

**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 17<sup>th</sup> day of August, 2016, and filed with the agency secretary on the 23<sup>rd</sup> day of August, 2016.

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

Amendment;  New;  Repeal; (Mark appropriate space)

**Rule No. 410-1-2-.05 (1), (2)(c) and (3)**

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

**Rule Title: Health Care Facility**

**ACTION TAKEN:** State whether the rule was adopted without changes from the proposal due to written or oral comments;

No public comments were received; the rule was adopted without changes and as published for comment in the Alabama Administrative Monthly.

**NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXIV**

**ISSUE NO. 9, DATED JUNE 30, 2016.**

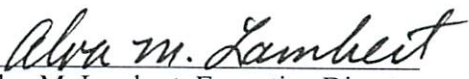
**Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-271, -274 and -275.**

(Date Filed)  
(For LRS Use Only)

**REC'D & FILED**

**AUG 23 2016**

**LEGISLATIVE REF SERVICE**

  
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.)

**410-1-2-.05 Health Care Facility**

- (1) Such term shall include: General and specialized hospitals, including tuberculosis, psychiatric, long term care and other types of hospitals, and related facilities, such as laboratories, outpatient clinics and central service facilities operated in connection with hospitals; skilled nursing facilities; intermediate care facilities; skilled or intermediate care units operated in veterans' nursing homes and veterans' homes, owned or operated by the State Department of Veterans' Affairs, as these terms are described in Chapter 5A (commencing with Section 31-5A-1) of Title 31; rehabilitation centers; public health centers; facilities for surgical treatment of patients not requiring hospitalization; kidney disease treatment centers, including freestanding hemodialysis units; community mental health centers and related facilities; alcohol and drug abuse facilities; facilities for the developmentally disabled; hospice service providers; and home health agencies and health maintenance organizations.
  
- (2) The term "health care facility" shall not include any of the following:
  - (a) The private office of any duly licensed physician, dentist, chiropractor, or podiatrist, whether for individual or group practice and regardless of ownership.
  
  - (b) Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts.
  
  - (c) Veterans nursing homes or veterans homes operated by the Department of Veterans Affairs, not to exceed 150 beds to be built in Bay Minette, Alabama, and a veterans' nursing home or veterans' home owned or operated by the State Department of Veterans' Affairs not to exceed 150 beds to be built in Huntsville, Alabama, for which applications for federal funds under federal law are being considered by the U.S. Department of Veterans' Affairs prior to March 18, 1993.
  
- (3) Any expenditure, which is otherwise reviewable under Section 22-21-263, Code of Alabama, 1975, made by any entity enumerated in Rule 410-1-2-.05(2) herein, and which is on behalf of any entity enumerated in Rule 410-1-2-.05(1) herein shall remain subject to such review.

Statutory Authority: § 22-21-260, Code of Alabama, 1975.

History: Amended: Filed February 26, 1991; effective April 2, 1991; Filed August 23, 2016; effective October 7, 2016.