EXECUTIVE ORDER NUMBER 26

WHEREAS, the citizens of Alabama have an overriding interest in the containment of health care costs and particularly in the control of the growth in spending on our Medicaid programs; and

WHEREAS, a variety of factors, including federal regulation, unfunded federal mandates, and the lack of adequate state funds, have resulted in severe concerns about the current status of the financial well-being of the Medicaid program and the budgets of the State of Alabama relating thereto; and

WHEREAS, health care and Medicaid costs and budgets can be adversely impacted by the addition of new inpatient hospice services or inpatient hospice facilities; and

WHEREAS, hospice services generally are readily available statewide, both in home and in existing nursing facilities; thus, additions of new facilities would be duplicative of services already established; and

WHEREAS, the Certificate of Need Review Board and the State Health Planning and Development Agency ("SHPDA") are responsible for the approval of the addition of inpatient hospice services and inpatient hospice facilities; and

WHEREAS, a moratorium on the issuance of Certificates of Need for additional inpatient hospice services or inpatient hospice facilities , and on acceptance and processing of applications for additional inpatient hospice services or inpatient hospice facilities would be in the best interest of the people of the State of Alabama, in that it would allow the administration and legislature to study and act upon the impact of same as it relates to the financial situation of our Medicaid system, the need for such inpatient services and facilities, and the overall health care delivery system.

NOW, THEREFORE, based upon these considerations, and for other good and valid reasons relating thereto, I, Bob Riley, as Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, do hereby impose a moratorium on the issuance of Certificates of Need for additional inpatient hospice services or inpatient hospice facilities, and on acceptance and processing of applications for additional inpatient hospice services or construct inpatient hospice facilities, until further notice.

BE IT ORDERED that I hereby appoint a study committee consisting of the Alabama Medicaid Commissioner, State Health Officer, Executive Director of the State Health Planning and Development Agency, Alabama Hospice Association, Alabama Hospital Association, Alabama Nursing Home Association, Alabama Arise, and other appropriate parties as appointed by the Alabama Medicaid Commissioner, or the Governor, to review and examine the current delivery system for hospice services with particular attention to ensuring services are provided to appropriate individuals in a safe and cost efficient manner and to make a report of such findings to the Governor's Office no later than November 30, 2005.

BE IT FURTHER ORDERED that this moratorium shall also apply to any adjustments or proposed adjustments by the Statewide Health Coordinating Council, and any of its committees, to the State Health Plan for the purpose of adding more inpatient hospice services or inpatient hospice facilities to the now described need, and on the filing of, acceptance of, consideration of, and acting upon any and all Certificate of Need applications to add new inpatient hospice services or inpatient hospice facilities either before the Certificate of Need Review Board or an Administrative Law Judge.

BE IT FURTHER ORDERED that this moratorium shall become effective immediately upon signing and shall remain in effect until amended or rescinded by the Governor.

DONE AND ORDERED this 15th day of March, 2005.

Bob Riley
Governor

ATTEST:

Nancy Worley
Secretary of State