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TRANSMITTAL SHEET FOR NOTICE  
OF INTENDED ACTION

Control: 410

Department or Agency: State Health Planning and Development Agency

Rule No.: 410-1-9-.01

Rule Title: Declaratory Rulings

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

REC'D & FILED

Date

Wednesday, August 20, 2025 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: 410-1-9-.01 Declaratory Rulings

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This amendment increases the filing fee of all Declaratory Rulings 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](http://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*

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Toni Ferguson

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

(1) The CON Review Board may issue declaratory rulings to any person substantially affected by a rule, with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the state agency, or with respect to the meaning and scope of any order of the state agency. Such rulings shall be issued provided:

(a) the petitioner makes his request pursuant to Rule 410-1-3-.09 no later than fourteen (14) days prior to the regularly scheduled meeting of the CON Review Board, accompanied by a fee of \$1,~~00~~<sup>15</sup>0.00. The required filing fee 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 maybe submitted electronically via the payment portal available through the State Agency's website; and

(b) the petitioner shows that he is substantially affected by the rule in question; and

(c) sufficient facts are supplied in the request to permit the Certificate of Need Review Board to make a valid determination; and

(d) the request arises from an actual question or controversy.

(2) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-11, as amended.

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— **Author:** Emily T. Marsal

**Statutory Authority:** Code of Ala. 1975, §§41-22-4, 41-22-11.

**History: 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: 410-1-9-.01

Rule Title: Declaratory Rulings

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 Declaratory Ruling 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 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