

**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 3rd day of June, and filed with the agency secretary on the 5th day of June, 2015.

AGENCY NAME: State Health Planning and Development Agency
(Statewide Health Coordinating Council)

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

Rule No. 410-2-4-.16

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

Rule Title: Freestanding Emergency Departments (FEDs)

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 XXXIII,

ISSUE NO. 5, DATED February 27, 2015.

Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-260(13), (15)

(Date Filed)
(For LRS Use Only)

REC'D & FILED

JUN 05 2015

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.)

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Chapter 410-2-4
Facilities

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410-2-4-.01 **Introduction.** This chapter focuses on existing health care facilities and the need for additional facilities. Methodologies for many facilities, i.e., general hospitals, nursing homes, specialty care assisted living facilities, rehabilitation, psychiatric and substance abuse, are specific in nature and project a finite number of beds needed. Swing beds, Long Term Acute Care Hospital beds, and Critical Care Access Hospital beds are allowed for hospitals, which meet the criteria as specified in the appropriate Federal Directive. The home health methodology allows at least two active providers for each county and is based on upon a minimum level of utilization. Located in the assisted living section is a methodology for standard assisted living facilities however, this is only a recommendation as these facilities are not covered under the Certificate of Need requirements. The bed need projections contained in the adult day care sections are recommendations only and are not intended to be regulatory unless these facilities become regulated by the Certificate of Need requirements.

Author: Statewide Health Coordinating Council (SHCC)
Statutory Authority: § 22-21-260(4), Code of Alabama, 1975.
History: Effective November 22, 2004

410-2-4-.16 Freestanding Emergency Departments (FEDs)

A “Freestanding Emergency Department” or “FED” is a new institutional health service requiring a Certificate of Need under Alabama law. In addition to other applicable criteria, all proposed FEDs must demonstrate, through substantial evidence, that their project will meet all the requirements for licensure under Ala. Admin. Code r. 420-5-9, which is incorporated herein by reference.

Author: Statewide Health Coordinating Council (SHCC)

Statutory Authority: §§ 22-21-260(13), (15), Code of Alabama, 1975.

History: Filed June 5, 2015; effective July 10, 2015.