

CERTIFICATE OF NEED REVIEW BOARD
September 15, 2021

The Certificate of Need Review Board held its monthly meeting on Wednesday, September 15, 2021 virtually by web conference.

Board Members Present

Dr. Swaid N. Swaid, Chairman
General Ed Crowell, Vice Chairman
Mr. Terry Andrus
Mr. Freddy Ard
Dr. Herbert Stone
Mr. Ormand Thompson, III
Mr. Bill Wallace

SHPDA Staff

Emily T. Marsal
Brad Williams
Toni Ferguson
Teresa Lee
Jen Magallon
Karen McGuire
Melissa Trehern

Board Members Not Present

Dr. Kenneth Brewington
Mr. Randy Jones

Court Reporter

Dee Coker

Legal Representative

Mark D. Wilkerson, Esquire

A copy of the register of others participating is on file in the office of the State Health Planning and Development Agency.

Dr. Swaid N. Swaid, Chairman, called the meeting to order at 10:00 a.m. Mrs. Emily Marsal, Executive Director of the State Health Planning and Development Agency, called the roll and a quorum was confirmed. Dr. Swaid requested a motion to adopt the agenda. Mr. Ormand Thompson made a motion to adopt the agenda, seconded by Mr. Terry Andrus. The motion carried unanimously.

Dr. Swaid requested a motion to approve the minutes from the July 21, 2021 meeting. Mr. Freddy Ard made a motion to approve the minutes, seconded by Mr. Bill Wallace. The motion carried unanimously.

Chair's Report

Dr. Swaid noted that having in-person meetings is always preferred and thanked everyone for their patience and understanding for having the meeting virtually as the state continues to deal with the pandemic.

SHPDA Administrative Report

Mrs. Marsal gave an update on the resolution for the Physician's Office Exemption, stating that the process was ongoing. The next SHCC meeting will be held in December.

Certificate of Need Program

AL2021-033, HH Health System - Marshall, LLC d/b/a Marshall Medical Centers - South Campus, Boaz, AL: Proposes to renovate Marshall Medical South to replace inadequate inpatient rooms to accommodate capacity constraints, rearrangement of existing services to improve operations and patient flow. **Opposition: None**

Attorney Joe Campbell and Mr. Bill Smith, Marshall Medical Centers Facilities Director, spoke on behalf of the project.

After all questions were answered, Mr. Wallace made a motion to approve the project, seconded by Mr. Thompson. Dr. Swaid called for the vote. Mrs. Marsal conducted a roll call vote. The motion carried unanimously.

AL2021-036, Carillon Oaks Madison, LLC, Huntsville, AL: Proposes to construct a forty-eight (48) bed Specialty Care Assisted Living Facility (SCALF) in Madison County. **Opposition: None**

Mr. Frank Holden spoke on behalf of the project.

Mr. Freddy Ard made a motion to approve the project, seconded by Mr. Andrus. Dr. Swaid called for the vote. Mrs. Marsal conducted a roll call vote. The motion carried unanimously.

AL2021-037, Proveer Senior Living, LLC, Hoover, AL: Proposes to establish a senior living campus comprised of forty (40) Specialty Care Assisted Living Facility (SCALF) units as well as fifty-three (53) Independent Living units in the City of Hoover. **Opposition: None**

Mr. Frank Holden spoke on behalf of the project.

General Ed Crowell made a motion to approve the project, seconded by Mr. Andrus. Dr. Swaid called for the vote. Mrs. Marsal conducted a roll call vote. The motion carried unanimously.

AL2021-038, BBH BMC, LLC d/b/a Brookwood Baptist Medical Center, Birmingham, AL: Proposes to replace or renovate sixteen (16) "mixed-use" (inpatient and outpatient) operating rooms at the hospital campus in Jefferson County. **Opposition: None**

Attorney Jim Williams, BBMC CEO Tim Puthoff, BBMC Chair of Surgery Department Dr. Michael Littleton, and Mr. Neil King, President of Evan Terry Associates, LLC, spoke on behalf of the project.

After all questions were answered, Mr. Andrus made a motion to approve the project, seconded by Mr. Thompson. Dr. Swaid called for the vote. Mrs. Marsal conducted a roll call vote. The motion carried unanimously.

Mr. Bill Wallace recused himself from the discussion and vote on the following two projects at 10:26 a.m.

AL2021-040, Providence Hospital d/b/a Ascension Providence, Mobile, AL: Proposes to improve its existing Level II Special Care Nursery to a Level III NICU. **Opposition: None**

Mr. Todd Kennedy, President of Providence Hospital Mobile, spoke on behalf of the project.

After all questions were answered, Mr. Ard made a motion to approve the project, seconded by General Crowell. Dr. Swaid called for the vote. Mrs. Marsal conducted a roll call vote. The motion carried unanimously.

General Ed Crowell recused himself from the discussion and vote on the following project at 10:34 a.m.

Contested Cases:

AL2020-050, 2LR Healthcare Holdings LLC d/b/a Heart & Vascular Institute of Alabama, Montgomery, AL: Proposes to establish a single specialty ambulatory surgery center (ASC) in order to perform endovascular and cardiac catheterization procedures. **Opposition: Jackson Hospital & Clinic, Inc., Jackson Surgery Center, LLC d/b/a Jackson Surgery Center, The Health Care Authority for Baptist Health, an Affiliate of UAB Health System d/b/a Baptist Medical Center South and d/b/a Baptist Medical Center East, and Baptist Ventures, Inc. d/b/a Montgomery Surgical Center, LLC.** The ALJ filed Findings of Fact and Conclusions of Law denying the application on 7/28/2021. 2LR Healthcare Holdings LLC d/b/a Heart & Vascular Institute of Alabama filed Exceptions to the ALJ's Recommended Order on 8/4/2021.

Attorneys David Belser and Peck Fox, Dr. Ralph Redd, Dr. Jacob Townsend, and Dr. Ron Luke spoke on behalf of 2LR Healthcare Holdings LLC d/b/a Heart & Vascular Institute of Alabama.

Attorney Jim Williams, Dr. Mark LeQuire, Dr. John Mark Vermillion, Dr. Michael Williams, Dr. Howard Brazil, and Mr. Peter Selman, CEO of Baptist Medical Center South, spoke on behalf of the Intervenors.

After all questions were answered, Mr. Ard made a motion to table the project until no earlier than the January 2022 CONRB Meeting, seconded by Dr. Herbert Stone. Dr. Swaid called for the vote. Mrs. Marsal conducted a roll call vote. The motion carried unanimously.

Mr. Wallace rejoined the meeting at 12:15 p.m.
General Crowell rejoined the meeting at 12:20 p.m.

AL2021-025, ProHealth Home Health, LLC, Shelby County, AL: proposes to establish a Home Health agency to provide home health services in Shelby County. **Opposition: Encompass Health Home Health of Alabama, LLC, Amedisys Home Health of Alabama, LLC, and Kindred at Home.** The ALJ filed his Recommended Order on 8/30/2021. Intervenors filed Exceptions to the ALJ's Recommended Order on 9/7/2021.

Attorney Jim Williams, Mr. David Lester, and Dr. Kyle Rudemiller spoke on behalf of ProHealth Home Health, LLC.

Mr. Andrus exited the meeting at 12:40 p.m.

Attorneys David Belser, Gaines Brake, and Jennifer Clark, Mr. Stephen Preston, and Ms. Denise Hawsey, VP of Operations at Amedisys, spoke on behalf of the Intervenors.

After all questions were answered, Mr. Bill Wallace made a motion to uphold the ALJ's Recommended Order, seconded by Mr. Ard. Dr. Swaid called for the vote. Mrs. Marsal conducted a roll call vote. The motion carried with a vote of 4-1 with Mr. Ard, Mr. Thompson, Mr. Wallace and General Crowell voting in favor of the motion and Dr. Stone voting in opposition.

There being no further business before the Board, Dr. Swaid adjourned the meeting at 12:57 p.m.

Prepared by:

Teresa Lee

Date

Approved by:

Swaid N. Swaid, M.D., Chairman

Date

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