

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

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), (4), and (5)

(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 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
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 or control of a health care facility or service for which a CON has been granted shall be provided to the State Agency by the acquiring entity at least twenty (20) days before the transaction occurs, unless a shorter period is authorized for good cause shown by the Executive Director.
- (2) The notice of change of ownership shall be filed pursuant to Rule 410-1-3-.09 on forms approved by the State Agency, accompanied by a reviewability determination fee of \$2,500.00 before the transaction occurs. Any transfer of ownership or control of a CON that has not become “vested” under ALA. CODE § 22-21-270(d) must meet the requirements of ALA. CODE § 22-21-270(e) to qualify for an exemption from CON review. The Executive Director shall issue a letter confirming the non-reviewability of any transfer of ownership or control that qualifies for an exemption under ALA. CODE § 22-21-270.
- (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 Rule 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 Rule 410-1-7-.02.
- (5) All required filing fees 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 may be submitted electronically via the payment portal available through the State Agency’s website.

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

History: Amended: Filed March 26, 2012; effective: April 30, 2012; Amended: Filed June 25, 2012; effective July 30, 2012; Amended: Filed September 19, 2013; effective: October 24, 2013. Amended: August 23, 2016; effective: October 7, 2016.