





## 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: 410-1-3-.06 State Agency Records

#### 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 requests submitted pursuant to this rule must be filed electronically in accordance with Rule 410-1-3-.09.

#### 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

  
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Alva M. Lambert, Executive Director

#### 410-1-3-.06 State Agency Records

(1) All information collected, assembled, or maintained by the State Agency in connection with its transaction of official business is public information and available for public inspection and disclosure during normal business hours.

(a) A request to inspect State Agency records must be made with reasonable prior notice in electronic PDF format. ~~writing~~. The State Agency will, upon ~~written~~ request, produce information for inspection or duplication. No person, except with the express consent of the Executive Director, shall remove an original record from the offices of the State Agency. Requests for materials will generally be filled within ten (10) working days. Any expense incurred in the reproduction, preparation or retrieval of records shall be paid by the person requesting the record. The charge for such reproduction, preparation and retrieval shall be set by the Certificate of Need Review Board. In addition, upon request, the Agency shall provide non-routine data compilation or summary of health care data to third parties in accordance with a fee schedule based on total costs incurred by the Agency, as determined by the Executive Director, approved by the CON Review Board, and published on the Agency's website.

(b) Requests for inspection and/or copying of records shall be submitted by email to shpda.online@shpda.alabama.gov, ~~in writing~~ to the Executive Director, State Health Planning and Development Agency, ~~P.O. Box 303025, Montgomery, Alabama, 36130-3025~~, ~~by facsimile to 334-242-4113~~, or ~~by e-mail to shpda.online@shpda.alabama.gov~~. Data requests may be submitted by e-mail to data.submit@shpda.alabama.gov. Personnel records, data and/or materials relating to judicial proceedings, and other documents subject to a legal privilege or confidentiality requirement under state or federal law are not available for public disclosure or access. Unofficial copies of public records are available in an electronic format. All certified official copies shall be provided in printed form.

(c) Requests shall include the following information:

1. the date of the request;
2. the name, address, telephone number, facsimile number and e-mail address of the requesting party;
3. a statement agreeing to payment of the cost of copying, research and administrative charges;
4. a description of the specific data and/or materials being requested.

(d) Copying of project files can only be done after an application has been deemed complete by the State Agency. Transcripts are not available for copying and must be obtained independently from the court reporter. Copying charges for project files and routine data requests are as follows:

1. One dollar (\$1.00) per black and white page, 8.5 x 11, 8.5 x 14 or 11 x 17

inches in size.

2. An additional five dollar (\$5.00) administrative cost for each one hundred pages.
3. Five dollars (\$5.00) per hour for any requested staff research in excess of two hours.
4. Electronic records can be emailed for a cost of twenty-five cents (\$0.25) per page, plus administrative and research costs per (d) 3 above.

(e) Upon establishment of an electronic filing system, there will be a charge of ten cents (\$0.10) per page for downloading electronically filed documents.

Nothing in this rule shall authorize the Agency to impose a fee for initial publication of any report or statistical update which it is required to publish under law or rule.

Author: Alva M. Lambert

Statutory Authority: §§ 22-21-271 and -274, Code of Alabama, 1975.

History: Amended: Filed July 24, 2012; effective August 28, 2012. Amended: Filed July 24, 2013; effective August 28, 2013. Amended: Filed \_\_\_\_\_; effective

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