



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

August 18, 2021

David A. Lester, Esquire
Chief Executive Officer
ProHealth Home Health
717 37th Street South
Birmingham, Alabama 35222

RE: TW2020-006
ProHealth of North Central Alabama, LLC
SHPDA ID: 009-H7179

Dear Mr. Lester:

On August 17, 2021, TW2021-014 was issued pursuant to ALA. ADMIN. CODE r 410-2-5-.09-E and 410-1-10-.05-E on behalf of the referenced home health agency to provide home health services in Shelby County due to COVID. This provider was previously authorized to provide home health services in Shelby County pursuant to TW2020-006 issued on April 9, 2020.

TW2020-006 is now deemed closed.

Should you have any questions please contact the Agency at (334) 242-4103.

Sincerely,

Emily T. Marsal
Executive Director

ETM/kwm



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

August 12, 2021

David A. Lester, Esquire
Chief Executive Officer
ProHealth Home Health
717 37th Street South
Birmingham, Alabama 35222

RE: TW2020-006
ProHealth of North Central Alabama, LLC
SHPDA ID: 009-H7179

Dear Mr. Lester:

On April 9, 2020, TW2020-006 was issued pursuant to ALA. ADMIN. CODE r 410-2-5-.09-E and 410-1-10-.05-E on behalf of the referenced home health agency to provide home health services in Shelby County due to COVID.

On August 10, 2021, the Agency was notified that the provider has applied for a permanent Certificate of Need to provide home health services in Shelby County whereby an administrative law hearing was held, and a Ruling is expected to be issued by Judge Cole on or before September 1, 2021. After September 3, 2021, all services are limited to the provider's Certificate of Need authorized service area only. Please provide a final update once this provider is no longer offering home health services in Shelby County pursuant to this Temporary Waiver.

Should you have any questions please contact the Agency at (334) 242-4103.

Sincerely,

Emily T. Marsal
Executive Director

ETM/kwm

RECEIVED

Aug 10 2021

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY



David A. Lester
Chief Executive Officer
717 37th Street South
Birmingham, AL 35222
Tel: (205) 820-7000
Fax: (205) 383-3557
Email: david.lester@prohealthgroup.com

August 9, 2021

(DELIVERED BY EMAIL TO shpda.online@shpda.alabama.gov)

Ms. Emily Marsal, Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, AL 36104

Re: TW2020-002, TW2020-006, TW2020-007, TW2021-002, TW2021-003,
TW2021-004, TW2021-005, TW2021-006

Dear Ms. Marsal,

I am writing on behalf of ProHealth of North Central Alabama, LLC and ProHealth of Northeast Alabama, LLC, and their successor ProHealth Home Health, LLC (collectively, "ProHealth") to comply with your Memorandum dated May 14, 2021, regarding Temporary Emergency Waivers.

Based on the current winddown timeframe of the waivers, ProHealth has discharged, transferred, or will discharge/transfer all home health patients in Tuscaloosa, Fayette, Greene, Hale, and Pickens County prior to September 3, 2021. Should the State of Alabama provide any extension of the waiver winddown or enter a new State of Emergency addressing temporary waivers, ProHealth reserves whatever rights it may have to continue home health services in these counties in accordance with such declaration or order.

As you are aware, ProHealth Home Health, LLC has applied for a permanent Certificate of Need ("CON") to provide home health services in Shelby County in accordance with the statistical update to the State Health Plan which was issued in December 2020. ProHealth was the only provider to submit an application to establish a new home health agency in Shelby County. An administrative law hearing was held on ProHealth's application in July 2021. Judge Cole, the Administrative Law Judge who conducted the hearing, indicated that he would rule on ProHealth's Shelby County application on or before September 1, 2021. Therefore, ProHealth intends to submit an emergency CON application for Shelby County to bridge the gap between its current waiver authority and its permanent CON authority, should Judge Cole and the Certificate of Need Review Board decide to award ProHealth the Shelby County CON for which it applied. An emergency CON would allow ProHealth to continue to provide home health services in Shelby County, Talladega County, and Bib County (the latter two counties, under

contiguous county authority). If ProHealth's application for an emergency CON is denied, ProHealth will discharge or transfer all home health patients in Shelby, Talladega, and Bibb Counties prior to September 3, 2021. Should the State of Alabama provide any extension of the waiver winddown or enter a new State of Emergency addressing temporary waivers, ProHealth reserves whatever rights it may have to continue home health services in these counties in accordance with such declaration or order.

If you have any questions or need any additional information from us, please do not hesitate to let me know.

Sincerely,

A handwritten signature in blue ink, consisting of several large, overlapping loops and a long horizontal stroke at the end.

David A. Lester

cc: Ms. Karen McGuire, SHPDA



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

NOTICE FOR ISSUANCE OF TEMPORARY WAIVER

In the fifth supplemental State of Emergency for the COVID-19 pandemic, Governor Ivey gave the State Health Planning and Development Agency (Agency) the ability to promulgate rules in order to issue temporary waivers to the normal Certificate of Need (CON) process for providers specifically requiring additional capacity or services directly related to the State of Emergency declared for the COVID-19 pandemic.

The Agency has filed two emergency administrative rules: ALA. ADMIN. CODE r. 410-2-5-.09-E COVID-19 State of Emergency, passed by the Statewide Health Coordinating Council, and ALA. ADMIN. CODE r 410-1-10-.05-E Emergency Provisions Related to COVID-19 Emergency, passed by the Certificate of Need Review Board. Both of these emergency rules can be found on the SHPDA website.

By filling out this attached form, the applicant has requested a temporary waiver under these emergency rules and it has been signed and notarized that this request is directly related to the COVID-19 pandemic. The affirmation by the SHPDA Executive Director is related solely to the addition and/or provision of any beds, stations, or services during the State of Emergency and succeeding 60-day period and does not affirm any permanent CON authority for such request. The affirmation shall also not be considered to be a waiver of any requirements related to the Alabama Department of Public Health or any other regulatory agency.

Pursuant to ALA. ADMIN. CODE r. 410-2-5-.09-E (3), the request as affirmed, "shall automatically terminate on the earlier of (i) as applicable, the discontinuation of services or closure of facilities subject to the waiver; or (ii) sixty (60) days following the termination of the State of Emergency as recognized in the Declaration." Furthermore, the rule states, "[a]ny continued operation of institutional health services authorized under a waiver granted pursuant to this section will require a CON, which shall be subject to existing CON criteria and procedures, including compliance with the State Health Plan, without regard to emergency rules adopted by the CON Board or SHCC in response to the Declaration. It is the intent of this subsection that services, facilities or other new institutional health services established as a result a waiver be considered 'new' for purposes of an application for CON authority to extend such new institutional health services beyond the deadlines in this subsection."

In addition, pursuant to ALA. ADMIN. CODE r. 410-2-5-.09-E (4), "new institutional health services authorized on a temporary basis pursuant to a waiver granted under this rule shall not be considered for purposes of the permanent need methodology in the State Health Plan."

For any questions or concerns, please contact the Agency at (334) 242-4103.

MAILING ADDRESS: P.O. BOX 303025, MONTGOMERY, ALABAMA 36130-3025
PHONE: (334) 242-4103 FAX: (334) 242-4113

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Apr 8 2020

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

FOR STAFF USE ONLY:

WAIVER IDENTIFICATION: TW2020-006

REQUEST FOR CERTIFICATE OF NEED WAIVER

FACILITY ID NO.: 009-H7179 COUNTY: ~~Shelby~~ Blount

FACILITY/PROVIDER NAME: ProHealth of North Central Alabama, LLC

STREET ADDRESS: 923 Second Avenue East

CITY: Oneonta ZIP CODE: 35121

AUTHORIZED REPRESENTATIVE: David A. Lester

TITLE: CEO EMAIL ADDRESS: david.lester@prohealthgroup.com

DIRECT TELEPHONE NUMBER: 205-820-7000

TYPE OF FACILITY/PROVIDER: Home Health

Pursuant to a declaration issued by Governor Ivey on April 2, 2020, the following additional services are being enacted pursuant to Ala. Admin. Code r 410-2-5-.09-E and 410-1-10-.05-E.

Home Health services in Shelby County

Does this request involve an increase in: Beds No Yes Number _____
ESRD Stations No Yes Number _____

Provide a brief explanation of how these services will assist in the health and safety of citizens during the emergency (attach additional sheets if necessary):

Our referral sources have indicated to us that they are having a difficult time placing patients in this county due to the COVID virus outbreak, especially those with undesirable insurances/Medicare Advantage Plans. We accept most of the plans of the patients they have tried to refer to us and will admit those patients in this county.


Projected Construction/Renovation Costs: \$0

Projected Equipment Costs: \$0

Projected date additional services/equipment will be available for service: 04/08/2020

If this Waiver request involves construction of a new facility and/or acquisition of new equipment, provide a brief description of the proposal on a separate sheet of paper and return with this form.

The undersigned, being first duly sworn, hereby affirms that he/she has direct knowledge of the facts contained this request, and to the best of their information, knowledge, and belief, such facts are true and correct. The undersigned agrees to comply with the requirements and limitations outlined by Rules 410-2-5-.09-E and 410-1-10-.05-E

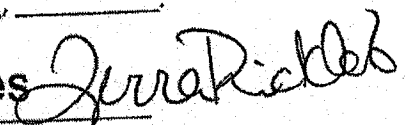

Signature of Authorized Officer

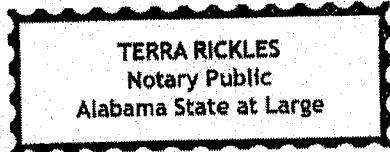
04/08/2020
Date

David A. Lester
Printed Name

CEO
Title

Sworn to and subscribed before me this 8 day of April, 2020


Terra Rickles 
Notary Public



(Seal)

My Commission Expires: June 21, 2023

AFFIRMED BY EXECUTIVE DIRECTOR:



4/9/2020
Date