



Phelps Dunbar LLP  
2001 Park Place North  
Suite 700  
Birmingham, AL 35203  
205 716 5200

RV2021-025  
**RECEIVED**  
**Jul 21 2021**  
STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

July 20, 2021

James F. Henry  
Partner  
Jim.Henry@phelps.com  
Direct 205 716 5257

Ms. Emily Marsal  
Executive Director  
State Health Planning & Development Agency  
RSA Union Building  
100 North Union Street  
Montgomery, AL 36104-3719

**Re: Request for Reviewability Determination to Establish Branch Office in Lee County**

Dear Ms. Marsal:

Pursuant to Alabama Certificate of Need Program Rules and Regulations § 410-1-7-.02, I am writing on behalf of Comfort Care Hospice of Montgomery, LLC ("Comfort Care") to request that the State Health Planning and Development Agency ("SHPDA") issue a determination that Comfort Care is not required to obtain a new Certificate of Need ("CON") to establish a branch office in Lee County, which Comfort Care is permitted to serve under Certificate of Need 2454-HPC. As background for this request, Comfort Care submits the following:

1. Pursuant to CON 2454-HPC Comfort Care has CON authority to provide in-home hospice services in the following counties: Autauga, Bullock, Chambers, Coosa, Elmore, Lee, Macon, Montgomery, Pike, Russell, and Tallapoosa.
2. Comfort Care seeks approval to establish a branch office in Lee County. The branch office will operate under Comfort Care's Medicare Provider Number, 01-1673.
3. No services will be provided at the branch office because the services will be provided in the patients' homes.
4. The branch office will only serve patients in the counties Comfort Care is authorized to serve under CON 2454-HPC.
5. This request does not seek to change the services provided by Comfort Care and the request does not seek to change Comfort Care's authorized CON service area.
6. The establishment of the branch office does not involve the construction, development, acquisition, or other establishment of a new health care facility and does not involve any capital expenditures in excess of the threshold amounts set forth in CON Rule

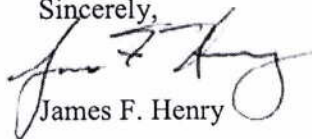
§ 410-1-4-.01 (\$3,079,347 for major medical equipment, \$1,231,738 for annual operating cost, and \$6,158,695 for other capital expenditures).

7. The establishment of the branch office does not involve the addition, relocation, or reallocation of beds and does not entail the acquisition of any major medical equipment.
8. The establishment of the branch office does not involve the offering of a new health care service, as Comfort Care currently provides in-home hospice services to patients in Lee County as authorized by CON 2454-HPC.
9. The establishment of the branch office does not involve a new institutional health service subject to review under Ala. Code § 22-21-263 and/or Ala. Admin. Code § 410-1-4-.01.

Based upon the facts stated above and the applicable rules, Comfort Care respectfully requests that SHPDA issue a determination that Comfort Care's establishment of a branch office in Lee County is: (1) permissible without further filings or requests to SHPDA; and (2) not subject to CON review. Comfort Care will submit the \$1,000 filing fee through SHPDA's electronic portal.

If you have any questions or would like to discuss this request in further detail, please do not hesitate to reach out to me at the number or e-mail address listed above. I appreciate your help in getting this reviewability determination request processed.

Sincerely,



James F. Henry

JFH:jks

#### Affirmation of Requesting Party

The undersigned, being first duly sworn, hereby make oath or affirm that she is the Chief Operating Officer of Comfort Care Hospice of Montgomery, has knowledge of the facts in this request, and to the best of her information, knowledge, and belief, such facts are true and correct.

Affiant: Loa Zeel (Seal)

Subscribed and sworn to before me this 21<sup>st</sup> day of July, 2021

Notary Public: Patricia Harper Freeman

My Commission Expires: 2/7/2023



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Aug 05 2021  
STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

August 4, 2021

James F. Henry  
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Direct 205 716 5257

Ms. Emily Marsal  
Executive Director  
State Health Planning & Development Agency  
RSA Union Building  
100 North Union Street  
Montgomery, AL 36104-3719

**Re: RV2021-025: Comfort Care Hospice of Montgomery, LLC  
Supplemental Information for Request for Reviewability Determination to  
Establish Branch Office in Lee County**

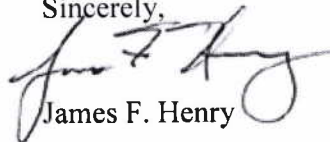
Dear Ms. Marsal:

This letter responds to your July 30, 2021 letter requesting additional information for the above-referenced reviewability determination request. Comfort Care Hospice of Montgomery, LLC ("Comfort Care") hereby submits the following approximate costs for this project.

1. Cost of Equipment: \$25,000 for telephones and computers.
2. First Year Annual Operating Cost: \$747,685 for direct, general, and administrative expenses.
3. Capital Expenditures: \$73,500 for the first 12 months of rent. There are no construction or renovation costs.

If you have any questions or need any additional information, please do not hesitate to reach out to me at the number or e-mail address listed above. I appreciate your help in getting this reviewability determination request processed.

Sincerely,



James F. Henry

JFH:jks