

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.: 410-1-7-.13

Rule Title: Forty-Fifth (45<sup>th</sup>) Day of the Review Period

           New   X   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?           NO          

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.

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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           Alvin M. Lambert          

Date           6-16-16          

DATE FILED  
(STAMP)

**REC'D & FILED**  
**JUN 16 2016**

**LEGISLATIVE REF SERVICE**



## 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: 410-1-7-.13 Forty-Fifth (45<sup>th</sup>) Day of the Review Period

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 clarifies that all written submissions filed pursuant to this rule must be submitted electronically in accordance with Rule 410-1-3-.09.

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 August 4, 2016, and shall be made to:

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

On August 17, 2016, 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:

August 4, 2016

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

**410-1-7-.13 Forty-Fifth (45th) Day of the Review Period**

- (1) Once an application is deemed complete by the State Agency staff, person(s) other than the applicant will have forty-five (45) days from the beginning of the review cycle in which to have filed with the State Agency the following:
  - (a) information and letters for the Board's consideration in ruling on the merits of the application.
    1. Person(s) other than the applicant, who wish to submit written statements, either in opposition or support of the application, must ~~have~~ electronically filed with the State Agency their comments on or before the forty-fifth (45th) day of the review cycle.
  - (b) speakers to make presentations to the Certificate of Need Review Board:
    1. person(s) other than the applicant who wish to make an oral presentation to the Board must ~~file~~ have a request filed with the State Agency ~~in writing~~ naming the person who is to speak on or before the forty-fifth (45th) day of the review cycle. Only at the sound discretion of the Chairman of the Certificate of Need Review Board will substitution be permitted.
    2. person(s) other than the applicant who wish to make an oral presentation must have filed with the State Agency a summary statement of the presentation before or on the forty-fifth (45th) day of the review cycle, and must limit their comments to the Board to the same.
  - (c) content of visual aids used in presentation to the Certificate of Need Review Board.
    1. Person(s) other than the applicant may use visual aids such as graphs, charts, and related materials in the presentation to the Certificate of Need Review Board, only if the content of such aids is submitted to the State Agency on or before the forty-fifth (45th) day of the review cycle, in sufficient detail to enable the applicant to prepare a response thereto.
- (2) Affected persons filing any information with the Agency in support or opposition to a matter must file an ~~original and two (2) copies with the Agency, along with an electronic PDF copy with the Agency pursuant to the provisions of Rule 410-1-3-.09,~~ and certify that they have filed a copy of such materials on the applicant and all intervenors the same day said materials are filed with the State Agency, either by hand delivery, First Class U. S. Mail (postage prepaid), or overnight courier. If said materials are mailed, the same shall be postmarked the same date the materials are filed of record with the State Agency. Filings not served on other parties in substantial compliance with this regulation may be excluded from the record.

- (3) Affected persons as defined in Rule 410-1-2-.18 must file ~~two (2) copies~~ an electronic PDF copy of any materials filed of record with the State Agency pursuant to the provisions of Rule 410-1-3-.09, ~~along with an electronic PDF copy.~~ Any evidentiary submission, including documents, charts, or graphs, must be accompanied by a sworn verification that the facts stated in the foregoing testimony are true to the best of the preparer's knowledge, information and belief. Such certifications and verifications shall be on such forms as may be provided by the Agency.
- (4) Person(s) other than the applicant and affected persons will not be required to file a copy of their letter of support or opposition with the applicant ~~nor will they be required to file twelve (12) copies of their letters.~~
- (5) Letters from persons other than the applicant and affected persons will be placed in a separate file and made available to members of the Certificate of Need Review Board for their inspection during public hearings for the subject project.

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

History: Amended: Filed March 13, 1997; effective April 18, 1997. Amended: Filed May 3, 2005; effective June 7, 2005. Amended: Filed: \_\_\_\_\_; effective \_\_\_\_\_.