

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. 410-1-3-.09  
Rule Title: Electronic Filing  
 New  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 Ava M. Lambert

Date 5-21-13

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: 410-1-3-.09 Electronic Filing

#### INTENDED ACTION:

The State Health Planning and Development Agency and the Certificate of Need Review Board propose to add the above-styled new rule to the *Alabama Certificate of Need Program Rules and Regulations*.

#### SUBSTANCE OF PROPOSED ACTION:

This rule provides the requirements for filing documents electronically and requires that all filings with the Agency be made in electronic format as of January 1, 2014. The rule further provides for interim paper submissions in the event of an outage of the electronic filing system, defines the Agency's date and time of receipt for electronic submissions, states when an applicant may be required to produce the original of an electronic filing, and provides for submission by an e-government contractor when that service becomes available to the State Agency.

#### 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 July 5, 2013, and shall be made to:

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

On July 17, 2013, 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 Rule, along with all written and oral submissions respecting the Proposed Rule. 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:

July 5, 2013

CONTACT PERSON AT AGENCY:

Nicole Horn  
100 North Union Street  
RSA Union, STE 870  
Montgomery, AL 36104  
(334) 242-4103

  
Alva M. Lambert  
Alva M. Lambert, Executive Director

### **410-1-3-.09 Electronic Filing**

(1) Copies of documents to be filed with the State Agency may be submitted electronically in accordance with Rule 410-1-3-.08 and § 8-1A-1, et seq., Code of Alabama, 1975. The electronic submittal shall contain all required information and be formatted in text searchable, PDF format. The documents may be submitted on a clean compact disk and delivered to the State Agency by U.S. mail, hand delivery, or overnight or express mail or submitted via e-mail to [shpda.online@shpda.alabama.gov](mailto:shpda.online@shpda.alabama.gov).

(2) Effective January 1, 2014, any written request or application required to be filed with the State Agency in accordance with its rules shall be submitted electronically. Applicants for a Certificate of Need shall also be required to submit an original and two (2) paper copies of the application to the Agency within twenty-four (24) hours of the electronic submission, in accordance with Rule 410-1-7-.06. Electronic filing will become available for some filings, as determined by SHPDA, on an optional trial basis, beginning July 1, 2013. In the event of an outage of the SHPDA's electronic filing system, paper filings will be accepted, subject to the submission of an electronic copy within twenty-four (24) hours after service restoration.

(3) Applicants shall preserve a paper original of all filings made in electronic form for the duration of any SHPDA proceedings and related appeals resulting from such filings. Upon request of the State Agency or an intervenor of record, an Applicant which has submitted a Certificate of Need application electronically may be required to produce an original signed and notarized application in paper form on or before the 55<sup>th</sup> day of the review period.

(4) Except as may be otherwise provided in these rules, the receipt date for an electronic submittal via e-mail shall be the date and time the document is received by SHPDA, as indicated by the computer software accepting the submission, in accordance with § 8-1A-15, Code of Alabama, 1975. The date of receipt of an electronically submitted Certificate of Need application does not by itself constitute a determination of completeness by the State Agency under Rule 410-1-7-.06(2).

(5) Fees may be submitted electronically via an e-government contractor when the service becomes available to the State Agency.

Author: Alva M. Lambert

Statutory Authority: § 22-21-271(d), Code of Alabama, 1975.

History: New Rule: Filed \_\_\_\_\_; effective \_\_\_\_\_.