislature to study and act upon the financial situation of the state's Medicaid system and the health care delivery system as a whole.


NOW THEREFORE, based upon these considerations, and for other good and valid reasons which relate thereto, I, Don Siegelman, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, do hereby order and declare the imposition of a moratorium through May 15, 1999, on any and all meetings of the Statewide Health Coordinating Council and any of its committees, and on the filing of, acceptance of, consideration of, and acting upon any and all Certificate of Need applications, either before the Certificate of Need Review Board or an Administrative Law Judge. Those Certificate of Need applications upon which a final decision has been rendered by SHPDA, even where a Certificate of Need has not yet been issued, shall not be affected. This moratorium shall

not apply to the applications of and SHPDA action on exemptions from certificate of need as provided in Alabama Code §22-21-265(b) for replacement equipment and Alabama Code §22-21-265(d) for additional nursing home beds.


BE IT FURTHER ORDERED that the moratorium shall become effective immediately upon the signing of this Order, and shall remain in effect until May 15, 1999 or until amended or modified by the Governor.

DONE AND ORDERED this 25TH day of January, 1999.




Don Siegelman
Governor

Attested:


Jim Bennett
Secretary of State

Original Executive Order
EXECUTIVE ORDER NUMBER 3
AMENDMENT NUMBER 1

WHEREAS, Executive Order No. 3 was issued on January 25, 1999 imposing a moratorium through May 15, 1999, on any and all meetings of the Statewide Health Coordinating Council and any of its committees, and on the filing of, acceptance of, consideration of, and acting upon, any and all Certificate of Need applications, either before the Certificate of Need Review Board or an Administrative Law Judge; and

WHEREAS, this moratorium has been effective in allowing the Certificate of Need Board to further consider and regulate applications for new institutional health services, and has allowed the newly elected administration and legislature to study and act upon the financial situation of the state's Medicaid system and the health care delivery system as a whole; and

NOW THEREFORE, I, Don Siegelman, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of Alabama, and for other good and valid reasons, which relate thereto, do hereby amend Executive Order No. 3, dated January 25, 1999, by extending this moratorium from May 15, 1999, until August 13, 1999.

BE IT FURTHER ORDERED that those Certificate of Need applications upon which a final decision has been rendered by SHPDA, even where a Certificate of Need has not yet been issued, shall not be affected.

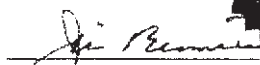
BE IT FURTHER ORDERED this moratorium shall not apply to the applications of, and SHPDA action, on exemptions from certificate of need as provided in Alabama Code §22-21-265(b) for replacement equipment, and Alabama Code §22-21-265(d) for additional nursing home beds.

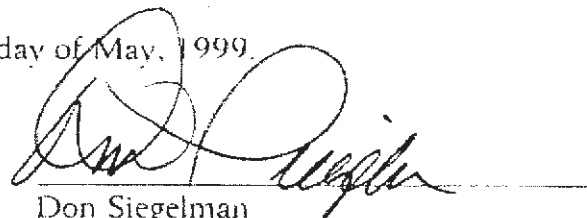
BE IT FURTHER ORDERED this moratorium shall remain in effect until August 13, 1999 unless amended, modified or rescinded, by the Governor.

DONE AND ORDERED this 14th day of May, 1999.



Attested:


Jim Bennett
Secretary of State


Don Siegelman
Governor

Original Executive Order
EXECUTIVE ORDER NUMBER 3
AMENDMENT NUMBER 2

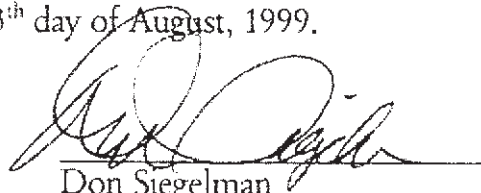
WHEREAS, amendment Number 1, dated May 14, 1999, extended the moratorium ordered by Executive Order No. 3 dated January 25, 1999, on any and all meetings of the Statewide Health Coordinating Council and any of its committees, and on the filing of, acceptance of, consideration of, and acting upon any and all Certificate of Need applications, either before the Certificate of Need Review Board or an Administrative Law Judge; and

WHEREAS, by the terms of Executive Order No. 3 as amended, this moratorium expires August 13, 1999, and it is now concluded that it would be in the best interest of the people of the State of Alabama that the Certificate of Need moratorium be lifted.


NOW THEREFORE, I, Don Siegelman, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of Alabama, and for other good and valid reasons, which relate thereto, do hereby order that the moratorium ordered by Executive Order 3, dated January 25, 1999, as amended by Amendment Number 1, dated May 14, 1999, is lifted effective 12:01 a.m. on August 13, 1999.

BE IT FURTHER ORDERED that the foregoing shall remain in effect until amended or modified by the Governor.

DONE AND ORDERED this 13th day of August, 1999.


Don Siegelman
Governor

Attested:


Jim Bennett
Secretary of State