

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSET, DIRECTOR**

(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

I certify that the attached is/are a correct copy/copies of rule/s as promulgated and adopted on the 17th day of July, 2013, and filed with the agency secretary on the 24th day of July, 2013.

AGENCY NAME: State Health Planning and Development Agency
(Certificate of Need Review Board)

X Amendment; _____ New; _____ Repeal; (Mark appropriate space)

Rule No. 410-1-3-.06(1)(a)-(e)

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: State Agency Records

ACTION TAKEN: State whether the rule was adopted without changes from the proposal due to written or oral comments;

No public comments were received; the rule was adopted without changes and as published for comment in the Alabama Administrative Monthly.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXI

ISSUE NO. 8, DATED May 31, 2013.


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

(Date Filed)
(For LRS Use Only)

REC'D & FILED

JUL 24 2013

LEGISLATIVE REF SERVICE


Alva M. Lambert, Executive Director
State Health Planning and Development Agency
(Certifying Officer or his or her Deputy)

(NOTE: In accordance with § 41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

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 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 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.