

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSET, DIRECTOR**

(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

I certify that the attached is/are a correct copy/copies of rule/s as promulgated and adopted on the 19th day of September, 2012, and filed with the agency secretary on the 28th day of September, 2012.

AGENCY NAME: State Health Planning and Development Agency
(Certificate of Need Review Board)

X Amendment; _____ New; _____ Repeal; (Mark appropriate space)

Rule No. 410-1-8-.24

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Entry of Final Order by the Fair Hearing Officer

ACTION TAKEN: State whether the rule was adopted with changes from the proposal due to written or oral comments;

The rule was adopted with changes from oral comments provided at the September 19, 2012 Public Hearing.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXX

ISSUE NO. 10, DATED July 31, 2012.


Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-265, -270, -274 and -275.

(Date Filed)
(For LRS Use Only)

REC'D & FILED

SEP 28 2012

LEGISLATIVEREFSERVICE


Alva M. Lambert, Executive Director
State Health Planning and Development Agency
(Certifying Officer or his or her Deputy)

(NOTE: In accordance with § 41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

410-1-8-24 Entry of Final Order by the Fair Hearing Officer

Within ~~thirty~~ forty-five (30 ~~45~~) days after completion of the transcript ~~the close of the evidence,~~ unless extended by agreement of all parties of record, the Fair Hearing Officer shall enter a final order respecting the issuance of a Certificate of Need, which final order shall contain findings of fact and conclusions of law regarding the application. The final order of the Fair Hearing Officer shall be effective upon its filing with SHPDA. Any aggrieved party of record to a Certificate of Need application filed after May 8, 2012 may appeal the ~~decision~~ final order to the ~~Circuit Court of Montgomery County or the circuit court of the county in which the applicant resides or of the county in which the applicant is situated or of the county in which the new institutional health service being applied for is to be located.~~ Alabama Court of Civil Appeals; within twenty-one (21) days after the decision of the Agency becomes final. Within thirty (30) days after a notice of appeal is filed, SHPDA shall transmit the administrative record to the clerk, with the appealing party bearing the costs associated with the preparation and transmission of the record and transcript of the hearing and of giving notice to the parties of the transmittal.

Author: Alva M. Lambert.

Statutory Authority: §§22-21-275 (6), (14) and §§ 441-22- 1-206, - 20, Code of Alabama, 1975.

History: March 21, 1985. Amended: Filed February 1, 2000; effective March 7, 2000, Amended: Filed September 28, 2012; effective November 2, 2012.