

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 410 Department or Agency State Health Planning and Development
 Agency (Certificate of Need Review Board)
 Rule No. 410-1-3-.06
 Rule Title: State Agency Records

 _____ New Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

 Does the proposed rule have an economic impact? YES

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Ara M. Lambert

Date 5-21-13

REC'D & FILED

DATE FILED
(STAMP)

MAY 21 2013

LEGISLATIVE REF SERVICE

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23 (f))**

Control No. _____ Department or Agency State Health Planning and Development Agency
Certificate of Need Review Board

Rule No & Title: 410-1-3-.06 State Agency Records

New _____ Amend X Repeal _____ Adopt by Reference _____

_____ This rule has no economic impact.

X This rule has an economic impact, as explained below:*

1. NEED/EXPECTED BENEFIT OF RULE:

This rule provides for the imposition of a fee utilized to fund the State Health Planning and Development Agency's operations. The fee is authorized by Act 2012-294, which was signed into law by Governor Robert Bentley on May 8, 2012.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

None

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

* The rule imposes a small fee on certain health care providers. It is not anticipated that the fee will have a material economic impact on health care delivery. Reduced fees are imposed for electronic transmissions.

APA-6

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

None

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

None

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

NOTICE OF INTENDED ACTION

AGENCY NAME: STATE HEALTH PLANNING AND DEVELOPMENT AGENCY
(Certificate of Need Review Board)

RULE NO. & TITLE: 410-1-3-.06 State Agency Records

INTENDED ACTION:

The State Health Planning and Development Agency and the Certificate of Need Review Board propose to amend the above-styled section of the *Alabama Certificate of Need Program Rules and Regulations*.

SUBSTANCE OF PROPOSED ACTION:

This amendment provides procedures and charges for requesting copies of public records maintained by the Agency, including electronic records upon implementation of an electronic filing system.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

In response to this Proposed Rule, all interested persons are invited to submit data, views, comments and/or arguments, orally or in writing. Any and all such data, comments, arguments and/or requests to orally address the Certificate of Need Review Board shall be made in writing on or before July 5, 2013, and shall be made to:

Nicole Horn, Executive Secretary
State Health Planning and Development Agency
P. O. Box 303025
Montgomery, Alabama 36130-3025

On July 17, 2013, at 10:00 a.m., the Certificate of Need Review Board shall conduct a public hearing in the State Capitol, Capitol Auditorium, 600 Dexter Avenue, Montgomery, Alabama, at which time it shall consider the Proposed Amendment, along with all written and oral submissions respecting the Proposed Amendment. Only those interested persons who have made timely written requests will be afforded the opportunity to speak.

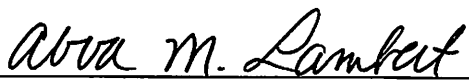
Copies of the proposed changes are available for review at 100 North Union Street, RSA Union Building, Suite 870, Montgomery, Alabama. Phone (334) 242-4103 or visit the office Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding State holidays.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

July 5, 2013

CONTACT PERSON AT AGENCY:

Nicole Horn
100 North Union Street
RSA Union, STE 870
Montgomery, AL 36104
(334) 242-4103


Alva M. Lambert, Executive Director

410-1-3-.06 State Agency Records

(1) All information collected, assembled, or maintained by the State Agency in connection with its transaction of official business is public information and available for public inspection and disclosure during normal business hours.

(a) A request to inspect State Agency records must be made with reasonable prior notice in writing. The State Agency will, upon written request, produce information for inspection or duplication. No person, except with the express consent of the Executive Director, shall remove an original record from the offices of the State Agency. Requests for materials will generally be filled within ten (10) working days. Any expense incurred in the reproduction, preparation or retrieval of records shall be paid by the person requesting the record. The charge for such reproduction, preparation and retrieval shall be set by the Certificate of Need Review Board. In addition, upon request, the Agency shall provide non-routine data compilation or summary of health care data to third parties in accordance with a fee schedule based on total costs incurred by the Agency, as determined by the Executive Director, approved by the CON Review Board, and published on the Agency's website.

(b) Requests for inspection and/or copying of records shall be submitted in writing to the Executive Director, State Health Planning and Development Agency, P.O. Box 303025, Montgomery, Alabama, 36130-3025, by facsimile to 334-242-4113, or by e-mail to shpda.online@shpda.alabama.gov. Data requests may be submitted by e-mail to data.submit@shpda.alabama.gov. Personnel records, data and/or materials relating to judicial proceedings, and other documents subject to a legal privilege or confidentiality requirement under state or federal law are not available for public disclosure or access. Unofficial copies of public records are available in an electronic format. All certified official copies shall be provided in printed form.

(c) Requests shall include the following information:

1. the date of the request;
2. the name, address, telephone number, facsimile number and e-mail address of the requesting party;
3. a statement agreeing to payment of the cost of copying, research and administrative charges;
4. a description of the specific data and/or materials being requested.

(d) Copying of project files can only be done after an application has been deemed complete by the State Agency. Transcripts are not available for copying and must be obtained independently from the court reporter. Copying charges for project files and routine data requests are as follows:

1. One dollar (\$1.00) per black and white page, 8.5 x 11, 8.5 x 14 or 11 x 17 inches in size.
2. An additional five dollar (\$5.00) administrative cost for each one hundred

pages.

3. Five dollars (\$5.00) per hour for any requested staff research in excess of two hours.
4. Electronic records can be emailed for a cost of twenty-five cents (\$0.25) per page, plus administrative and research costs per (d) 3 above.

(e) Upon establishment of an electronic filing system, there will be a charge of ten cents (\$0.10) per page for downloading electronically filed documents.

Nothing in this rule shall authorize the Agency to impose a fee for initial publication of any report or statistical update which it is required to publish under law or rule.

Author: Alva M. Lambert

Statutory Authority: §§ 22-21-271 and -274, Code of Alabama, 1975.

History: Amended: Filed July 24, 2012; effective August 28, 2012. Amended: Filed _____; effective _____.