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Jun 21 2018

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STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

June 8, 2018

Mr. Alva M. Lambert
Executive Director
State Health Planning & Development Agency
RSA Union Building
100 North Union Street
Montgomery, AL 36104-3719

Re: Letter of Non-Reviewability to Merge Two Certificates of Need

Dear Mr. Lambert,

Pursuant to Alabama Certificate of Need Program Rules and Regulations § 410-1-7-.02, I am writing on behalf of ProHealth Hospice-Gadsden, 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 merge CON 2506-HPC and CON RV2011-029. As background for this request, ProHealth submits the following:

Background

A. The Former Gadsden Regional Hospice Certificate of Need

On November 4, 2010, SHPDA issued Certificate of Need ("CON") CON 2506-HPC to Gadsden Home Care Services, LLC d/b/a Gadsden Regional Hospice ("Gadsden Regional") authorizing Gadsden Regional to provide in-home hospice services in Blount, Calhoun, Cherokee, DeKalb, Etowah, Marshall, and St. Clair Counties. On June 7, 2016, SHPDA approved a Change of Ownership ("CHOW") transferring ownership of CON 2506-HPC from Gadsden Regional to ProHealth.

B. The Former Vitas Innovative Hospice Care of Fultondale Certificate of Need

On August 18, 2011, SHPDA issued CON RV2011-029 to Vitas Innovative Hospice Care of Fultondale ("Vitas") authorizing Vitas to provide in-home hospice services in Bibb, Blount, Chilton, Coosa, Jefferson, St. Clair, Shelby, Tuscaloosa, and Walker Counties. On August 30, 2017, SHPDA approved a CHOW transferring ownership of CON RV2011-029 from Vitas to ProHealth.

Mr. Alva Lambert

Re: Letter of Non-Reviewability to Merge Two Certificates of Need

June 8, 2018

Page 2

Request to Merge the Gadsden Regional CON and the Vitas CON

ProHealth respectfully requests that SHPDA issue a determination that ProHealth is not required to obtain a new CON to merge CON 2506-HPC and CON RV2011-029. ProHealth further requests that SHPDA issue a revised Certificate of Need authorizing ProHealth to provide in-home hospice services in Bibb, Blount, Calhoun, Cherokee, Chilton, Coosa, DeKalb, Etowah, Jefferson, Marshall, St. Clair, Shelby, Tuscaloosa, and Walker Counties.

The merger of these two certificates of need will not result in the addition, conversion, or relocation of any beds, and it will not involve the acquisition of stock. The services offered under the merged CON will be the same as the services offered under the current CONs. The merger of the CONs will not create expenditures in excess of the CON cost thresholds. Payment of the \$1000 fee for the Reviewability Determination will be made by credit card today through the online payment portal.

Please let me know if you have any questions regarding our request for this request.

Sincerely,



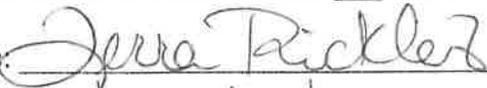
David A. Lester

Affirmation of Requesting Party

The undersigned, being first duly sworn, hereby make oath or affirm that he is the Chief Executive Officer of ProHealth Hospice-Gadsden, LLC, has knowledge of the facts in ProHealth's attached Reviewability Determination Request to merge two certificates of need, 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 8th day of June, 2018

Notary Public: 

My commission expires: 06/22/2019

