

APA-1  
11/96

**TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION**

Control 420 Alabama Department of Public Health

Rule Number 420-1-5.08

Rule Title Increase in State Level Fees

New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

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? n/a

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

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 §41-22-23, Code of Alabama, 1975.

**Certification of Authorized Official**

I certify that the attached proposed rule has been 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 [Signature] Date 4/12/16



**FORM APA2**  
**11/96**

**STATE BOARD OF HEALTH**  
**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-1-5.08, Increase in State Level Fees

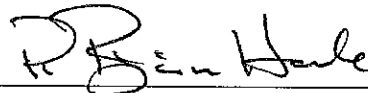
INTENDED ACTION: To amend the current rules

SUBSTANCE OF PROPOSED ACTION: This amendment will allow for the Department to increase certain fees pursuant to Act 2014-134.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on May 17, 2016, at 9:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on Friday, June 3, 2016. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: P. Brian Hale, General Counsel, Department of Public Health, P.O. Box 303017, Montgomery, Alabama 36130-3017, Telephone number: (334) 206-5366.



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P. Brian Hale, Agency Secretary

420-1-5-.08      State Level Fees. Notwithstanding any rule provision previously adopted by the State Board of Health, pursuant to Code of Ala. 1975, § 41-1-11, the Department of Public Health shall collect fees for the services as set out below.

(1) Bureau of Environmental Services

(a) Lead Hazard Reduction Contractor Certification

1. Initial Application Fee -- \$300

2. Annual Renewal Fee -- \$240

3. Replacement Certificate Fee -- \$30

4. Project Fees:

a. Residential Dwelling Unit. \$120 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$600. For projects exceeding 5 residential dwelling units, the fee shall be \$600 plus 2% (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.

b. Child Occupied Facilities. \$300 for each child occupied facility plus 2% (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.

c. Combined Mixed Use Project. (Project which contains both residential dwelling units and child occupied facilities): \$120 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$600, \$300 for each child occupied facility, plus 2% (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.

(b) Milk, Milk Products or Frozen Dessert Processing Plant Permit; Initial Application and Annual Renewal Fee -- \$300

(2) Bureau of Health Provider Standards

(a) Health Care Facility License (excluding Assisted Living Facilities and Specialty Care Assisted Living Facilities):

1. Initial Application and Annual Renewal Fee -- \$240, plus a fee of \$6 per bed for each bed over 10 beds.

2. Increase in Bed Capacity during Calendar Year -- \$240, plus \$6 each for the net gain in beds.

(b) Assisted Living Facility and Specialty Care Assisted Living Facility Initial Application and Annual Renewal Fee -- \$240, plus a fee of \$18 for each bed.

(c) Late Penalty for Annual Renewal -- \$300 or 100% of the renewal fee, whichever is greater.

(d) Health Care Facility Plan Review Fees:

1. Initial Fee Accompanying First Drawing Submittal -- \$600

2. Total Fee:

Construction Cost	Fee (% of construction cost)
Up to \$100,000	Greater of \$600 or 1.44%
\$100,001-\$1,000,000	Greater of \$1,440 or 0.6%
\$1,000,001-\$5,000,000	Greater of \$6,000 or 0.24%
\$5,000,001-\$15,000,000	Greater of \$12,000 or 0.12%
Over \$15,000,000	\$18,000

(3) Office of Emergency Medical Services

(a) Individual Emergency Medical Services Personnel 24-Month License (Initial Application and Renewal) -- \$12

(b) Air or Ground Provider Service 12-Month License (Initial Application and Renewal) -- \$30

**Author:** P. Brian Hale

**Statutory Authority:** Code of Ala. 1975, § 41-1-11

**History:**

License/Permit/Activity	Current Fee/Source	Proposed Fee
<b>Bureau of Environmental Services</b>		
Lead Hazard Reduction Contractor Certification (Initial)	\$250 R. 420-3-27-.06, Ala. Admin. Code	\$300
Lead Hazard Reduction Contractor Certification (Annual Renewal)	\$200 R. 420-3-27-.06, Ala. Admin. Code	\$240
Lead Hazard Reduction Contractor Certification (Replacement Certificate)	\$25 R. 420-3-27-.06, Ala. Admin. Code	\$30
Lead Hazard Reduction Project Fee (Residential Dwelling Unit)	\$100 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$500. For projects exceeding 5 residential dwelling units, the fee shall be \$500 plus 2% (.02) of the contract (project) cost covered by the project notification but not to exceed \$10,000. R. 420-3-27-.12, Ala. Admin. Code	\$120 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$600. For projects exceeding 5 residential dwelling units, the fee shall be \$600 plus 2% (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.
Lead Hazard Reduction Project Fee (Child Occupied Facility)	\$250 for each child occupied facility plus 2% (.02) of the contract (project) cost covered by the project notification but not to exceed \$10,000. R. 420-3-27-.12, Ala. Admin. Code	\$300 for each child occupied facility plus 2% (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.
Lead Hazard Reduction Project Fee (Combined Mixed Use Project)	\$100 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$500, \$250 for each child occupied facility, plus 2% (.02) of the contract (project) cost covered by the project notification but not to exceed \$10,000. R. 420-3-27-.12, Ala. Admin. Code	\$120 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$600, \$300 for each child occupied facility, plus 2% (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.
Milk, Milk Products or Frozen Dessert Processing Plant Permit (Initial Application and Annual Renewal Fee)	\$250 §20-1-141, Ala. Code 1975	\$300
<b>Bureau of Health Provider Standards</b>		
Health Care Facility License (excluding ALFs and SCALFs); Initial Application and Annual Renewal Fee	\$200, plus a fee of \$5 per bed for each bed over 10 beds. §22-21-24, Ala. Code 1975	\$240, plus a fee of \$6 per bed for each bed over 10 beds.

Health Care Facility License (excluding ALFs and SCALFs); Increase in Bed Capacity during Calendar Year	\$200, plus \$5 each for the net gain in beds. §22-21-24, Ala. Code 1975	\$240, plus \$6 each for the net gain in beds.
Assisted Living Facility and Specialty Care Assisted Living Facility (Initial Application and Annual Renewal Fee)	\$200, plus a fee of \$15 for each bed. §22-21-24, Ala. Code 1975	\$240, plus a fee of \$18 for each bed.
Health Care Facility Late Penalty for Annual Renewal	\$250 or 100% of the renewal fee, whichever is greater. §22-21-24, Ala. Code 1975	\$300 or 100% of the renewal fee, whichever is greater.
Health Care Facility Plan Review (Initial Fee)	\$500 §22-21-44, Ala. Code 1975	\$600
Health Care Facility Plan Review Total Fee (Construction Cost Up to \$100,000)	Greater of \$500 or 1.2% of construction cost. §22-21-43, Ala. Code 1975	Greater of \$600 or 1.44% of construction cost.
Health Care Facility Plan Review Total Fee (Construction Cost \$100,001-\$1,000,000)	Greater of \$1,200 or 0.5% of construction cost. §22-21-43, Ala. Code 1975	Greater of \$1,440 or 0.6% of construction cost.
Health Care Facility Plan Review Total Fee (Construction Cost \$1,000,001-\$5,000,000)	Greater of \$5,000 or 0.2% of construction cost. §22-21-43, Ala. Code 1975	Greater of \$6,000 or 0.24% of construction cost.
Health Care Facility Plan Review Total Fee (Construction Cost \$5,000,001-\$15,000,000)	Greater of \$10,000 or 0.1% of construction cost. §22-21-43, Ala. Code 1975	Greater of \$12,000 or 0.12% of construction cost.
Health Care Facility Plan Review Total Fee (Construction Cost Over \$15,000,000)	\$15,000 §22-21-43, Ala. Code 1975	\$18,000
<b>Office of Emergency Medical Services</b>		
Individual EMSP 24-Month License (Initial and Renewal Fee)	\$10 §22-18-4, Ala. Code 1975	\$12
Air or Ground Provider Service 12-Month License (Initial and Renewal Fee)	\$25 §22-18-4, Ala. Code 1975	\$30