



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

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: _____.