

**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)

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

Rule No. 410-1-9-.01(1)(a) and (2)

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

Rule Title: Declaratory Rulings

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.)

410-1-9-.01 Declaratory Rulings

- (1) The CON Review Board may issue declaratory rulings to any person substantially affected by a rule, with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the State Agency, or with respect to the meaning and scope of any order of the State Agency. Such rulings shall be issued provided:
 - (a) the petitioner makes his request pursuant to Rule 410-1-3-.09 no later than fourteen (14) days prior to the regularly scheduled meeting of the CON Review Board, accompanied by a fee of \$1,000.00. The required filing fee must be submitted to the State Agency via overnight mail and marked in such a way as to clearly identify the fee with the electronic submission; or the fee maybe submitted electronically via the payment portal available through the State Agency's website; and
 - (b) the petitioner shows that he is substantially affected by the rule in question; and
 - (c) sufficient facts are supplied in the request to permit the Certificate of Need Review Board to make a valid determination; and
 - (d) the request arises from an actual question or controversy.
- (2) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, ALA. CODE § 41-22-11 (1975 as amended).

Statutory Authority: § 41-22-4 and § 41-22-11, Code of Alabama, 1975.

History: Filed August 23, 2016; effective October 7, 2016.