



## 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

FOR STAFF USE ONLY:

RECEIVED

WAIVER IDENTIFICATION: TW2020-038

Apr 24 2020

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

REQUEST FOR CERTIFICATE OF NEED WAIVER

FACILITY ID NO.: 007-653031 COUNTY: Bibb

FACILITY/PROVIDER NAME: Bibb Medical Center

STREET ADDRESS: 208 Pierson Avenue

CITY: Centreville ZIP CODE: 35042

AUTHORIZED REPRESENTATIVE: Joseph Marchant, CEO

TITLE: CEO EMAIL ADDRESS: jmarchant@bibbmedicalcenter.com

DIRECT TELEPHONE NUMBER: (205) 926-3361

TYPE OF FACILITY/PROVIDER: General Acute Care Hospital and attached Nursing Home

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.

Bibb Medical Center is a general acute care hospital in Centreville, Alabama. It is licensed for 35 general acute care beds and has 10 Swing Beds. Swing Beds are currently only allowed in small rural hospitals and are used for patients who no longer need general acute care and who need nursing home care. Hospitals with Swing Beds are allowed by the Centers for Medicaid and Medicaid Services (CMS) to keep a patient in the hospital but provide and bill for nursing home care for that patient. Hospitals with Swing Beds can also accept patients from other hospitals and nursing homes and provide nursing home care for those transferred patients. There are nursing homes with patients diagnosed with the COVID-19 virus which would like to transfer those patients in order to protect their patients who are not infected. Bibb Medical Center is requesting a temporary increase of 15 Swing Beds in order to provide services to those patients in nursing homes infected with the COVID-19 virus.

Does this request involve an increase in: Beds No  Yes  Number: 15 Swing Beds

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):

Bibb Medical Center is a general acute care hospital located in Centreville, Alabama. Bibb Medical Center is located on the same campus as the Bibb Med Center Nursing Home and both are owned by The Bibb County Health Care Authority. Bibb Medical Center is licensed for 35 general acute care beds and currently has a Certificate of Need for 10 Swing Beds. Those 10 Swing Beds have been in operation for a number of years. Bibb Medical Center is proposing to temporarily add 15 Swing Beds, for a total of 25 Swing Beds. The hospital's total licensed beds will remain at 35 general acute care beds, because a Swing Bed is counted as a general acute care bed for licensing purposes. (Please see additional sheet for continuation of this explanation of how services will assist.)

Projected Construction/Renovation Costs: \$ -0-

Projected Equipment Costs: \$ -0-

Projected date additional services/equipment will be available for service: Immediately

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

4/23/2020  
\_\_\_\_\_  
Date

Joseph Marchant  
\_\_\_\_\_  
Printed Name

CEO  
\_\_\_\_\_  
Title

Sworn to and subscribed before me this 23<sup>rd</sup> day of April, 2020.



Melanie Wallace  
\_\_\_\_\_  
Notary Public

My Commission Expires: May 28, 2023

AFFIRMED BY EXECUTIVE DIRECTOR:

Emily T. Marsolf  
\_\_\_\_\_

4/24/2020  
\_\_\_\_\_  
Date

**Continuation from first page regarding explanation of how services will assist:**

Bibb Medical Center is very experienced in caring for patients who qualify for nursing home care. There are other hospitals and nursing homes with patients who have active COVID-19 infections who need to be transferred for care because of concerns about the possible infection of other patients. Bibb Medical Center has the space and experienced staff necessary to care for these patients. The addition of 15 Swing Beds at Bibb Medical Center will provide beds for patients with COVID-19 infections who need to be separated from other patients in nursing homes and hospitals. Because of the COVID-19 pandemic, Bibb Medical Center, which has historically had high utilization, currently has unused hospital beds available for the care of patients with COVID-19 infections.