

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

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

Control 410 Department or Agency _____

Rule No. 410-1-7-.21

Rule Title: Temporary Fee Surcharge

New 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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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.

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 Services Agency.

Signature of certifying officer Emily T. Marsip
Date April 19, 2023

(DATE FILED)
(STAMP)

**STATE HEALTH PLANNING AND
DEVELOPMENT AGENCY**

NOTICE OF INTENDED ACTION

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

RULE NO. & TITLE:

Chapter 410-1-7-.21 Temporary Fee Surcharge

INTENDED ACTION:

The State Health Planning and Development Agency (Certificate of Need Review Board) proposes to repeal

SUBSTANCE OF PROPOSED ACTION:

Section 410-1-7-.21 Temporary Fee Surcharge, became effective on August 21, 2012, to assist in the funding and implementation of an electronic filing system and had a termination date set for the first day of the ninth month after certification by the Executive Director of the successful implementation of an on-line, searchable electronic filing system on or before January 1, 2014.

TIME, PLACE, MANNER OF PRESENTING VIEWS:


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 CONRB shall be made in writing on or before June 2, 2023 at 5:00 p.m., to the State Health Planning and Development Executive Director.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

On June 21, 2023 at 10:00 a.m., the CONRB will conduct a public hearing at which time it shall consider the Proposed Rule Repeal along with all written and oral submissions in respect to the proposal. Only those interested persons who have made timely written requests will be afforded the opportunity to speak. The location of the meeting will be posted to the Agency's website, www.shpda.alabama.gov.

CONTACT PERSON AT AGENCY:

**Ms. Emily T. Marsal, Executive Director
State Health Planning and Development Agency
100 North Union Street, Suite 870
Montgomery, AL 36104
(334) 242-4103**



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 410 Department or Agency State Health Planning and Development Agency (Certificate of Need Review Board)

Rule No: 410-1-7-.21

Rule Title: Temporary Fee Surcharge

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The temporary fee surcharge ended approximately nine years ago. Repealing this rule will eliminate an unnecessary government regulation within the Alabama Code as required by the Governor's Executive Order No. 735 dated March 8, 2023. +

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

Not Applicable

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Not Applicable

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

None

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
BUSINESS ECONOMIC IMPACT STATEMENT
(Section 41-22-5.1)

State Health Planning and Development Agency

Control No. 410 Department/Agency (Certificate of Need Review Board)

Rule No. 410-1-7-.21

Rule Title: Temporary Fee Surcharge

New Amend Repeal Adopt by Reference

Attached is a Business Economic Impact Statement filed pursuant to
Section 41-22-5.1, Code of Alabama 1975.

Signature of Filing Officer *Smiley T. Mars*

Date April 19, 2023

(DATE FILED)
(STAMP)

410-1-7-.21. Temporary Fee Surcharge

~~In addition to all other fees specified in these rules, all applications for a Certificate of Need filed after May 8, 2012, shall be accompanied by an additional fee of \$2,000.00, and all requests for a reviewability determination submitted on or after May 8, 2012, shall be accompanied by an additional fee of \$300.00. The temporary fee surcharges set forth above shall terminate upon the first day of the ninth month after certification by the Executive Director of the successful implementation of an on-line, searchable electronic filing system. Such online electronic filing system shall be implemented on or before January 1, 2014.~~

Author: Alva M. Lambert

Statutory Authority: §22-21-271(d), Code of Alabama, 1975.

History: New Rule. Filed: July 24, 2012; Effective August 28, 2012.