



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

NOTICE OF INTENDED ACTION

AGENCY NAME: STATE HEALTH PLANNING AND DEVELOPMENT AGENCY
(Certificate of Need Review Board)

RULE NO. & TITLE: 410-1-11-.04 Failure to Commence Construction

INTENDED ACTION:

The State Health Planning and Development Agency and the Certificate of Need Review Board propose to amend the above-styled section of the *Alabama Certificate of Need Program Rules and Regulations*.

SUBSTANCE OF PROPOSED ACTION:

This amendment clarifies that all written requests filed pursuant to this rule must be submitted electronically in accordance with Rule 410-1-3-.09 and corrects scrivener's errors.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

In response to this Proposed Rule, all interested persons are invited to submit data, views, comments and/or arguments, orally or in writing. Any and all such data, comments, arguments and/or requests to orally address the Certificate of Need Review Board shall be made in writing on or before August 4, 2016, and shall be made to:

Nicole Horn, Executive Secretary
State Health Planning and Development Agency
P. O. Box 303025
Montgomery, Alabama 36130-3025

On August 17, 2016, at 10:00 a.m., the Certificate of Need Review Board shall conduct a public hearing in the State Capitol, Capitol Auditorium, 600 Dexter Avenue, Montgomery, Alabama, at which time it shall consider the Proposed Amendment, along with all written and oral submissions respecting the Proposed Amendment. Only those interested persons who have made timely written requests will be afforded the opportunity to speak.

Copies of the proposed changes are available for review at 100 North Union Street, RSA Union Building, Suite 870, Montgomery, Alabama. Phone (334) 242-4103 or visit the office Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding State holidays.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 4, 2016

CONTACT PERSON AT AGENCY:

Nicole Horn

100 North Union Street

RSA Union, STE 870

Montgomery, AL 36104

(334) 242-4103


Alva M. Lambert, Executive Director

410-1-11.-04 Failure to Commence Construction

(1) ___ If the holder of the Certificate of Need fails to commence the construction project within the time period stated in the construction contract or to complete the construction project within the time period stated in the construction contract, then the Certificate of Need shall be terminated and shall be null and void, unless tolled or extended pursuant to statute or SHPDA rule or regulation. The completion date of the construction project specified in the construction contract may be extended by mutual agreement of the parties to the contract, without SHPDA approval. Provided SHPDA, or an Administrative Law Judge appointed by the Governor on appeal for a fair hearing, may for causes beyond the control of the holder of the Certificate of Need, upon written-request-, by the holder of the Certificate of Need detailing the reasons therefore, continue the Certificate of Need in force if the commencement of the construction project is delayed for a period not to exceed sixty (60) days or if during the specified construction period, the construction work should cease for not more than six (6) months, or in the event of default in the construction contract by the contractor, or if, for any cause, the construction work has not ceased or otherwise been stopped for a period exceeding sixty (60) consecutive days. Further, the Executive Director of SHPDA may, upon written-request by the holder of the Certificate of Need detailing the reasons therefore, continue the Certificate of Need.

(2) ___ All written requests filed pursuant to this rule must be filed in accordance with the provisions of Rule 410-1-3-.09.

Author: Alva M. Lambert

Statutory Authority: § 22-21-270, Code of Alabama, 1975, as amended by Act 98-341.

History: March 21, 1985. Amended: Filed February 1, 2000; effective March 7, 2000.

Amended: Filed: _____ ; effective: _____.