

Kristen Larremore  
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205-226-5747

April 27, 2023

**VIA EMAIL (SHPDA.ONLINE@SHPDA.ALABAMA.GOV)**

Hon. Emily T. Marsal, Executive Director  
State Health Planning and Development Agency  
100 North Union Street  
RSA Union Building, Suite 870  
Montgomery, Alabama 36130-3025

**Re: Non-Reviewability Determination Request - Relocation of Hospice and Home Health Administrative Offices**

Dear Ms. Marsal:

We are writing to submit a reviewability determination request ("Request") in accordance with Section 410-1-7-.02 of the Alabama State Health Planning and Development Agency's ("SHPDA") certificate of need ("CON") program rules and regulations (the "Rules") with regard to the relocation of Cullman Regional Hospice ("Hospice") and Cullman Regional Home Care ("HH Agency") administrative offices, an on-campus in-home hospice and home health agency owned and operated by our client Cullman Regional Medical Center ("Hospital"). The Hospital plans to relocate the Hospice and HH Agency from 1938 AL Hwy 157, Suite 102, Cullman, Alabama 35058 to 5788 AL Hwy 157, Cullman, Alabama 35058 (the "Relocation").

Specifically, we note that the Relocation will not entail the offering of any new health services or establishment of any new facilities. A description of the facts relevant to the Relocation project and an analysis of applicable CON law considerations in support of this Request are set forth below.

1. *Description of the Project.* The Hospice and HH Agency shall be located at 5788 AL Hwy 157, Cullman, Alabama 35058 following the Relocation, a move of approximately four miles from the existing location. The Hospice and HH Agency administrative offices are currently co-located in a building with physician practice offices and the practices need additional space to provide clinical services in light of recent practice growth. Accordingly, Cullman Regional Medical Center has determined the best course of action is to move the Hospice and HH Agency administrative offices a short distance away to another owned building as requested herein.

All of the current administrative operations of these two providers - Hospice and HH Agency - will continue in the same manner at the new location. Further, the services provided and the area served by the Hospice and HH Agency will remain unchanged by the Relocation project. There is no patient care provided at the Hospice and HH Agency administrative offices. The new administrative offices following the Relocation will be located in an administrative building consisting of approximately 15,000 square feet

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owned by Cullman Regional Medical Center, the owner of the Hospice and HH Agency, that also houses other Cullman Regional Medical Center administrative employees such as human resource employees.

2. *Estimated Costs.* This Project will not exceed any of the CON expenditure thresholds specified in Section 410-1-2-.07 of the Regulations. The only costs associated with the Relocation project are relocation expenses of approximately \$20,000.

3. *Legal Analysis.* We note that the Relocation project:

- a) does not involve the establishment of a "health care facility" under CON law; *see* Ala. Code § 22-21-260(6); and
- b) does not involve offering a "health service" under CON law; *see* Ala. Admin. r. 410-1-2-.06 (Defining "Health Services" as "Clinically related (i.e., diagnostic, curative or rehabilitative) services, including alcohol, drug abuse and mental health services customarily furnished on either an inpatient or outpatient basis by health care facilities, but not including the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this State"); No patient care is provided at the administrative office location; and
- c) does not involve the purchase of any new major medical equipment; and
- d) does not represent an increase in annual operating cost; and
- e) involves no capital expenditures, with the only project expenses consisting of the relocation expenses as discussed above; and
- f) does not involve any change in the service area of the Hospice or HH Agency nor any new or additional services to be provided by the Hospice or HH Agency.

This Project will not involve the addition of inpatient beds or the conversion of one classification of beds into another classification of beds. Further, this change will not result in the provision of any new institutional health services.

Based on the foregoing information, we respectfully request that SHPDA grant a determination of non-reviewability for the Relocation project. An attestation from the requesting party is enclosed herein. In accordance with SHPDA Rule 410-1-7-.02, the filing fee of \$1,000.00 for this Letter of Non-Reviewability has been paid via the SHPDA electronic payment portal. Please do not hesitate to contact me at [kristen.larremore@hkclaw.com](mailto:kristen.larremore@hkclaw.com) or (205) 226-5747 if you require any further information or have any questions.

Very truly yours,



Kristen A. Larremore

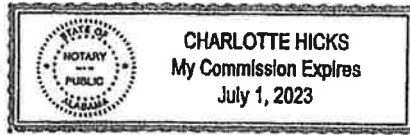
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The undersigned, being first duly sworn, hereby makes oath or affirms that she is the Chief Operating Officer of the Cullman Regional Medical Center which wholly owns both Cullman Regional Hospice and Cullman Regional Home Care has knowledge of the facts in this request, and to the best of her information, knowledge and belief, such facts are true and correct.

Affiant: Nesha Donaldson  
Nesha Donaldson  
Chief Operating Officer, Cullman Regional Medical Center

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of April, 2023.

Charlotte Hicks  
Notary Public  
My commission expires:



(SEAL)

# Holland & Knight

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STATE HEALTH PLANNING AND  
DEVELOPMENT AGENCY

May 1, 2023

**VIA EMAIL (SHPDA.ONLINE@SHPDA.ALABAMA.GOV)**

Hon. Emily T. Marsal, Executive Director  
State Health Planning and Development Agency  
100 North Union Street  
RSA Union Building, Suite 870  
Montgomery, Alabama 36130-3025

**Re: Supplemental Information - Non-Reviewability Determination Request - Relocation  
of Hospice and Home Health Administrative Offices**

Dear Ms. Marsal:

I am writing to provide supplemental information for the Non-Reviewability Determination Request that was filed on April 27, 2023 regarding the relocation of Cullman Regional Hospice ("Hospice") and Cullman Regional Home Care ("HH Agency") administrative offices, an on-campus in-home hospice and home health agency owned and operated by our client Cullman Regional Medical Center ("Hospital"). The Hospital plans to relocate the Hospice and HH Agency from 1938 AL Hwy 157, Suite 102, Cullman, Alabama 35058 to 5788 AL Hwy 157, Cullman, Alabama 35058 (the "Relocation").

The Hospital as well as the HH Agency and Hospice are, both prior to and after the Relocation, located in Cullman County, Alabama.

Please do not hesitate to contact me at [kristen.larremore@hklaw.com](mailto:kristen.larremore@hklaw.com) or (205) 226-5747 if you require any further information or have any questions.

Very truly yours,

*Kristen Larremore*

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