

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

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

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Wednesday, October 15, 2025, and filed with the agency secretary on Wednesday, October 15, 2025.

AGENCY NAME: State Health Planning and Development Agency

INTENDED ACTION: Amend

RULE NO.: 410-1-9-.01

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

RULE TITLE: Declaratory Rulings

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

Adopted without changes. 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 XLIII, ISSUE NO. 11, AAM,
DATED FRIDAY, AUGUST 29, 2025.

STATUTORY RULEMAKING AUTHORITY: Code of Ala. 1975, 41-22-4, 41-22-11

(Date Filed)
(For LRS Use Only)
REC'D & FILED
OCT 17, 2025
LEGISLATIVE SVC AGENCY

Emily Marsal

Emily Marsal

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.)

(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 no later than fourteen (14) days prior to the regularly scheduled meeting of the CON Review Board, accompanied by a fee of \$1,150.00. 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, Code of Ala. 1975, §41-22-11, as amended.

Author: Emily T. Marsal

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

History: Amended: Filed August 23, 2016; effective October 7, 2016. **Amended:** Published October 31, 2025; effective December 15, 2025.