

**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 12th day of December, 2012, and filed with the agency secretary on the 17th day of December, 2012.

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

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

Rule No. 410-1-7-.13(2), (3), (4)

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

Rule Title: Forty-Fifth (45th) Day of the Review Period

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 XXXI

ISSUE NO. 1, **DATED** October 31, 2012.

Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-274 and -275.

(Date Filed)
(For LRS Use Only)

REC'D & FILED

DEC 17 2012

LEGISLATIVE REF SERVICE

Alva M. Lambert
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.)

410-1-7-.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 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 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, 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 of any materials filed of record with the State Agency, 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 two (2) copies and an electronic PDF copy 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 December 17, 2012; effective January 21, 2013.