

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSET, DIRECTOR**

(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

I certify that the attached is/are a correct copy/copies of rule/s as promulgated and adopted on the 21st day of March, 2012, and filed with the agency secretary on the 26th day of March, 2012.

AGENCY NAME: State Health Planning and Development Agency
(Certificate of Need Review Board)

X Amendment; _____ New; _____ Repeal; (Mark appropriate space)

Rule No. 410-1-7-.04 (2) and (4)

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Notice of Change of Ownership

ACTION TAKEN: State whether the rule was adopted with changes from the proposal due to written or oral comments;

The rule was adopted with a technical, clarifying change based on oral comments as discussed at the March 21, 2012 Public Hearing.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXX

ISSUE NO. 4, DATED January 31, 2012.

Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-263 and -275.

(Date Filed)
(For LRS Use Only)

REC'D & FILED

MAR 26 2012

LEGISLATIVE REF SERVICE

Alva M. Lambert
Alva M. Lambert, Executive Director
State Health Planning and Development Agency
(Certifying Officer or his or her Deputy)

(NOTE: In accordance with § 41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

410-1-7-.04 Notice of Change of Ownership

- (1) Any change in ownership of an existing health care facility, other than a stock purchase only, shall require that a notice of change in ownership be provided to the State Agency by the acquiring entity at least thirty (30) days before the transaction occurs.
- (2) The notice of change of ownership shall be delivered in writing to the Executive Director of the State Agency, accompanied by a reviewability determination fee of \$2,000.00 before the transaction occurs. If there will be no change in service, conversion of beds, or increase in bed capacity, the Executive Director may determine that a Certificate of Need is not required.
- (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 insure a full understanding by the State Agency.
- (4) Any Request made pursuant to this rule shall be subject to the publication requirements of 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 410-1-7-.02.

Statutory Authority: § 22-21-275, Code of Alabama, 1975.

History: Amended: Filed March 26, 2012; effective April 30, 2012