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October 20, 2022

(SUBMITTED VIA ELECTRONIC FILING TO: [shpda.online@shpda.alabama.gov](mailto:shpda.online@shpda.alabama.gov))

RV2023-002  
RECEIVED

Oct 20 2022

STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

019-H7178

Ms. Emily T. Marsal  
Executive Director  
State Health Planning & Development Agency  
RSA Union Building  
100 North Union Street, Suite 870  
Montgomery, AL 36104-3719

Re: SHPDA ID 019-H7178  
ProHealth Home Health, LLC  
Request for Reviewability Determination to Establish Branch Office in  
Etowah County

Dear Ms. Marsal,

Pursuant to Alabama Certificate of Need Program Rules and Regulations §410-1-7-.02, I am writing on behalf of ProHealth Home Health, LLC (“ProHealth”) to request that the State Health Planning and Development Agency (“SHPDA”) issue a determination that ProHealth is not required to obtain a new Certificate of Need (“CON”) to establish a branch office in Etowah County, for which ProHealth holds Grandfathered Authority. As background for this request, ProHealth submits the following:

1. On October 19, 2022, ProHealth received acknowledgement from SHPDA on behalf of CO2022-115 whereby ProHealth Home Health, LLC acquired assets from FC of Alabama, Inc. to include the authorized service area of Intrepid USA Healthcare Services, SHPDA ID 073-H7030. This service area includes the grandfathered authority held in Etowah County.
2. ProHealth seeks approval to establish a branch office in Etowah County. The branch office will operate under ProHealth’s Medicare Provider Number, 01-7178.
3. No services will be provided at the branch office because the services will be provided in the patients’ homes.
4. 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 (\$3,241,543 for major medical equipment, \$1,296,615 for annual operating cost, and \$6,483,085 for other capital expenditures).

5. The establishment of the branch office does not involve the addition, relocation, or reallocation of beds and does not entail the acquisition of major medical equipment.
6. The establishment of the branch office does not involve the offering of a new health care service not previously provided.
7. 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, ProHealth respectfully requests that SHPDA issue a determination that ProHealth's establishment of a branch office in Etowah County is: (1) permissible without further filings or requests to SHPDA; and (2) not subject to CON review. ProHealth has submitted the appropriate filing fee through SHPDA's electronic portal and a receipt evidencing payment is included in this filing.

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 email address listed above. I appreciate your help in getting this reviewability determination request processed.

Sincerely,



David A. Lester

**Affirmation of Requesting Party**

The undersigned, being first duly sworn, hereby make oath or affirm that he is the Chief Executive Officer of ProHealth Home Health, LLC, and has knowledge of the facts in this request, and to the best of his information, knowledge, and belief, such facts are true and correct.

Affiant:  (Seal)

Subscribed and sworn to before me this 20th day of October, 2022.

Notary Public: 

My commission expires: ~~My Commission Expires~~  
May 24, 2023

