

**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 17th day of August, 2016, and filed with the agency secretary on the 23rd day of August, 2016.

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

Amendment; New; Repeal; (Mark appropriate space)

Rule No. 410-1-4-.02

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

Rule Title: Construction or Relocation of Administrative or Branch Office

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 XXXIV

ISSUE NO. 9, DATED JUNE 30, 2016.

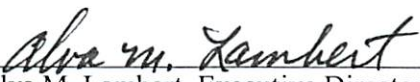
Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-271, -274 and -275.

(Date Filed)
(For LRS Use Only)

REC'D & FILED

AUG 23 2016

LEGISLATIVE REF SERVICE


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.)

410-1-4-.02 Construction or Relocation of Administrative or Branch Office

The construction or relocation of an administrative or branch office of a home health agency or in-home hospice provider which: (1) is within the service area for which the provider is the holder of a CON (excluding home health agencies' contiguous county service areas authorized pursuant to § 22-21-265(f), Code of Alabama (1975 as amended)); and (2) at which no patient care is provided, does not constitute the construction, development, acquisition or other establishment of a new health care facility requiring a Certificate of Need under ALA. CODE § 22-21-263(a)(1) (1975 as amended). The home health or hospice agency shall notify SHPDA, pursuant to Rule 410-1-3-.09, of its construction or relocation plans at least thirty-five (35) days in advance of the action. As part of such notification, a home health or hospice agency may obtain a reviewability determination letter pursuant to ALA. ADMIN. CODE r. 410-1-7-.02, acknowledging compliance with this rule, with a copy of said letter sent to the Alabama Department of Public Health. Nothing in this rule shall be construed as authorizing the extension of a home health or in-home hospice services beyond those areas authorized under the provider's Certificate of Need or as may be otherwise authorized under Alabama law.

Statutory Authority: § 22-21-263, -275, Code of Alabama, 1975

History: Filed April 22, 2010; effective May 27, 2010. Amended: Filed August 23, 2016; effective: October 7, 2016.