



AlaFile E-Notice

03-CV-2013-901395.00

Judge: CHARLES PRICE

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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

COLBERT COUNTY NORTHWEST ALABAMA HEALTHCARE AUTH D V. NORTH ALABAMA ME
03-CV-2013-901395.00

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TIFFANY B. MCCORD
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MONTGOMERY COUNTY, ALABAMA
251 S. LAWRENCE STREET
MONTGOMERY, AL 36104

334-832-1260



**IN THE CIRCUIT COURT OF
 MONTGOMERY COUNTY, ALABAMA**

**COLBERT COUNTY NORTHWEST)
 ALABAMA HEALTHCARE)
 AUTHORITY d/b/a HELEN KELLER)
 HOSPITAL,)**

Petitioner,)

v.)

CIVIL ACTION NO: CV-2013-901395

**NORTH ALABAMA MEDICAL)
 CENTER f/k/a ELIZA COFFEE)
 MEMORIAL HOSPITAL, RHCP)
 FLORENCE, LLC, REGIONALCARE)
 HOSPITAL PARTNERS, INC.,)
 ALLIANCE ONCOLOGY, LLC, and)
 ALABAMA STATE HEALTH)
 PLANNING AND DEVELOPMENT)
 AGENCY, an agency of the State of)
 Alabama,)**

Respondents.)

FINAL ORDER

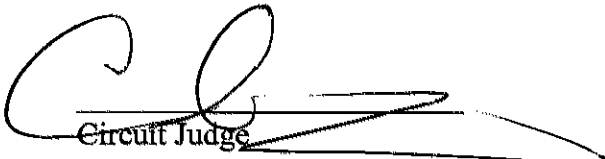
Before this Court is The Health Care Authority of Colbert County d/b/a Helen Keller Hospital’s Petition for Judicial Review of the State Health Planning and Development Agency’s (“SHPDA”) decision to award North Alabama Medical Center a Certificate of Need (“CON”) for a 280-bed hospital in Lauderdale County, to replace its existing 358-bed facility.

This Court’s review of SHPDA’s decision to grant the CON is governed by the Alabama Administrative Procedure Act, *Ala. Code* §§ 41-22-1 *et seq.* In reviewing the agency’s decision, this Court is limited to reviewing the record before the agency and may not substitute its judgment for that of the agency. *See Ala. Code* § 41-22-20(i), (k); *Alabama Renal Stone Inst., Inc. v. Alabama Statewide Health Coordinating Council*, 628

So. 2d 821, 823 (Ala. Civ. App. 1993). Petitioner does not dispute there is a need for a replacement hospital in Lauderdale County to replace North Alabama Medical Center's current 358 bed facility. Under *Ala. Code* § 22-21-275 and *Ala. Admin. Code* § 410-1-8-.05(2), SHPDA's CON Review Board had the authority to increase the number of beds awarded for the replacement hospital from the ALJ's recommendation of 233 beds to 280 beds, as stated in the CON Review Board's final decision.

After considering the briefs and arguments of the parties, as well as the record before SHPDA, the Court finds that SHPDA's decision was reasonable, supported by substantial evidence, and within the Agency's lawful discretion, and is hereby AFFIRMED.

DONE this the 3 day of June, 2014.


Circuit Judge