



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: 410-1-7-.04 Notice of Change of Ownership

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 notices filed with the Agency pursuant to this rule must be submitted electronically in accordance with Rule 410-1-3-.09 and provides for the electronic payment of the required filing fee. This amendment also corrects scrivener's errors.

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

410-1-7-.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 delivered in writing to the Executive Director of the State Agency 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~~ALA. Code~~ § 22-21-270(d) must meet the requirements of ALA. CODE~~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~~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: _____; effective: _____.