

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

Control No. 410 Department or Agency State Health Planning and Development Agency
(Certificate of Need Review Board)

Rule No: 410-1-9-.01
Rule Title: Declaratory Rulings

New _____ Amend X Repeal _____ Adopt by Reference _____

_____ This rule has no economic impact.

X 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, which was signed into law by Governor Robert Bentley on May 8, 2012.

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

* The rule imposes a small filing fee on certain health care providers. It is not anticipated that the fee will have a material economic impact on health care delivery.

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5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

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 AFFECTED 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



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: 410-1-9-.01 Declaratory Rulings

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 for declaratory rulings filed with the Agency must be submitted electronically in accordance with Rule 410-1-3-.09 and imposes a filing fee, which may be paid electronically or via overnight mail.

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

410-1-9-.01 Declaratory Rulings

- (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 ~~in writing~~ no later than fourteen (14) days prior to the regularly scheduled meeting of the CON Review Board, accompanied by a fee of \$1,000.00. 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 ALA. CODE § 41-22-11, ~~Code of Alabama,~~ (1975 as amended).

Statutory Authority: § 41-22-4 and § 41-22-11, Code of Alabama, 1975.