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RECEIVED

Oct 16 2017

STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY

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October 16, 2017

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

**Re: Restore Therapy Services, Ltd. Huntsville-Thrive Location -
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 Restore Therapy Services, Ltd. ("Restore") requesting your determination that Restore may offer the single discipline of physical therapy services ("PT") from its office at Thrive at Jones Farm's campus, 2238 Cecil Ashburn Drive SE, Huntsville, Alabama 35802 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. Restore seeks approval to establish a PT office in Madison County (the "Office"). No other therapy disciplines or additional health care services will be provided at the Office.
2. The establishment of the Office does not involve the construction, development, acquisition or other establishment of a new health care facility. See CON Rule 410-1-2-.05(1). It does not involve the offering of a new health care service, but rather "the lawful practice of any profession or vocation [i.e., physical therapy] conducted independently of a health care facility and in accordance with applicable licensing laws of this state." See CON Rule 410-1-2-.06. 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.
3. This transaction does not alter the services provided by Restore. Additionally, this transaction does not alter the CON authorized service area of Restore.

4. The establishment of the Office does not involve any capital expenditures exceeding the 2017 threshold amounts set forth in CON Rule § 410-1-4-.01, that is, \$2,981,520 for major medical equipment, \$1,192,607 for annual operating cost, and \$5,963,039 for other capital expenditures.
5. Furthermore, the relocation does not involve the addition, relocation or reallocation of beds and does not entail the acquisition of major medical equipment.
6. Finally, no financial or ownership interests in Restore are held by any other healthcare facilities or groups.

Based on the facts stated above and the applicable Rules, Restore requests your determination that its proposed establishment of a PT office in Madison 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 required attestation. A check in the amount of \$1,000.00 is being sent via overnight delivery.

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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 cursive script, appearing to read "Chris Thompson", with a long horizontal flourish extending to the right.

Chris Thompson

CRT/ACS

Affirmation of Requesting Party:

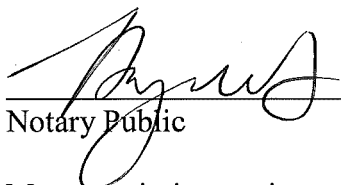
The undersigned, being first duly sworn, hereby make oath or affirm that he is Chief Executive Officer of Restore Therapy Services, Ltd., has knowledge of the facts in the attached Reviewability Determination Request for a physical therapy office of Restore Therapy Services, Ltd., and to the best of his information, knowledge and belief, such facts are true and correct.



Alan Parker, CEO Restore Therapy Services, Ltd.

(SEAL)

SUBSCRIBED AND SWORN to before me this September 29 day of 2017.



Notary Public

My commission expires: _____

ASHLEY WEST
Notary Public, State of Alabama
Alabama State At Large
My Commission Expires
April 16, 2018