





## STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870  
MONTGOMERY, ALABAMA 36104

### NOTICE OF INTENDED ACTION

AGENCY NAME: STATE HEALTH PLANNING AND DEVELOPMENT AGENCY  
(Certificate of Need Review Board)

RULE NO. & TITLE: 410-1-3-.09 Electronic Filing

INTENDED ACTION:

The State Health Planning and Development Agency and the Certificate of Need Review Board propose to amend the above-styled section of the *Alabama Certificate of Need Program Rules and Regulations*.

SUBSTANCE OF PROPOSED ACTION:

This amendment clarifies that all documents filed with the Agency must be submitted electronically in accordance with Rule 410-1-3-.09 and provides for the electronic payment of all required filing fees.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

In response to this Proposed Rule, all interested persons are invited to submit data, views, comments and/or arguments, orally or in writing. Any and all such data, comments, arguments and/or requests to orally address the Certificate of Need Review Board shall be made in writing on or before August 4, 2016, and shall be made to:

Nicole Horn, Executive Secretary  
State Health Planning and Development Agency  
P. O. Box 303025  
Montgomery, Alabama 36130-3025

On August 17, 2016, at 10:00 a.m., the Certificate of Need Review Board shall conduct a public hearing in the State Capitol, Capitol Auditorium, 600 Dexter Avenue, Montgomery, Alabama, at which time it shall consider the Proposed Amendment, along with all written and oral submissions respecting the Proposed Amendment. Only those interested persons who have made timely written requests will be afforded the opportunity to speak.

Copies of the proposed changes are available for review at 100 North Union Street, RSA Union Building, Suite 870, Montgomery, Alabama. Phone (334) 242-4103 or visit the office Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding State holidays.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 4, 2016

CONTACT PERSON AT AGENCY:

Nicole Horn

100 North Union Street

RSA Union, STE 870

Montgomery, AL 36104

(334) 242-4103

  
Alva M. Lambert, Executive Director

**410-1-3-.09 Electronic Filing**

(1) All documents to be filed with the State Agency, with the exception of any Mandatory Report as defined in Rule 410-1-3-.11, shall be submitted electronically to [shpda.online@shpda.alabama.gov](mailto:shpda.online@shpda.alabama.gov). All Mandatory Reports shall be submitted electronically to [data.submit@shpda.alabama.gov](mailto:data.submit@shpda.alabama.gov). The electronic submittal shall contain all required information for the type filing being made and be formatted in text searchable, PDF format. The documents may also be submitted in text searchable, PDF format on a clean compact disk or other electronic media approved by the Executive Director and delivered to the State Agency by hand delivery or overnight or express mail by the deadline.

(2) All required filing fees must be submitted electronically via the payment portal available through the State Agency's website at [www.shpda.online@shpda.alabama.gov](http://www.shpda.online@shpda.alabama.gov) or via overnight mail or other delivery method, marked in such a way as to clearly identify the fee with the electronic submission, for delivery to the State Agency at the address below on the day of electronic filing or on the next Agency business day, as follows:

State Health Planning and Development Agency  
Attention: Secretary

*Mailing Address:*  
P.O. Box 303025  
Montgomery, Alabama 36130-3025

*For Physical Deliveries:*  
RSA Union Building  
100 N. Union Street - Suite 870  
Montgomery, Alabama 36104

Fees should be accompanied by transmittal letter with following information:

Subject: Filing Fee for:  
Name of Filing Entity  
Filing Description: [*CON application, reviewability determination request, change of ownership notice, etc.*]  
*Date of Electronic Filing*  
Project Number, if known

(3) Subject to the provisions of subsection (4) of this section, the receipt date for an electronic submittal via e-mail shall be date and time of receipt by the State Agency of a filing that meets the requirements set forth herein, as reflected in the electronic records of the State Agency. 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 SHPDA Rule 410-1-7-.06(2). Within eight (8) business hours of receipt, the Executive Secretary of the Agency or his/her designee shall send an acknowledgement of receipt to the submitter via electronic mail to

the electronic address appearing on the submission. For Mandatory Reports, acknowledgement of receipt shall be sent by the Data/Planning Director of the Agency or his/her designee in accordance with the requirements of Rule 410-1-3-.11(2)(a).

(4) For filings requiring the submission of a filing fee or administrative penalty, the filing shall be considered provisionally received pending receipt of the required fee or penalty, and shall be considered void should the proper filing fee or administrative penalty not be received by the end of the next business day, as provided in subsection (2) above.

(5) The size of an individual PDF file submitted to the Agency should not exceed 15 Megabytes. If the total Megabyte count of a main pdf document and attached supporting pdf documents in a single filing exceeds 15 Megabytes, the attached supporting documents should be submitted separately and related back to the main document entry. An electronic filing that is not completed due to being in excess of this restriction shall not be deemed filed.

(6) Unless otherwise provided for in an Agency form, the text of all formal filings shall be double-spaced, except that quotations from cases or other legal authorities more than 2 but not more than 25 lines long may be indented and single-spaced. Headings, footnotes, and quotations from statutes, evidentiary materials, and other matters in the record may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there. Mandatory Reports submitted in accordance with forms provided by the Agency shall be deemed in compliance with the format requirements of this rule.

(7) The typed font of all documents, including footnotes, must be plain, Roman or Courier style, although italics or boldface may be used for emphasis. References to court cases or administrative decisions should be italicized or underlined.

(8) In the event of an outage of SHPDA's electronic filing system, paper filings will be accepted, subject to the submission of an electronic copy to the authorized online address(s) set out in this Rule, within twenty-four (24) hours after service restoration, unless the outage occurs on a Friday, in which case the filing will be due on the following Monday.

(9) 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 55<sup>th</sup> day of the review period.

(10) In addition to meeting the requirements of this rule, specific filings are subject to other applicable provisions of these rules, including, but not limited to:

- a. Letter of Intent (Rule 410-1-7-.05)
- b. CON Applications (Rule 410-1-7-.06)
- c. Emergency CON applications (Rule 410-1-10-.01)
- d. Requests for Declaratory Rulings (Rule 410-1-9-.01)
- e. Request for Reviewability Determinations (Rule 410-1-7-.02)

- f. Change of Ownership Notifications (Rule 410-1-7-.04)
- g. Exceptions to Proposed Findings of Facts and Conclusions of Law (Rule 410-1-8-.05)
- h. Notice of Opposition, Intervention and Request for Contested Case Hearing (Rule 410-1-7-.13 and -.15, 410-1-9-.03)
- i. Request for Reconsideration (Rule 410-1-8-.09)
- j. Request for Fair Hearing (Rule 410-1-8-.16)
- k. Project Modifications (Rule 410-1-10-.03)
- l. Notice of Appeal (Rule 410-1-8-.24)
- m. Mandatory Reports (Rule 410-1-3-.11)

(11) 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 22, 2013; effective August 26, 2013. Amended: Filed: March 18, 2016; effective: May 2, 2016.