

**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 18th day of September, 2013, and filed with the agency secretary on the 19th day of September, 2013.

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

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

Rule No. 410-1-7-.04(1), (2) & (5)

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

Rule Title: Notice of Change of Ownership

ACTION TAKEN: State whether the rule was adopted without changes from the proposal due to written or oral comments;

No public comments were received; the rule was adopted without changes and as published for comment in the Alabama Administrative Monthly.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXI

ISSUE NO. 10, DATED July 31, 2013.

Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-263, -270 and -275.

(Date Filed)
(For LRS Use Only)

REC'D & FILED

SEP 19 2013

LEGISLATIVE REFERENCE SERVICE

Alva M. Lambert
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.)

410-1-7-.04 Notice of Change of Ownership

- (1) A notice of a change in ownership or control of a health care facility or service for which a CON has been granted shall be provided to the State Agency by the acquiring entity at least twenty (20) days before the transaction occurs, unless a shorter period is authorized for good cause shown by the Executive Director.
- (2) The notice of change of ownership or control shall be delivered in writing to the Executive Director of the State Agency, accompanied by a reviewability determination fee of \$2,500.00 before the transaction occurs. Any transfer of ownership or control of a CON that has not become “vested” under Ala. Code § 22-21-270(d) must meet the requirements of Ala. Code § 22-21-270(e) to qualify for an exemption from CON review. The Executive Director shall issue a letter confirming the non-reviewability of any transfer of ownership or control that qualifies for an exemption under Ala. Code § 22-21-270.
- (3) The notice shall include:
 - (a) the financial scope of the project to include the preliminary estimate of the costs broken down by equipment, construction, and yearly operating cost;
 - (b) the services to be offered by the proposal (the applicant will state whether he has previously offered the service and whether the service is an extension of a presently offered service, or whether the service is a new service);
 - (c) whether the proposal will include the addition of any new beds;
 - (d) whether the proposal will involve the conversion of beds;
 - (e) whether the assets and stock (if any) will be acquired; and
 - (f) any other information that the Executive Director shall deem necessary to insure a full understanding by the State Agency.
- (4) Any Request made pursuant to this rule shall be subject to the publication requirements of 410-1-7-.02, provided, however, the Executive Director may provide a determination or other response without regard to the time periods set forth in 410-1-7-.02.

Statutory Authority: § 22-21-270, Code of Alabama, 1975.

History: Amended: Filed March 26, 2012; effective: April 30, 2012. Amended: Filed June 25, 2012; effective: July 30, 2012. Amended: Filed September 19, 2013; effective: October 24, 2013.