

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 21st day of June, 2023, and filed with the agency secretary on the 21st day of June, 2023.

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

Amendment New Repeal (Mark appropriate space)

Rule No. 410-1-3-.06

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

Rule Title: State Agency Records

ACTION TAKEN: State whether the rule was adopted with or 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 XLI,
ISSUE NO. 7, AAM, DATED April 28, 2023.

Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-260(4).

(Date Filed)
(For LRS Use Only)

REC'D & FILED

JUN 22 2023

LEGISLATIVE SVC AGENCY

Emily T. Marshall
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.

410-1-3-.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, unless otherwise protected from disclosure under law.

(2) Upon request to the Agency's public records coordinator, designated by the Executive Director, public records maintained by the Board shall be available for inspection and duplication at the office of the Board during regular business hours in accordance with this rule. The inspection and duplication of public records shall be under the supervision of the Executive Director or other agency designee, at a designated time coordinated with the public records coordinator.

(3) For the purpose of this rule, a request for copies of public records shall be considered a "Standard Request" if it seeks one or more discretely identified public records that the Executive Director or other agency designee determines will take less than eight (8) hours of staff time to process, taking into consideration the need to identify and to redact or take other measures to withhold legally protected action. A Standard Request should require no or minimal clarification by the requestor. A "Time-Intensive Request" is defined as a request that the Executive Director or other agency designee determines will take more than eight (8) hours of staff time to process, taking into consideration the need to obtain clarification of broad or vague requests, and to identify and to redact or take other measures to withhold legally protected action and any time needed to redact or take other measures to withhold legally protected information.

(4) Any person wishing to obtain copies of public records shall submit a written request in PDF format by email to public.records@shpda.alabama.gov, addressed to the Agency's public records coordinator, using the form provided for this purpose on the public records page of the Board's public web site. "Standard Requests" shall be accompanied by a minimum fee of \$20.00. Should the staff time associated with the response exceed one hour, the requesting party shall pay an additional fee of \$20.00 for each additional hour incurred prior to production. All requests will be acknowledged within two (2) business days from receipt, at which time the requesting party shall be notified if the request is deemed a Time-Sensitive Request. If practicable, the requestor will be given an estimate of the staff time and related fees associated with a Time-Intensive Request prior to processing, which must be paid prior to production. The requestor will be provided a substantive response fulfilling or denying the request within fifteen (15) business days for Standard Requests, and forty-five (45) days for Time-Intensive Requests. These deadlines may be extended in additional fifteen (15) day and forty-five (45) day increments, respectively, upon written notice to the requestor. All fees must be paid prior to production.

(5) Records requests fulfilled will be provided via electronic means wherever possible. Where paper copies are required, the agency may charge an additional per-page fee of \$.50 per page for copies per black and white copied page, 8.5 x 11 inches in size. All certified copies shall be provided in printed form.

(6) In addition, upon request, the Agency may 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.

(7) Nothing in this rule shall authorize the Agency to impose a fee for staff time associated with preparation and 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 July 24, 2013; effective August 28, 2013. Amended: Filed August 23, 2016; effective October 7, 2016. Amended: Filed July 31, 2023; effective September 14, 2023.