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STATE HEALTH PLANNING  
AND DEVELOPMENT AGENCY

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July 6, 2017

Alva Lambert, Esq.  
Executive Director  
Alabama State Health Planning &  
Development Agency  
100 North Union Street, Suite  
870  
Montgomery AL 36104

**Re: Comfort Care Hospice of Decatur Branch Office - Request for  
Reviewability Determination**

Dear Mr. Lambert:

Pursuant to Chapter 410-1-7-.02 of the Alabama Certificate of Need Program Rules and Regulations (the "Rules"), we respectfully submit this letter on behalf of Comfort Care Hospice of Decatur ("Comfort Care Decatur") requesting your determination that Comfort Care Decatur may establish a branch office in a county it is permitted to serve under its single Medicare provider number Certificate of Need ("CON") without further filings or requests to the Alabama State Health Planning and Development Agency ("SHPDA"). To assist with your determination, I submit the following information:

Facts:

1. Pursuant to CON 079-P2445, Comfort Care Decatur has CON authority to provide in-home hospice services in the following counties: Morgan, Lawrence, Colbert, Franklin, Marion, Winston, Lauderdale, Limestone, and Madison.
2. Comfort Care Decatur seeks approval to establish a branch office of Comfort Care Decatur in Colbert County. The branch office will operate under the Medicare Provider Number of Comfort Care Decatur, Medicare No. 01-1654. No services will be provided at the branch office because the services will be rendered in the patients' homes. Additionally, the branch office will only serve patients in the counties Comfort Care Decatur is authorized to serve under CON 079-P2445.
3. This transaction does not alter the services provided by Comfort Care Decatur. Additionally, this transaction does not alter the CON authorized service area of Comfort Care Decatur.

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4. The establishment of the hospice branch does not involve the construction, development, acquisition or other establishment of a new health care facility and does not involve any capital expenditures exceeding the 2017 threshold amounts set forth in CON Rule § 410-1-4-.01, that is, \$2,923,059 for major medical equipment, \$1,169,223 for annual operating cost, and \$5,846,117 for other capital expenditures. See CON Rule 410-1-4-.02 ("The construction or relocation of an administrative or branch office of a home health agency or in-home hospice provider which: (1) is within the service area for which the provider is a holder of a CON (excluding home health agencies' contiguous county service areas authorized pursuant to § 22-21-265(f), *Code of Ala.* 1975, as amended); and (2) at which no patient care is provided, does not constitute the construction, development, acquisition or other establishment of a new health care facility requiring a Certificate of Need under § 22-21-263(a)(1), *Code of Ala.* 1975, as amended.").

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5. Furthermore, the relocation does not involve the addition, relocation or reallocation of beds and does not entail the acquisition of major medical equipment. It does not involve the offering of a new health care service, as Comfort Care Decatur currently provides in-home hospice services and is CON-authorized to provide such services in Colbert County. Consequently, this transaction does not involve a new institutional health service subject to review, as defined by *Ala. Admin. Code* § 410-1-4-.01 and *Ala. Code* § 22-21-263.
6. Finally, no financial or ownership interests in Comfort Care Decatur are held by any other healthcare facilities or groups.

Based on the facts stated above and the applicable Rules, Comfort Care Decatur requests your determination that its proposed establishment of an in-home hospice branch office in Colbert County is not subject to CON review under *Ala. Code* § 22-21-260, *et seq.*, and the CON Rules, and is permissible without further filings or requests to SHPDA. I attach the

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required attestation. A check in the amount of \$1,000.00 is being sent via overnight delivery.

If you have any questions or need further information, please contact me. I may be reached at (205) 458-5325 or at cthompson@burr.com. Thank you in advance for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Thompson", with a long horizontal flourish extending to the right.

Chris Thompson

CRT/ACS