





## 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: 410-1-8-.16 Fair Hearing

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 fair hearing requests filed with the Agency must be submitted electronically in accordance with Rule 410-1-3-.09.

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

A handwritten signature in cursive script that reads "Alva M. Lambert". The signature is written in black ink and is positioned above a horizontal line.

Alva M. Lambert, Executive Director

**410-1-8-.16 Fair Hearing**

Any adverse SHPDA decision (other than a SHPDA decision after first being heard as a contested case before an Administrative Law Judge pursuant to the requirements of the Alabama Administrative Procedure Act) may be appealed to a fair hearing before an Administrative Law Judge appointed by the Governor of the State of Alabama. The appeal shall be commenced by a ~~written~~ request for a fair hearing by the applicant or any competing applicant, or any aggrieved party of record, which request shall be properly filed with the Agency within fifteen (15) days of the date that the decision of SHPDA became final, or in the event of a request for reconsideration, within fifteen (15) days of the date that the decision of SHPDA on reconsideration became final. The request must be filed electronically pursuant to the provisions of Rule 410-1-3-.09. Fair Hearing review is not available in cases which were first heard as a contested case before an Administrative Law Judge pursuant to the requirements of the Alabama Administrative Procedure Act.

Author: Alva M. Lambert

Statutory Authority: § 22-21-275 (14) Code of Alabama, 1975, as amended by Act 98-341.

History: March 21, 1985. Amended: Filed February 12, 1996; effective March 18, 1996.

Amended: Filed February 1, 2000; effective March 7, 2000. Amended: Filed: \_\_\_\_\_;  
effective: \_\_\_\_\_.