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TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 410

Department or Agency: State Health Planning and Development Agency

Rule No.: 410-1-7-.04

Rule Title: Notice Of Change Of Ownership

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: 410-1-7-.04 Notice Of Change Of Ownership

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This amendment increases the filing fee of all Notice of Change of Ownerships filed with the State Health Planning and Development 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)

(1) A notice of a change in ownership or control of a health care facility or service for which a CON has been granted shall be provided to the State Agency by the acquiring entity at least twenty (20) days before the transaction occurs, unless a shorter period is authorized for good cause shown by the Executive Director.

(2) The notice of change of ownership or control shall be filed pursuant to Rule 410-1-3-.09 on forms approved by the State Agency, accompanied by a reviewability determination fee of ~~\$2,500.00~~ \$3,000.00 before the transaction occurs. Any transfer of ownership or control of a CON that has not become "vested" under Code of Ala. 1975, §22-21-270(d) must meet the requirements of Code of Ala. 1975, §22-21-270(e) to qualify for an exemption from CON review. The Executive Director shall issue a letter confirming the non-reviewability of any transfer of ownership or control that qualifies for an exemption under Code of Ala. 1975, §22-21-270.

(3) The notice shall include:

(a) the financial scope of the project to include the preliminary estimate of the costs broken down by equipment, construction, and yearly operating cost;

(b) the services to be offered by the proposal; (The applicant will state whether he has previously offered the service and whether the service is an extension of a presently offered service, or whether the service is a new service.)

(c) whether the proposal will include the addition of any new beds;

(d) whether the proposal will involve the conversion of beds;

(e) whether the assets and stock (if any) will be acquired; and

(f) any other information that the Executive Director shall deem necessary to ensure a full understanding by the State Agency.

(4) Any request made pursuant to this rule shall be subject to the publication requirements of Rule 410-1-7-.02, provided, however, the Executive Director may provide a determination or other response without regard to the time periods set forth in Rule 410-1-7-.02.

(5) All required filing fees must be submitted to the State Agency via overnight mail and marked in such a way as to clearly identify the fee with the electronic submission; or the fee may be submitted electronically via the payment portal available through the State Agency's website.

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Author: [Emily T. Marsal](#)

Statutory Authority: Code of Ala. 1975, §22-21-270.

History: Amended: Filed March 26, 2012; effective April 30, 2012. **Amended:** Filed June 25, 2012; effective July 30, 2012.

Amended: Filed September 19, 2013; effective October 24, 2013.

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

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: 410-1-7-.04

Rule Title: Notice Of Change Of Ownership

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 amendment increases the fee of Notice of Change of Ownerships filings utilized to fund the State Health Planning and Development Agency. The fee is authorized by Act 2012-294.

2. COSTS/BENEFITS OF RULE AND WHY RULES 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