

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY  
ADMINISTRATIVE CODECHAPTER 410-1-5B  
SPECIALTY CARE ASSISTED LIVING FACILITIES

## TABLE OF CONTENTS

410-1-5B-.01	<b>Review Procedures For Existing Facilities And Facilities Which Are In Development</b>
410-1-5B-.01	<b><u>Review Procedures For Existing Facilities And Facilities Which Are In Development.</u></b>

(1) The Alabama Department of Public Health has determined that there exists a need for a new license category for a level of intermediate care which is separate and distinct from the current license requirements for an Assisted Living Facility. Such intermediate care is designed to address certain residents' special needs due to the onset of dementia, Alzheimer's disease or similar severe cognitive impairment and are in addition to assistance with normal daily activities including, but not limited to, restriction of egress for residents where appropriate and necessary to protect the resident. The new requirements are set forth at Ala. Admin. Code §420-5-20, et seq. and went into effect on November 6, 2000.

Without implementation of a procedure to quickly and efficiently issue CONs to existing facilities which were going to continue to provide this intermediate care, there existed a risk that said facilities would not have been able to maintain their license and, thus, placed at risk the patients which these facilities served and the financial viability of said facilities. This represented an immediate threat to the health, safety and welfare of the residents, their families, the facilities and the facilities' employees.

(2) As a result, this Agency adopted an emergency rule which provided a means whereby said facilities could obtain the necessary CONs in a timely manner to prevent any unnecessary disruption of services. By adoption of this permanent rule, the Agency adopts on a permanent basis a procedure wherein said existing facilities can obtain the necessary CONs under a non-substantive review procedure to prevent any unnecessary disruption of services.

(a) In accordance with the regulations adopted by the State Health Coordinating Council on October 20, 2000, need will be

presumed to be established for any existing Assisted Living Facility that demonstrates that it was providing Specialty Care as defined by the Department of Public Health under Ala. Admin. Code §420-5-20, et seq. as of November 6, 2000 or was under development as of such date. For purposes of this provision, the term "under development" shall mean that at least preliminary first stage architectural drawings for construction of the Specialty Care Assisted Living Facility at a site designated by subdivision plat or metes and bounds have been submitted to the State Board of Health for construction of a certified Specialty Care Assisted Living Facility under Ala. Admin. Code §420-5-20, et seq.

(b) Any existing provider seeking a CON under this rule must file an application by December 31, 2000. Applicants should provide evidence of their ability to meet licensure standards as part of their application. Applicants that meet the aforementioned criteria and affirm that their application to continue existing services does not involve a capital expenditure in excess of \$500,000 shall have their applications considered as part of a non-substantive review process, which shall include direct review by the Certificate of Need Review Board. Applicants who are existing providers and whose projects are "under development" (as both terms are described in 410-1-5B-.01(2)(a) above) and who file their applications prior to the December 31, 2000 deadline shall be required to pay an application fee of \$25.00 prior to the issuance of the requested CON.

(c) Since need shall be presumed for all existing providers as of November 6, 2000 who meet the requirements of this section, there will be no batching cycle established with respect to any applications for a CON under the provisions of this emergency rule.

(3) This rule shall apply only to existing providers and applicants whose projects are "under development" (as both terms are described in 410-1-5B-.01(2)(a) above).

**Author:** Certificate of Need Review Board

**Statutory Authority:** Code of Ala. 1975, §22-21-264 and 275.

**History: New Rule:** Filed January 18, 2001; effective February 22, 2001.