

**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 July, 2013, and filed with the agency secretary on the 24th day of July, 2013.

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

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

Rule No. 410-1-3-.09

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

Rule Title: Electronic Filing

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 XXXI

ISSUE NO. 8, DATED May 31, 2013.

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

(Date Filed)
(For LRS Use Only)

REC'D & FILED

JUL 24 2013

LEGISLATIVEREFSERVICE

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.)

410-1-3-.09 Electronic Filing

(1) Copies of documents to be filed with the State Agency may be submitted electronically in accordance with Rule 410-1-3-.08 and § 8-1A-1, et seq., Code of Alabama, 1975. The electronic submittal shall contain all required information and be formatted in text searchable, PDF format. The documents may be submitted on a clean compact disk and delivered to the State Agency by U.S. mail, hand delivery, or overnight or express mail or submitted via e-mail to shpda.online@shpda.alabama.gov.

(2) Effective January 1, 2014, any written request or application required to be filed with the State Agency in accordance with its rules shall be submitted electronically.

Applicants for a Certificate of Need shall also be required to submit an original and two (2) paper copies of the application to the Agency within twenty-four (24) hours of the electronic submission, in accordance with Rule 410-1-7-.06. Electronic filing will become available for some filings, as determined by SHPDA, on an optional trial basis, beginning July 1, 2013. In the event of an outage of the SHPDA's electronic filing system, paper filings will be accepted, subject to the submission of an electronic copy within twenty-four (24) hours after service restoration.

(3) Applicants shall preserve a paper original of all filings made in electronic form for the duration of any SHPDA proceedings and related appeals resulting from such filings. Upon request of the State Agency or an intervenor of record, an Applicant which has submitted a Certificate of Need application electronically may be required to produce an original signed and notarized application in paper form on or before the 55th day of the review period.

(4) Except as may be otherwise provided in these rules, the receipt date for an electronic submittal via e-mail shall be the date and time the document is received by SHPDA, as indicated by the computer software accepting the submission, in accordance with § 8-1A-15, Code of Alabama, 1975. The date of receipt of an electronically submitted Certificate of Need application does not by itself constitute a determination of completeness by the State Agency under Rule 410-1-7-.06(2).

(5) Fees may be submitted electronically via an e-government contractor when the service becomes available to the State Agency.

Author: Alva M. Lambert

Statutory Authority: § 22-21-271(d), Code of Alabama, 1975.

History: New Rule: Filed July 24, 2013; effective August 28, 2013.