

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 410 Department or Agency: State Health Planning and Development Agency  
(Certificate of Need Review Board)

Rule No.: 410-1-8-.03

Rule Title: Conduct of Public Hearings

New X Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference \_\_\_\_\_

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Abra M. Lambert

Date 6-16-16

DATE FILED  
(STAMP)

REC'D & FILED  
JUN 16 2016  
LEGISLATIVE REF SERVICE



## 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: 410-1-8-.03 Conduct of Public Hearings

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 written submissions filed pursuant to this rule must be filed electronically in accordance with Rule 410-1-3-.09 and 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

**410-1-8-.03    Conduct of Public Hearings**

Opportunity shall be afforded all persons who make a timely notice under 410-1-7-.12, 410-1-7-.13, 410-1-8-.01, and 410-1-8-.02 of these Rules to respond and present evidence and argument on all material relevant to the issues involved and to be represented by counsel at their own expense. Provided, however, that where a contested case hearing has been held before an Administrative Law Judge, presentations to the Certificate of Need Review Board shall be by written exceptions electronically filed with SHPDA in accordance with Rules 410-1-8-.05 and 410-1-3-.09 and, at the discretion of the Chairperson, by oral arguments.

Author: Alva M. Lambert

Statutory Authority: § 22-21-275 and § 41-22-12 (d), Code of Alabama, 1975, as amended by Act 98-341.

History: March 21, 1985. Amended: Filed September 19, 1996; effective October 23, 1996. Amended: March 13, 1997; effective April 18, 1997. Amended: Filed February 1, 2000; effective March 7, 2000. Amended: Filed: \_\_\_\_\_; effective: \_\_\_\_\_.