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TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 410

Department or Agency: State Health Planning and Development Agency

Rule No.: 410-1-3-.09

Rule Title: Electronic Filing

Intended Action Amend

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making 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? Yes

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

Toni Ferguson
Toni Ferguson

Date

Wednesday, August 20, 2025

REC'D & FILED
AUG 20, 2025

LEGISLATIVE SVC AGENCY

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

NOTICE OF INTENDED ACTION

AGENCY NAME: State Health Planning and Development Agency

RULE NO. & TITLE: 410-1-3-.09 Electronic Filing

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This amendment clarifies that all electronic filings filed with the Agency must be submitted electronically with the applicable filing fee, in accordance with Rule 410-1-3-.09, to be considered received by the Agency.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

On October 15, 2025, at 10:00 a.m., the Certificate of Need Review Board (CONRB) will conduct a public hearing at which time it shall consider the proposed amendment 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 to opportunity to speak. The location of the meeting will be posted to the Agency's website, www.shpda.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, October 3, 2025

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

Toni Ferguson

Toni Ferguson

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

410-1-3-.09**Electronic Filing.**

(1) All documents to be filed with the State Agency, with the exception of any Mandatory Report as defined in Rule 410-1-3-.11, shall be submitted electronically to shpda.online@shpda.alabama.gov within the time frames set forth in paragraph (12). All Mandatory Reports, as defined in Rule 410-1-3-.11, shall be submitted electronically to data.submit@shpda.alabama.gov within the time frames set forth in paragraph (12). The electronic submittal shall contain all required information for the type filing being made and be formatted in text searchable, PDF format. The documents may also be submitted in text searchable, PDF format on a clean compact disk or other electronic media-, if pre-approved by the Executive Director and delivered to the State Agency by hand delivery or overnight or express mail by the deadline.

(2) All required filing fees must be submitted electronically via the payment portal available through the State Agency's website at www.shpda.online@shpda.alabama.gov or via overnight mail or other delivery method, marked in such a way as to clearly identify the fee with the electronic submission, for delivery to the State Agency at the address below on the day of electronic filing or on the next Agency business day, as follows:

State Health Planning and Development Agency Attention:
Secretary

Mailing Address:

P.O. Box 303025
Montgomery, Alabama 36130-3025

For Physical Deliveries:

RSA Union Building
100 N. Union Street - Suite 870
Montgomery, Alabama 36104

~~Fees~~All fees should be accompanied by transmittal letter with the following information:

Subject: Filing Fee for:

Name of Filing Entity

Filing Description: [CON application, reviewability determination request, change of ownership notice, mandatory annual report, etc.] Date of Electronic Filing

Project Number or Facility IF, if known

(3) Subject to the provisions of subsection (4) of this section, the receipt date for an electronic submittal via e-mail shall be date and time of receipt by the State Agency of a filing that

meets the requirements set forth herein, as reflected in the electronic records of the State Agency. The date of receipt of an electronically submitted Certificate of Need application does not by itself constitute a determination of completeness by the State Agency under SHPDA Rule 410-1-7-.06(2). The date of receipt of an electronically submitted Certificate of Need application does not by itself constitute a determination of completeness by the State Agency under SHPDA Rule 410-1-7-.06(2). Within eight (8) business hours of receipt, the Executive Secretary of the Agency or his/her designee shall send an acknowledgement of receipt to the submitter via electronic mail to the electronic address appearing on the submission. For Mandatory Reports, acknowledgement of receipt shall be sent by the Data/Planning Director of the Agency or his/her designee in accordance with the requirements of Rule 410-1-3-.11(2) (a).

(4) For filings requiring the submission of a filing fee or administrative penalty, the filing shall be considered provisionally received pending receipt of the required fee or penalty, and shall be considered void should the proper filing fee or administrative penalty not be received by the end of the next business day, as provided in subsection (2) above.

(5) The filing fee is not refundable after the fee has been tendered to the State Agency.

(6) The size of an individual PDF file submitted to the Agency should not exceed 15 Megabytes. If the total Megabyte count of a main pdf document and attached supporting pdf documents in a single filing exceeds 15 Megabytes, the attached supporting documents should be submitted separately and related back to the main document entry. An electronic filing that is not completed due to being in excess of this restriction shall not be deemed filed.

~~(6)~~ (7) Unless otherwise provided for in an Agency form, the text of all formal filings shall be double-spaced, except that quotations from cases or other legal authorities more than 2 but not more than 25 lines long may be indented and single-spaced. Headings, footnotes, and quotations from statutes, evidentiary materials, and other matters in the record may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there. Mandatory Reports submitted in accordance with forms provided by the Agency shall be deemed in compliance with the format requirements of this rule.

~~(7)~~ (8) The typed font of all documents, including footnotes, must be plain, Roman or Courier style, although italics or boldface

may be used for emphasis. References to court cases or administrative decisions should be italicized or underlined.

~~(8)~~(9) In the event of an outage of SHPDA's electronic filing system, paper filings will be accepted, subject to the submission of an electronic copy to the authorized online address(s) set out in this Rule, within twenty-four (24) hours after service restoration, unless the outage occurs on a Friday, in which case the filing will be due on the following Monday.

~~(9)~~(10) Applicants shall preserve a paper original of all filings made in electronic form for the duration of any SHPDA proceedings and related appeals resulting from such filings. Upon request of the State Agency or an intervenor of record, an Applicant which has submitted a ~~Certificate of Need~~ application filing electronically may be required to produce an original signed and notarized application in paper form on or before the 55th day of the review period.

~~(10)~~(11) In addition to meeting the requirements of this rule, specific filings are subject to other applicable provisions of these rules, including, but not limited to:

- (a) Letter of Intent (Rule 410-1-7-.05)
- (b) CON Applications (Rule 410-1-7-.06)
- (c) Emergency CON applications (Rule 410-1-10-.01)
- (d) Requests for Declaratory Rulings (Rule 410-1-9-.01)
- (e) Request for Reviewability Determinations (Rule 410-1-7-.02)
- (f) Change of Ownership Notifications (Rule 410-1-7-.04)
- (g) Exceptions to Proposed Findings of Facts and Conclusions of Law (Rule 410-1-8-.05)
- (h) Notice of Opposition, Intervention and Request for Contested Case Hearing (Rule 410-1-7-.13 and -.15, 410-1-9-.03)
- (i) Request for Reconsideration (Rule 410-1-8-.09)
- (j) Request for Fair Hearing (Rule 410-1-8-.16)
- (k) Project Modifications (Rule 410-1-10-.03)
- (l) 1. Notice of Appeal (Rule 410-1-8-.24)

(m) Mandatory Reports (Rule 410-1-3-.11)

~~(11)~~ (12) Fees may be submitted electronically via an e-government contractor ~~when the service becomes available to~~ as identified by the State Agency.

~~(12)~~ (13) To be considered timely, submission of a filing with the State Agency must comply with the requirements of Rule 410-1-7-.01. Electronic filings received by the Agency after 5:00 p.m. on any given day will be stamped in as received on the following business day.

Author: ~~Alva M. Lambert~~ Emily T. Marsal

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

History: New Rule: Filed July 24, 2013; effective August 28, 2013. **Amended:** Filed March 18, 2016; effective May 2, 2016.

Amended: Filed August 23, 2016; effective October 7, 2016.

Amended: Filed March 21, 2017; effective May 5, 2017. **Amended:**
Published _____; effective _____.

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

Control No: 410

Department or Agency: State Health Planning and Development Agency

Rule No: 410-1-3-.09

Rule Title: Electronic Filing

Intended Action: Amend

 This rule has no economic impact.

Yes This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

This rule provides for the imposition of a fee utilized to fund the State Health Planning and Development Agency's operations. The fee is authorized by Act 2012-294.

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

None.

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.

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

None.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED 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.

Signature of certifying officer

Toni Ferguson

Toni Ferguson

Date

Wednesday, August 20, 2025