# TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

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Agency					view Boa	urd)					
Rule No			<u>-1-82</u> 4				·				
Rule Title:_											
	Ne	ew	_X	An	nend		Rep	eal	A	dopt b	y Reference
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?								e <u>NO</u>			
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?									YES		
s 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?								f, YES			
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Date	6	-25	-12	2							

DATE FILED (STAMP)



#### 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-.24 Entry of Final Order by the Fair Hearing Officer

#### **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 will require any party aggrieved by the final order of the Fair Hearing Officer to appeal to the Alabama Court of Civil Appeals, as authorized by Act 2012-294, which was signed into law by Governor Bentley on May 8, 2012.

#### 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 September 5, 2012, and shall be made to:

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

On September 19, 2012, 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: September 5, 2012

MAILING ADDRESS: P.O. BOX 303025, MONTGOMERY, ALABAMA 36130-3025 PHONE: (334) 242-4103 FAX: (334) 242-4113

## **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-.24 Entry of Final Order by the Fair Hearing Officer

Within forty-five (45) days after the close of the evidence, unless extended by agreement of all parties of record, the Fair Hearing Officer shall enter a final order respecting the issuance of a Certificate of Need, which final order shall contain findings of fact and conclusions of law regarding the application. The final order of the Fair Hearing Officer shall be effective upon its filing with SHPDA. Any aggrieved party of record may appeal the decision to the Circuit Court of Montgomery County or the circuit court of the county in which the applicant resides or of the county in which the applicant is situated or of the county in which the new institutional health service being applied for is to be located. Alabama Court of Civil Appeals.

Author: Alva M. Lambert.

Statutory Authority: § 22-21-275(14) and §§ 41-22-16 and -20, Code of Alabama, 1975.

History: March 21, 1985. Amended: Filed February 1, 2000; effective March 7, 2000,

Amended: \_\_\_\_\_.