

**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 18th day of July, 2012, and filed with the agency secretary on the 24th day of July, 2012.

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

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

Rule No. 410-1-10-.03

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

Rule Title: Project Modifications After Issuance of Certificate of Need

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 XXX

ISSUE NO. 8, DATED May 31, 2012.

Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-271, -274 and -275.

(Date Filed)
(For LRS Use Only)

REC'D & FILED

JUL 24 2012


Alva M. Lambert, Executive Director
State Health Planning and Development Agency
(Certifying Officer or his or her Deputy)

LEGISLATIVE REFERENCE SERVICE

(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.)

410-1-10-.03 Project Modifications After Issuance of Certificate of Need

- (1) A proposed change in a project for which the State Agency has previously issued a Certificate of Need will require approval by the Certificate of Need Review Board or the Executive Director of the State Agency. Approval is required whether or not a capital expenditure is associated with the proposed change.
 - (a) A “change in project” shall include, but not be limited to any change in the bed capacity or bed use (i.e., conversion of beds) of a facility, the addition of a health service or services, an increase in the cost of the project, or a change in financing methods which results in an increase in the cost of the project.
 - (b) An application for a change in a project must be made in writing to the State Agency and shall include information and any supporting data deemed necessary by the Executive Director relevant to the merits of the application. Such application shall be accompanied by a fee of twenty-five percent (25%) of the original Certificate of Need application fee for the project. The party seeking approval for such change must certify that a copy of such request has been served on all parties of record in the underlying administrative proceeding or who have filed letters in opposition thereto.
- (2) A proposed change in a project which falls below the financial thresholds for review provided in Section 410-1-4-.01 and does not involve a physical relocation of the facility to a location other than that designated in the application or CON, a change in bed capacity or the provision of new services shall be reviewable by the Executive Director of the agency. Otherwise, a project modification shall be reviewable by the full Certificate of Need Review Board. No project modification will be granted prior to ten (10) business days after publication of the project modification request through notice provided on SHPDA’s web site. No more than two project modifications per project may be approved pursuant to this rule.
- (3) No project modification shall be granted during the pendency of an appeal of the Agency order granting the underlying CON. In the event of a project modification, the effective date of the CON shall be recalculated to run from the date of the effective date of the modification.
- (4) The Agency shall be notified in writing of the termination of a health service or of one or more beds; provided, however, that such termination shall not require Agency review or approval.

Author: Alva M. Lambert

Statutory Authority: §§ 22-21-267, -271, Code of Alabama, 1975.

History: March 21, 1985; Amended: Filed May 3, 2005; effective June 7, 2005; Amended:

Filed: July 24, 2012; Effective: August 28, 2012.