NOTICE
THIS APPLICATION WAS REVISED DECEMBER 2021
PLEASE READ CAREFULLY

Change of Ownership License Application
To Operate an Assisted Living Facility

Regulations affecting the application for licensure of Assisted Living Facilities can be found by clicking the Rules tab or link on the applications page.

The following information should be submitted in support of an application for a change of ownership at least 30 days prior to the effective date of the change.

1. A completed Change of Ownership license application and $240 application fee, plus $18 for each bed in the Assisted Living Facility. The number of beds should be equal to the bed capacity of the facility in Item 6 of the application. Application fees will not be refunded. Checks or money orders must be made payable to the Alabama Department of Public Health.

2. A copy of the Articles of Incorporation, Articles of Organization, LLC Agreement, Partnership Agreement or Statement of Sole Proprietorship under which the Assisted Living Facility will operate post transaction. Corporations, Limited Partnerships and Limited Liability Companies filing an application for a change of ownership must provide a copy of their Certificate of Existence (for domestic entities) or Certificate of Registration (for foreign entities) from the Alabama Secretary of State as proof of authority to transact business in the state of Alabama.

3. A draft copy of the agreement effecting the change of ownership, such as an asset purchase, lease, or management agreement. An unsigned copy of the agreement or a final draft is acceptable for submittal with this application; however, a copy of the fully executed agreement must be submitted prior to the issuance of a license certificate.

4. A facility diagram illustrating the licensed beds and room numbers. Please provide floor plans on letter sized paper, if possible.

5. A copy of the Administrator’s License for the individual listed in section 5 of the application.

6. A copy of the Medical License for the applicant’s Back up Physician Support.
A copy of the application will be forwarded to the Division of Healthcare Facilities, Assisted Living Unit, following initial review by the Licensure Unit. A staff member from the Assisted Living Unit will contact the applicant if an onsite licensure survey is required before the license can be granted.

*NOTE* Due to workload volume, application review takes a minimum of 30 days. An onsite survey (if required) could add considerable time to completion of the review process. Applications must therefore be submitted well in advance of the date of the anticipated change of ownership and with all required documentation, as noted in the instructions, before the review can begin.

The earliest date a license can be granted is the first day the complete application and any required surveys have been approved by the Department.

**FOR STATE LICENSURE PURPOSES, A CHANGE OF OWNERSHIP IN NOT EFFECTIVE UNTIL A NEW LICENSE CERTIFICATE REFLECTING THE CHANGE HAS BEEN ISSUED.**

**Printing of License Certificates**

License certificates are now available online. When a license is granted or renewed, the license certificate can be printed on-line at [https://dph1.adph.state.al.us/FacilityCertificatePrint](https://dph1.adph.state.al.us/FacilityCertificatePrint). A facility ID and pin number will be provided and must be used to print license certificates.

**Please note:** It is a violation of state law to operate as an Assisted Living Facility before you are granted a license from the Alabama Department of Public Health. If you have questions regarding the application, please call (334) 206-5175.
APPLICATION INSTRUCTIONS
Assisted Living Facility

Changes in the ownership of a licensed Assisted Living Facility are reviewed on a case-by-case basis by the Alabama Department of Public Health. A license application for a change of ownership in an Assisted Living Facility may be required in the circumstances described below; however, changes of ownership may not be limited to these situations. Please consult the Licensure Division for a determination as to whether a Change of Ownership License Application is required if the applicable transaction is not described.

Unincorporated Sole Proprietorship. If a provider entity is owned by a single individual, approval for a change of ownership is required when transferring title of that provider entity to another person or firm, regardless of whether the transaction includes transfer of title to the real estate. Approval for a change of ownership is also required if the former owner becomes one of the members of a partnership or corporation succeeding him/her as the new owner.

Partnership. The removal, addition, or substitution of an individual as a partner in the provider entity dissolves the old partnership, creates a new partnership, and constitutes a change of ownership, unless expressly provided otherwise in the transaction.

Corporation. A change in the members of the governing body of the provider entity’s owner corporation, regardless of whether ownership of the corporation stock is transferred, would not constitute a change of ownership as long as the same corporation continues to be the legal entity responsible for operation of the provider entity.

• A merger of one or more corporations into the provider corporation, with the Medicare-participating provider corporation surviving, does not constitute a change of ownership.
• If the corporation that survives the merger is not the former owner of the provider corporation, a change of ownership has occurred.
• Consolidation or merger of two or more corporations that results in the creation of a new corporate entity having ownership control over a provider constitutes a change of ownership.
• Transfer of corporate stock does not constitute a change of ownership.

Leasing. The lease of all or part of a provider facility constitutes a change of ownership of the leased portion. If only part of the provider facility is leased, the original provider agreement remains in effect only with respect to the unleased portion. The Department does a survey and prepares a certification covering the leased portion as a new provider. Documents must be provided to the Department that indicate which individual or entity has first level authority over, and responsibility for, the provider located within the leased premises.

Management Firm. A firm that contracts with the owners to manage a provider entity, subject to the owners’ general approval of operating decisions, is an agent of the owners rather than a partner or successor. If management in that sense is turned over to a management firm, this would not constitute a change of ownership, even though the management firm may appear to have wide latitude in making decisions, and even though its fee may be based on the net revenue or profit the provider entity receives from furnishing services.
The only time an operation under a management agreement would constitute a change of ownership is when the owner has relinquished all authority and responsibility for the provider entity.

**Franchise.** If a provider entity states it is a franchisee of another entity which is the owner of the provider, a determination must be reached concerning which entity is the provider that will be held legally responsible for complying with all applicable law and regulations before the change of ownership can be processed.

**Item 1: Applicant.** The applicant should be the legal name of the individual, partnership, corporation or other entity who will become the governing authority of the Assisted Living Facility upon the change of ownership and in whose name the license will be issued. The applicant’s name as stated on the application must be identical to the name reflected on the corporate documents submitted with the application. If the Assisted Living Facility is operated by another entity pursuant to a lease agreement, the lessee should be listed as the applicant, and a copy of the lease agreement must be submitted with the application.

**NOTE** - The applicant must be the operator of the Assisted Living Facility, the entity that makes employment decisions concerning the Assisted Living Facility’s administrator, determines patient care issues, makes payment for the Assisted Living Facility’s financial obligations, etc.

The Department does not recognize fictitious business names (d/b/a’s) as such or require their disclosure. Businesses are not required to register a d/b/a or trade name with the Alabama Secretary of State. If a d/b/a is included as part of the applicant’s legal name in Item 1, the d/b/a will be reflected on the license. If the d/b/a will be utilized as the facility name, it should be entered in Item 6.

**Item 5: Facility Administrator.** A copy of the current license for the applicant’s administrator must be attached.

**Item 6: Bed Capacity.** Total number of beds the facility will offer. This number cannot exceed the number of beds listed on the Certificate of Need.

**Item 7: Facility Name.** The information provided on this line will be entered in the Department’s Provider Services Directory, and the Assisted Living Facility will be referred to by this name. This same name should be reflected on all of the Assisted Living Facility’s advertisements, letterhead, signage and certification information. The name must be unique to the Assisted Living Facility - that is, it may not be the same as the name of any other licensed facility in Alabama, nor may it be so similar to the name of any other licensed facility that, in the judgment of Department staff, it could create any confusion in the mind of the public.

Governing authorities operating more than one facility may give the facilities they operate similar, but not identical, names. The facility name may be abbreviated if the abbreviation is also used on all advertisements, letterhead, signage and certification information.

**Item 9: Facility’s Mailing Address.** The Assisted Living Facility’s mailing address or post office box must be within the same postal service area as its street address.
**Item 16: Emergency Staffing.** List the name and address of at least one physician who has agreed to respond to patients’ emergencies when the patients’ personal physicians cannot be reached. A copy of the agreement between the Assisted Living Facility and the physician must be attached to this application.

**Item 19: Administrator’s Signature.** The administrator designated in Item 5 to run the Assisted Living Facility on behalf of the applicant must sign the application and make the attestation in this section.

**Item 20: Attestation of Responsible Person.** A company officer, board member, administrator or other responsible person of the applicant must sign the application and make the attestation in this section.

**Item 21: Current Licensee’s Signature.** A company officer, board member, administrator or other responsible person of the current licensee must sign the application and make the attestation in this section.

**Application Fee.** The application fee for an Assisted Living Facility is $240, plus $18 for each bed in the Assisted Living Facility. The number of beds should be equal to the bed capacity of the facility in Item 6 of the application. Application fees are not refundable. Checks or money orders must be made payable to the Alabama Department of Public Health and submitted with the application.

**Attachments.** Each attachment to the application must be specifically referenced within the application and labeled accordingly. For example, an attachment to Item 14(d) should be referenced in the application and labeled as such.
## APPLICATION FEE

APPLICATION FEES ARE NOT REFUNDABLE.

The application fee is $240 plus $18 per bed.

MAKE CHECK OR MONEY ORDER PAYABLE TO:
ALABAMA DEPARTMENT OF PUBLIC HEALTH

<table>
<thead>
<tr>
<th>Classification</th>
<th>Bed Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Fee</td>
<td>Check #</td>
</tr>
</tbody>
</table>

Facility ID # ___________________________________

### Change of Ownership Application to Operate an Assisted Living Facility

1. ________________________________________
   Applicant
   (see instructions on page 4)

2. ________________________________________
   Applicant Address

3. ________________________________________
   City  State  Zip Code

4. ________________________________________
   Applicant Telephone Number

5. ________________________________________
   Facility Administrator

   Facility Administrator's Email Address

6. ______________________________
   Facility Bed Capacity
   (see instructions on page 4)

7. ______________________________
   Facility Name
   (see instructions on page 4)

8. ______________________________
   Facility Physical Address

9. ______________________________
   Facility Mailing Address
   (see instructions on page 4)

10. ____________________________________
    City  Zip Code  County

11. ____________________________________
    Facility Telephone Number

12. ____________________________________
    Facility ID Number
13. This application is to apply for (check one):
   a. Change of Ownership  
   b. Change of Ownership and name change

   The facility is currently licensed as ________________________________  ________________
   (Facility Name)

14. Applicant Information
   a. Applicant is a (check one):
      Individual  
      Partnership  
      Corporation  
      Limited Liability Company  
      Nonprofit Corporation  
      Hospital Authority  
      City  
      County  
      State  
      Joint City County  
      Other: _________________________________  
      Specify

   b. List all the applicant’s board members and officers (attach additional paper if necessary).

      __________________________________
      __________________________________
      __________________________________

   c. List the name(s) of any person or business entity that has 5% or more ownership interest in
   the applicant (attach additional paper if necessary). Attach a schematic depicting both the
   pre-transaction and post-transaction organizational structure of the governing body and
   Assisted Living Facility.

      __________________________________
      __________________________________
      __________________________________

   d. Does this applicant or any of its owners listed in item “c” operate any other health care facility
   in Alabama or in any other state? YES  NO  If yes, attach a list including the type(s) of
   facility(s), name(s), address(s), and owner(s).

   e. Have any of the facilities listed in item “d” had any adverse licensure action taken against
   them or been subject to exclusion from the Medicare or Medicaid Reimbursement Programs?
   YES  NO  If yes, attach an explanation.

   f. Have the applicant, officers or principals ever been convicted of a crime?  YES  NO  
   If yes, attach an explanation.
g. Have the applicant, officers or principals ever been found guilty of abusing another individual?  
   YES ☐ NO ☐  If yes, attach an explanation.

h. Have the applicant, officers or principals ever had adverse action taken against any  
   professional license held by him/her, such as a license as a nursing home administrator,  
   attorney, nurse, or physician?  YES ☐ NO ☐  If yes, attach an explanation.

f. Has the applicant, or any of its officers or principals, ever had a license application denied by  
   this or any other state?  YES ☐ NO ☐  If yes, attach an explanation.

15. Are there any outstanding citations of deficiency, either Federal or State, that have not been  
   corrected? YES ☐ NO ☐  
   If yes, has the plan of correction for these deficiencies been accepted by the Division of Health  
   Care Facilities?  YES ☐ NO ☐

Note: The new operator will be responsible for correcting all outstanding  
   deficiencies and may be subject to sanctions imposed for past or present  
   deficiencies, including payment of any uncollected civil monetary penalties.  
Approval of applications for changes of ownership of Assisted Living Facilities  
with outstanding deficiencies remains subject to the sole discretion of the Department.

16. Has the facility administrator listed in Item 5 of this application:

   a. ever been convicted of a crime?  YES ☐ NO ☐

   b. ever been found guilty of abusing another individual?  YES ☐ NO ☐

   c. ever had adverse action taken against any professional license, held by him/her, such as a  
      license as a nursing home administrator, attorney, nurse, or physician?  YES ☐ NO ☐

   d. ever been excluded from participation in any Medicare or Medicaid Reimbursement Program?  
      YES ☐ NO ☐

   If the answer is yes to a, b, c, or d, please attach an explanation.

17. List the name and address of at least one physician who has agreed to respond to patients’  
   emergencies when the patients’ personal physician cannot be reached.  
   (Attach a copy of the agreement to this application).

   ___________________________  ___________________________
   Physician Name              Address

   ___________________________  ___________________________
   Physician Name              Address

   ___________________________  ___________________________
   Physician Name              Address
18. Provide the name, phone number, and email address for a knowledgeable person that can provide additional information about this application.

Name (print) ____________________________________________

Phone __________________________________________________

Email ____________________________________________

19. Administrator’s Signature:

I declare, under penalty of perjury, that I have not operated or allowed the operation of this or any other facility without a license. I agree to operate this facility according to the Rules of the Alabama State Board of Health.

Signature ___________________________________________ Date

Printed Name

NOTARIZED:

Sworn to and subscribed before me this ______ day of ________ 20_____.

(Notary Public) (Seal)

My commission expires______________.

20. Attestation of Responsible Person:

I declare, under penalty of perjury, that I have personal knowledge about the statements made in this application and certify that all the statements made herein are true and correct, to the best of my knowledge and belief. To the best of my knowledge, neither the applicant nor any of its owners or principals, including myself, nor the administrator, has operated, or allowed the operation of, this or any other facility without a license. I certify that I am authorized to make this representation on behalf of the applicant.

Signature ___________________________________________ Date

Printed Name

Title/Position
NOTARIZED:
Sworn to and subscribed before me this _______ day of ____________ 20_____.

____________________________________
(Notary Public)                        (Seal)
My commission expires__________________.

21. Current Licensee’s Signature

I declare, under penalty of perjury, that the current licensee of this facility concurs with this change of ownership and recommends that this application for a change of ownership be granted. I certify that I am authorized to make this representation on behalf of the current licensee.

_________________________________
Name of Currently Licensed Facility

_____________________________   ________________________________
Signature                       Date

_________________________________
Printed Name

_________________________________
Title/Position

NOTARIZED:
Sworn to and subscribed before me this _______ day of ____________ 20_____.

____________________________________
(Notary Public)                        (Seal)
My commission expires__________________.
MANDATORY ACKNOWLEDGMENT NOTICE

Pursuant to *Alabama Code* section 30-3-194, every applicant seeking a license, certificate, permit, or authorization from a state agency to engage in profession, occupation, or commercial activity must provide the social security number of the person signing the application, whether as an individual or on behalf of any legal business entity. Failure to provide this social security number will result in the denial of the application.

Print or Type Name of Person Signing Application
On Behalf of the Applicant: ____________________________

Social Security Number of Person Signing Application: ____________________________

Print or Type the Facility Name: __________________________________________

THIS PAGE IS NOT PUBLIC RECORD