

# ALABAMA

## Administrative Monthly



**ALABAMA  
ADMINISTRATIVE MONTHLY  
VOLUME XLII, ISSUE NO. 3**

**DATE OF PUBLICATION  
December 29, 2023**

**Published By:  
Legislative Services Agency  
Administrative Procedure Division  
Alabama State House, Suite 613  
Montgomery, Alabama 36130**

**Telephone: (334) 261-0600**

**ALABAMA ADMINISTRATIVE MONTHLY  
VOLUME XLII, ISSUE NO. 3**

**DECEMBER 29, 2023**

**TABLE OF CONTENTS**

**FILINGS BY AGENCY**

**Page No.**

**COUNSELING, ALABAMA BOARD OF EXAMINERS IN**

**Proposed Amended Rules:**

255-X-3-.02	Associate Licensed Counselor (ALC) .....	81
255-X-4-.08	Application Retention .....	82

**EDUCATION, ALABAMA COMMISSION ON HIGHER**

**Proposed Repealed and Replaced Rule:**

300-2-1-.06	Repealed: Reasonable Extensions And Alterations Of Existing Units And Programs Of Instructions → New: Reasonable Extensions and Alterations of Existing Programs of Instruction .....	83
-------------	---	----

**Certified Amended Rule:**

300-2-1-.10	Distance Education .....	92–97
-------------	--------------------------	-------

**Certified Repealed and Replaced Rule:**

300-2-1-.02	Repealed: Review And Approval Or Disapproval Of Proposed Postsecondary Course Offerings In Alabama By Non-Alabama Institutions Seeking State Authorization → New: Review or Exemption from Review of Proposed Postsecondary Course Offerings in Alabama by Non-Alabama Institutions Seeking State Authorization .....	92–97
-------------	---	-------

**Certified New Rule:**

Chapter 300-4-13	(RE)ENGAGE ALABAMA GRANT PROGRAM .....	92–97
------------------	--	-------

**EDUCATION, ALABAMA STATE BOARD OF**

**Proposed Amended Rule:**

290-3-1-.02	Regulations Governing Public Schools .....	84
-------------	--	----

**Certified Amended Rules:**

Chapter 290-3-6	Charter Schools .....	92–97
-----------------	-----------------------	-------

290-4-1-.04	Flexibility for Students in Priority Schools .....	92-97
-------------	--	-------

## **ELECTRICAL CONTRACTORS, ALABAMA STATE BOARD OF**

### **Proposed Amended Rules:**

303-X-2-.08	License Exemptions .....	85
303-X-2-.10	Discipline Of A License .....	86

## **ENVIRONMENTAL MANAGEMENT, ALABAMA DEPARTMENT OF**

### **Certified Amended Rules:**

335-3-1-.02	Definitions .....	92-97
335-3-3-.05	Incineration Of Commercial And Industrial Solid Waste .....	92-97
335-3-5-.10	TR SO <sub>2</sub> Trading Program – Computation Of Time .....	92-97
335-3-5-.11	Administrative Appeal Procedures .....	92-97
335-3-5-.14	Authorization Of Designated Representative And Alternate Designated Representative .....	92-97
335-3-5-.15	Responsibilities Of Designated Representative And Alternate Designated Representative .....	92-97
335-3-5-.16	Changing Designated Representative And Alternate Designated Representative; Changes In Owners And Operators; Changes In Units At The Source .....	92-97
335-3-5-.17	Certificate Of Representation .....	92-97
335-3-5-.19	Delegation By Designated Representative And Alternate Designated Representative .....	92-97
335-3-5-.22	Recordation Of TR SO Allowance Allocations And 2Auction Results .....	92-97
335-3-5-.23	Submission Of TR SO <sub>2</sub> Allowance Transfers .....	92-97
335-3-5-.24	Recordation Of TR SO <sub>2</sub> Allowance Transfers .....	92-97
335-3-5-.25	Compliance With TR SO <sub>2</sub> Emissions Limitation .....	92-97
335-3-5-.26	Compliance With TR SO <sub>2</sub> Assurance Provisions .....	92-97
335-3-5-.28	Account Error .....	92-97
335-3-5-.29	Administrator’s Action On Submissions .....	92-97
335-3-5-.33	Monitoring System Out-Of-Control Periods .....	92-97
335-3-5-.34	Notifications Concerning Monitoring .....	92-97
335-3-5-.35	Recordkeeping And Reporting .....	92-97
335-3-5-.36	Petitions For Alternatives To Monitoring, Recordkeeping, Or Reporting Requirements .....	92-97
335-3-8-.11	TR NO <sub>x</sub> Annual Trading Program – Computation Of Time .....	92-97
335-3-8-.12	Administrative Appeal Procedures .....	92-97
335-3-8-.16	Authorization Of Designated Representative And Alternate Designated Representative .....	92-97

335-3-8-.17	Responsibilities Of Designated Representative And Alternate Designated Representative .....	92-97
335-3-8-.18	Changing Designated Representative And Alternate Designated Representative; Changes In Owners And Operators; Changes In Units At The Source .....	92-97
335-3-8-.19	Certificate Of Representation .....	92-97
335-3-8-.21	Delegation By Designated Representative And Alternate Designated Representative .....	92-97
335-3-8-.24	Recordation Of TR NOX Annual Allowance Allocations And Auction Results .....	92-97
335-3-8-.25	Submission Of TR NOx Annual Allowance Transfers .....	92-97
335-3-8-.26	Recordation Of TR NOx Annual Allowance Transfers ....	92-97
335-3-8-.27	Compliance With TR NOx Annual Emissions Limitation .....	92-97
335-3-8-.28	Compliance With TR NOx Annual Assurance Provisions .....	92-97
335-3-8-.30	Account Error .....	92-97
335-3-8-.31	Administrator's Action On Submissions .....	92-97
335-3-8-.35	Monitoring System Out-Of-Control Periods .....	92-97
335-3-8-.36	Notifications Concerning Monitoring .....	92-97
335-3-8-.37	Recordkeeping And Reporting .....	92-97
335-3-8-.38	Petitions For Alternatives To Monitoring, Recordkeeping, Or Reporting Requirements .....	92-97
335-3-8-.43	TR NOx Ozone Season Group 2 Trading Program – Computation Of Time .....	92-97
335-3-8-.44	Administrative Appeal Procedures .....	92-97
335-3-8-.48	Authorization Of Designated Representative And Alternate Designated Representative .....	92-97
335-3-8-.49	Responsibilities Of Designated Representative And Alternate Designated Representative .....	92-97
335-3-8-.50	Changing Designated Representative And Alternate Designated Representative; Changes In Owners And Operators; Changes In Units At The Source .....	92-97
335-3-8-.51	Certificate Of Representation .....	92-97
335-3-8-.53	Delegation By Designated Representative And Alternate Designated Representative .....	92-97
335-3-8-.56	Recordation Of TR NOx Ozone Season Group 2 Allowance Allocations And Auction Results .....	92-97
335-3-8-.57	Submission Of TR NOx Ozone Season Group 2 Allowance Transfers .....	92-97
335-3-8-.58	Recordation Of TR NOx Ozone Season Group 2 Allowance Transfers .....	92-97

335-3-8-.59	Compliance With TR NOx Ozone Season Group 2 Emissions Limitation .....	92-97
335-3-8-.60	Compliance With TR NOx Ozone Season Group 2 Assurance Provisions .....	92-97
335-3-8-.62	TR NOx Ozone Season Group 2 Trading Program – Account Error .....	92-97
335-3-8-.63	TR NOx Ozone Season Group 2 Trading Program – Administrator’s Action On Submissions .....	92-97
335-3-8-.67	Monitoring System Out-Of-Control Periods .....	92-97
335-3-8-.68	Notifications Concerning Monitoring .....	92-97
335-3-8-.69	Recordkeeping And Reporting .....	92-97
335-3-8-.70	Petitions For Alternatives To Monitoring, Recordkeeping, Or Reporting Requirements .....	92-97
335-3-8-.71	NOx Budget Program .....	92-97
335-3-10-.01	General .....	92-97
335-3-10-.02	Designated Standards Of Performance .....	92-97
335-3-10-.03	Appendices To 40 CFR 60 .....	92-97
335-3-11-.01	General .....	92-97
335-3-11-.06	National Emission Standards For Hazardous Air Pollutants For Source Categories .....	92-97
335-3-14-.03	Standards For Granting Permits .....	92-97
335-3-14-.04	Air Permits Authorizing Construction In Clean Air Areas [Prevention Of Significant Deterioration Permitting (PSD)] .....	92-97
335-3-14-.05	Air Permits Authorizing Construction In Or Near Nonattainment Areas .....	92-97
335-3-15-.04	Synthetic Minor Operating Permit Requirements .....	92-97
335-3-17-.01	Transportation Conformity .....	92-97
335-3-17-.02	General Conformity .....	92-97
335-3-C	Appendix C - EPA Reference Documents For New Source Performance Standards And National Emission Standards For Hazardous Air Pollutants .....	92-97
335-3-G	Appendix G - Clean Air Act Amendments of 1990 - List of Hazardous Air Pollutants .....	92-97
335-5-1-.02	Applicability .....	92-97
335-5-1-.03	Definitions .....	92-97
335-5-1-.06	Fees .....	92-97
335-5-1-.07	Process For Entering A Covenant .....	92-97
335-5-2-.01	Covenant Contents .....	92-97
335-5-2-.03	Relations To Other Land Use Law .....	92-97
335-6-16-.07	Trust Fund Fee And Charge .....	92-97

335-6-16-.09	Scope Of Tank Trust Fund Coverage .....	92–97
335-6-16-.14	Applications For Payment .....	92–97

## **FORESTRY COMMISSION, ALABAMA**

### **Emergency New Rules:**

390-X-1-.04.01 ER	DROUGHT EMERGENCY DECLARATION (REPEAL OF 34-COUNTY DECLARATION) .....	92–97
390-X-1-.05 ER	DROUGHT EMERGENCY DECLARATION (SPECIFIED COUNTIES) .....	92–97
390-X-1-.05.01 ER	DROUGHT EMERGENCY DECLARATION (REPEAL OF 11-COUNTY DECLARATION) .....	92–97

## **HEALTH, DEPARTMENT OF PUBLIC**

### **Proposed New Rule:**

420-1-5.09	State Health Orders .....	87
------------	---------------------------	----

## **INSURANCE, ALABAMA DEPARTMENT OF**

### **Certified Amended Rules:**

Chapter 482-1-088	Guidelines to Advertisers Regarding the Offering of Free Gifts, Benefits, Etc. ....	92–97
482-1-128-.06	Rules For Coordination Of Benefits .....	92–97

### **Certified New Rule:**

482-1-161-.10	Adoption of 2024 Version of Valuation Manual .....	92–97
---------------	--	-------

## **INTERPRETERS AND TRANSLITERATORS, ALABAMA LICENSURE BOARD FOR**

### **Proposed Amended Rule:**

488-X-1-.07	Initial License .....	88
-------------	-----------------------	----

## **MEDICAID AGENCY, ALABAMA**

### **Miscellaneous Notices:**

AL-24-0001 .....	89
AL-24-0002 .....	90

## **MEDICAL CANNABIS COMMISSION, ALABAMA**

### **Certified Amended Rule:**

Chapter 538-X-3	Applications and Licensing Requirements - Generally ....	92–97
-----------------	--	-------

### **Certified New Rule:**

538-X-3-.20	Special Procedures Relating to Certain Applications .....	92–97
-------------	---	-------

**MEDICAL EXAMINERS, ALABAMA BOARD OF**

**Certified Amended Rules:**

540-X-1-.16	Fees Associated With Collaborative Practices .....	92–97
540-X-7-.15	Registration - Physician Assistant (P.A.) .....	92–97
540-X-7-Appendix-A	Application For Registration Of Physician Assistant .....	92–97
540-X-18-.03.01	Application For A Qualified Alabama Controlled Substances Registration Certificate (QACSC) .....	92–97
540-X-18-.05.01	Renewal Of A Qualified Alabama Controlled Substances Registration Certificate (QACSC) – Required Disclosures .....	92–97

**REVENUE, ALABAMA DEPARTMENT OF**

**Proposed Amended Rule:**

810-6-5-.36	Prepaid Wireless 9-1-1 Charge .....	91
-------------	-------------------------------------	----

**Certified Amended Rules:**

810-5-8-.06	Mandatory Liability Insurance Registration Suspension, Reinstatement, And Revocation Procedures .....	92–97
810-6-3-.77	Exemption For Certain Purchases By Contractors And Subcontractors In Conjunction With Construction Contracts With Certain Governmental Entities And Statutorily Exempt Entities .....	92–97

<b><u>MISCELLANEOUS NOTICES</u></b> .....	89
.....	90

<b><u>EMERGENCY RULES</u></b> .....	92–97
-------------------------------------	-------

<b><u>CERTIFIED ADOPTED RULES</u></b> .....	92–97
---	-------

<b><u>RULES THAT SIGNIFICANTLY LESSEN COMPETITION UNDER SECTION 41-22-22.1</u></b> .....	97
--	----

**EDITOR’S NOTE:**

A withdrawal of Rule 364-X-4-.02 Fees by the Board of Licensure for Professional Geologists was erroneously generated and printed in the November 2023 AAM due to a technical issue created by the migration of data to the new website. Please disregard this withdrawal. This rule is effective on December 15, 2023.

ALABAMA BOARD OF EXAMINERS IN COUNSELING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Examiners in Counseling

RULE NO. & TITLE: 255-X-3-.02 Associate Licensed Counselor (ALC)

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board intends to clarify ALC supervision requirements and the LPC-S duties regarding the supervision of ALCs.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Board until 4:00 p.m. on Friday, February 2, 2024. Comments are to be directed to Keith Warren, Executive Director,  
2777 Zelda Road, Montgomery, AL 36106 or by email at keith@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, February 2, 2024

CONTACT PERSON AT AGENCY:

Keith Warren, Executive Director  
2777 Zelda Road  
Montgomery, AL 36106  
keith@alstateboard.com

*Keith E. Warren*

---

Keith E. Warren

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

ALABAMA BOARD OF EXAMINERS IN COUNSELING

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Examiners in Counseling

RULE NO. & TITLE: 255-X-4-.08 Application Retention

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board intends to clarify the definition of a complete application package and under what circumstances an applicant may have to reapply.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Board until 4:00 p.m. on Friday, February 2, 2024. Comments are to be directed to Keith Warren, Executive Director,  
2777 Zelda Road, Montgomery, AL 36106 or by email at keith@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, February 2, 2024

CONTACT PERSON AT AGENCY:

Keith Warren, Executive Director,  
2777 Zelda Road, Montgomery, AL  
36106 or by email at  
keith@alstateboard.com.

*Keith E. Warren*

---

Keith E. Warren

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**ALABAMA COMMISSION ON HIGHER EDUCATION  
PLANNING AND COORDINATION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Commission on Higher Education

**RULE NO. & TITLE:** 300-2-1-.06 Reasonable Extensions And Alterations  
Of Existing Units And Programs Of Instructions

**INTENDED ACTION:** Repeal and Replace

**SUBSTANCE OF PROPOSED ACTION:**

The proposed new rule is intended to address deficiencies within existing rule §300-2-1-.06. Specifically, the rule needs to be reorganized to improve clarity. The proposed organization differs enough from the existing rule that it is preferable to repeal and provide a new rule, rather than amend the existing rule. The content of the new rule has been substantially enhanced to include a clear statement of purpose, Commission responsibility, and scope, along with relevant definitions. In addition, the provisions have been revised to align with accreditation standards and thereby streamline submission for institutional stakeholders.

**TIME, PLACE AND MANNER OF PRESENTING VIEWS:**

Interested persons may present views on these amended rules by contacting Dr. Robin McGill, Deputy Director of Academic Affairs, Alabama Commission on Higher Education, P.O. Box 302000, Montgomery, Alabama 36130-2000, robin.mcgill@ache.edu, (334) 242-2104, between 8:00 a.m. and 5:00 p.m. CT each business day up to and including February 23, 2024.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Friday, February 23, 2024

**CONTACT PERSON AT AGENCY:**

Dr. Robin McGill  
robin.mcgill@ache.edu  
(334) 242-2104

*Stephanie C. Dolan*

---

Stephanie C. Dolan

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

ALABAMA STATE BOARD OF EDUCATION  
STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Education

RULE NO. & TITLE: 290-3-1-.02 Regulations Governing Public Schools

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama State Board of Education proposes to amend Chapter 290-3-1, to amend the language of the Alabama high school graduation requirements which revises the cohort of public school students to demonstrate college and career readiness to align with Act #2023-365. In addition, to change the language of the Alabama high school graduation requirements to include the Alabama Civics Exam and Alabama Financial Literacy Exam codified in Act #2017-173 and Act 2023-179, respectively.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

A public hearing will be held at 10:00 a.m. on January 11, 2024, Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama, 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, February 8, 2024

CONTACT PERSON AT AGENCY:

Dr. Melissa Shields, Assistant  
State Superintendent, Office of  
Student Learning.

*Eric G Mackey*

Eric Mackey

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

ALABAMA STATE BOARD OF ELECTRICAL CONTRACTORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Electrical Contractors

RULE NO. & TITLE: 303-X-2-.08 License Exemptions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board intends to clarify exemptions to licensure requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Board until 4:00 p.m. on Friday, February 2, 2024. Comments should be directed to Keith E. Warren, Executive Director, 2777 Zelda Road, Montgomery, AL 36106 or by email at keith@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, February 2, 2024

CONTACT PERSON AT AGENCY:

Keith E. Warren, Executive  
Director, 2777 Zelda Road,  
Montgomery, AL 36106 or by email  
at keith@alstateboard.com.

*Keith E. Warren*

---

Keith E. Warren

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

ALABAMA STATE BOARD OF ELECTRICAL CONTRACTORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Electrical Contractors

RULE NO. & TITLE: 303-X-2-.10 Discipline Of A License

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to update the disciplinary of a license rule to comply with Section 41-22-12.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Board until 4:00 p.m. on Friday, February 2, 2024. Comments should be directed to Keith E. Warren, Executive Director, 2777 Zelda Road, Montgomery, AL 36106 or by email at keith@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, February 2, 2024

CONTACT PERSON AT AGENCY:

Keith E. Warren, Executive  
Director  
2777 Zelda Road, Montgomery, AL  
36106  
334-420-7232;  
keith@alstateboard.com

*Keith E. Warren*

---

Keith E. Warren

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**ALABAMA STATE BOARD OF HEALTH  
ALABAMA DEPARTMENT OF PUBLIC HEALTH  
OFFICE OF GENERAL COUNSEL**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Department of Public Health

**RULE NO. & TITLE:** 420-1-5.09 State Health Orders

**INTENDED ACTION:** New

**SUBSTANCE OF PROPOSED ACTION:**

To provide additional details for administering the health and quarantine laws of the state.

**TIME, PLACE AND MANNER OF PRESENTING VIEWS:**

A public hearing will be held on January 17, 2024 at 9:00 a.m., at the Alabama Department of Public Health, RSA Tower, Suite 1540, Montgomery, Alabama 36104

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Friday, February 2, 2024

**CONTACT PERSON AT AGENCY:**

Sancha Howard  
Office of General Counsel  
Department of Public Health  
P.O. Box 303017  
Montgomery, Alabama 36130-3017  
334-206-5209

*Sancha Howard*

\_\_\_\_\_  
Sancha Howard

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**ALABAMA LICENSURE BOARD FOR INTERPRETERS  
AND TRANSLITERATORS**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Licensure Board for Interpreters and  
Translitterators

**RULE NO. & TITLE:** 488-X-1-.07 Initial License

**INTENDED ACTION:** Amend

**SUBSTANCE OF PROPOSED ACTION:**

Amend 488-X-1-.07(2)(c) to remove language regarding college diploma and transcripts.

**TIME, PLACE AND MANNER OF PRESENTING VIEWS:**

Written comments will be received by the Board until 4:00 p.m. on Friday, February 2, 2024. Comments are to be directed to Keith Warren, Executive Director, 2777 Zelda Road, Montgomery, AL 36106 or by email at keith@alstateboard.com.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Friday, February 2, 2024

**CONTACT PERSON AT AGENCY:**

Keith Warren, Executive Director  
2777 Zelda Road  
Montgomery, AL 36106  
keith@alstateboard.com

*Keith E. Warren*

\_\_\_\_\_  
Keith E. Warren

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)



KAY IVEY  
Governor

# Alabama Medicaid Agency

501 Dexter Avenue  
P.O. Box 5624  
Montgomery, Alabama 36103-5624  
[www.medicaid.alabama.gov](http://www.medicaid.alabama.gov)  
e-mail: [almedicaid@medicaid.alabama.gov](mailto:almedicaid@medicaid.alabama.gov)

Telecommunication for the Deaf: 1-800-253-0799  
334-242-5000 1-800-362-1504



STEPHANIE MCGEE AZAR  
Commissioner

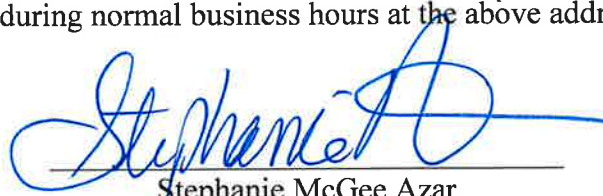
## PUBLIC NOTICE

### SUBJECT: AMENDMENT TO THE ALABAMA STATE PLAN FOR MEDICAL ASSISTANCE

The Alabama Medicaid Agency is proposing to amend its State Plan for Medical Assistance through a State Plan Amendment. This amendment will update the physician services benefit to remove references to Federally Qualified Health Centers and Rural Health Centers along with clarifying that each limit can be exceeded based upon medical necessity. The Agency does not anticipate a change in expenditures due to this amendment.

A copy of the proposed changes will be made available upon request for public review at each county office of the Department of Human Resources and the State Office of the Alabama Medicaid Agency.

Written comments concerning these changes are welcome and should be mailed to Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, P. O. Box 5624, Montgomery, Alabama 36103-5624. All written comments will be available for review by the public during normal business hours at the above address.



Stephanie McGee Azar  
Commissioner



KAY IVEY  
Governor

# Alabama Medicaid Agency

501 Dexter Avenue  
P.O. Box 5624  
Montgomery, Alabama 36103-5624  
[www.medicaid.alabama.gov](http://www.medicaid.alabama.gov)  
e-mail: [almedicaid@medicaid.alabama.gov](mailto:almedicaid@medicaid.alabama.gov)

Telecommunication for the Deaf: 1-800-253-0799  
334-242-5000 1-800-362-1504



STEPHANIE MCGEE AZAR  
Commissioner


## PUBLIC NOTICE

SUBJECT: AMENDMENT TO THE ALABAMA STATE PLAN FOR MEDICAL ASSISTANCE

The Alabama Medicaid Agency is proposing to amend its State Plan for Medical Assistance through a State Plan Amendment. The Agency does not anticipate a change in expenditures due to this amendment. The purpose of this change is to provide assurance that the State is in compliance with Section 202 of the Consolidated Appropriations Act 2022 as requested by the Centers of Medicare and Medicaid Services (CMS).

A copy of the proposed changes will be made available upon request for public review at each county office of the Department of Human Resources and the State Office of the Alabama Medicaid Agency.

Written comments concerning these changes are welcome and should be mailed to Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, P. O. Box 5624, Montgomery, Alabama 36103-5624. All written comments will be available for review by the public during normal business hours at the above address.

  
Stephanie McGee Azar  
Commissioner

ALABAMA DEPARTMENT OF REVENUE SALES, USE & BUSINESS TAX DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Revenue

RULE NO. & TITLE: 810-6-5-.36 Prepaid Wireless 9-1-1 Charge

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This rule is being amended to update the rate of the prepaid wireless 911 charge, pursuant to a rate change by the 911 Board. The new rate is effective 1/1/2024. Please see the attached notice provided by the 911 Board indicating the rate change.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

A public hearing will be conducted at 1:30 P.M. on Tuesday, February 6, 2024 via web-conference. To participate in the upcoming web-conference public hearing please contact the Tax Policy and Governmental Affairs Division at [Taxpolicy@revenue.alabama.gov](mailto:Taxpolicy@revenue.alabama.gov) or 334-242-1380 to obtain the appropriate sign-in information for a specific public hearing date. Copies of the rule(s) can be obtained at <http://www.revenue.alabama.gov/tax-policy/>.

All interested parties may present their views in writing to the Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132 at any time following publication of the notice up until the conclusion of the hearing. Interested parties may also may present their views during the web-conference.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, February 6, 2024

CONTACT PERSON AT AGENCY:

Meagan Barrett

Alabama Department of Revenue  
4131 Gordon Persons Building  
Montgomery, Alabama 36132  
(334) 242-1380

*Cameron Clark*

---

Cameron Clark

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

## **EMERGENCY RULES**

Emergency adoption of new rules, amendment of existing rules, repeal of existing rules, and adoption by reference, shall become effective immediately, unless otherwise stated therein, upon the filing of the rule with Legislative Services Agency. Emergency rules may be effective for a period of not longer than 120 days.

### **A. FORESTRY COMMISSION, ALABAMA**

#### **New Rules:**

390-X-1-.04.01 ER DROUGHT EMERGENCY DECLARATION (REPEAL OF 34-COUNTY DECLARATION)

390-X-1-.05 ER DROUGHT EMERGENCY DECLARATION (SPECIFIED COUNTIES)

**Date Filed: November 21, 2023**

#### **Person to Contact for Copy of Rules:**

**Scott L. Rouse, General Counsel**

**Alabama Forestry Commission**

**P. O. Box 302550**

**Montgomery, AL 36130-2550**

**(334) 240-9300**

**scott.rouse@forestry.alabama.gov**

390-X-1-.05.01 ER DROUGHT EMERGENCY DECLARATION (REPEAL OF 11-COUNTY DECLARATION)

**Date Filed: December 4, 2023**

#### **Person to Contact for Copy of Rule:**

**Scott L. Rouse, General Counsel**

**Alabama Forestry Commission**

**P. O. Box 302550**

**Montgomery, AL 36130-2550**

**(334) 240-9300**

**scott.rouse@forestry.alabama.gov**

## **CERTIFIED ADOPTED RULES**

In accordance with Code of Alabama 1975, §41-22-6(c), certified adopted rules become effective 45 days after a notice that the rule has been certified is published in the Alabama Administrative Monthly, except that if a later date is required by statute or specified in the rule, then the later date is the effective date.

### **A. EDUCATION, ALABAMA COMMISSION ON HIGHER**

#### **Amended Rule:**

300-2-1-.10 Distance Education

**Date Filed: December 12, 2023**

**Public Notice appeared in Volume XLI, Issue No. 12 AAM, Dated September 29, 2023.**

#### **Repealed and Replaced Rule:**

300-2-1-.02 Repealed: Review And Approval Or Disapproval Of Proposed Postsecondary Course Offerings In Alabama By Non-Alabama Institutions Seeking State Authorization → New: Review or Exemption from Review of Proposed Postsecondary Course Offerings in Alabama by Non-Alabama Institutions Seeking State Authorization

**Date Filed: December 12, 2023**

**Public Notice appeared in Volume XLI, Issue No. 12 AAM, Dated September 29, 2023.**

#### **New Rule:**

Chapter 300-4-13 (RE)ENGAGE ALABAMA GRANT PROGRAM

**Date Filed: December 12, 2023**

**Public Notice appeared in Volume XLI, Issue No. 12 AAM, Dated September 29, 2023.**

### **B. EDUCATION, ALABAMA STATE BOARD OF**

#### **Amended Rules:**

Chapter 290-3-6 Charter Schools

**Date Filed: December 18, 2023**

**Public Notice appeared in Volume XLI, Issue No. 12 AAM, Dated September 29, 2023.**

290-4-1-.04 Flexibility for Students in Priority Schools

**Date Filed: December 18, 2023**

**Public Notice appeared in Volume XLII, Issue No. 1 AAM, Dated October 31, 2023.**

### **C. ENVIRONMENTAL MANAGEMENT, ALABAMA DEPARTMENT OF**

#### **Amended Rules:**

335-3-1-.02 Definitions

335-3-3-.05 Incineration Of Commercial And Industrial Solid Waste

335-3-5-.10 TR SO2 Trading Program – Computation Of Time

335-3-5-.11 Administrative Appeal Procedures

335-3-5-.14	Authorization Of Designated Representative And Alternate Designated Representative
335-3-5-.15	Responsibilities Of Designated Representative And Alternate Designated Representative
335-3-5-.16	Changing Designated Representative And Alternate Designated Representative; Changes In Owners And Operators; Changes In Units At The Source
335-3-5-.17	Certificate Of Representation
335-3-5-.19	Delegation By Designated Representative And Alternate Designated Representative
335-3-5-.22	Recordation Of TR SO Allowance Allocations And 2Auction Results
335-3-5-.23	Submission Of TR SO2 Allowance Transfers
335-3-5-.24	Recordation Of TR SO2 Allowance Transfers
335-3-5-.25	Compliance With TR SO2 Emissions Limitation
335-3-5-.26	Compliance With TR SO2 Assurance Provisions
335-3-5-.28	Account Error
335-3-5-.29	Administrator's Action On Submissions
335-3-5-.33	Monitoring System Out-Of-Control Periods
335-3-5-.34	Notifications Concerning Monitoring
335-3-5-.35	Recordkeeping And Reporting
335-3-5-.36	Petitions For Alternatives To Monitoring, Recordkeeping, Or Reporting Requirements
335-3-8-.11	TR NOx Annual Trading Program – Computation Of Time
335-3-8-.12	Administrative Appeal Procedures
335-3-8-.16	Authorization Of Designated Representative And Alternate Designated Representative
335-3-8-.17	Responsibilities Of Designated Representative And Alternate Designated Representative
335-3-8-.18	Changing Designated Representative And Alternate Designated Representative; Changes In Owners And Operators; Changes In Units At The Source
335-3-8-.19	Certificate Of Representation
335-3-8-.21	Delegation By Designated Representative And Alternate Designated Representative
335-3-8-.24	Recordation Of TR NOx Annual Allowance Allocations And Auction Results
335-3-8-.25	Submission Of TR NOx Annual Allowance Transfers
335-3-8-.26	Recordation Of TR NOx Annual Allowance Transfers
335-3-8-.27	Compliance With TR NOx Annual Emissions Limitation
335-3-8-.28	Compliance With TR NOx Annual Assurance Provisions
335-3-8-.30	Account Error
335-3-8-.31	Administrator's Action On Submissions
335-3-8-.35	Monitoring System Out-Of-Control Periods
335-3-8-.36	Notifications Concerning Monitoring
335-3-8-.37	Recordkeeping And Reporting
335-3-8-.38	Petitions For Alternatives To Monitoring, Recordkeeping, Or Reporting Requirements

335-3-8-.43	TR NOx Ozone Season Group 2 Trading Program – Computation Of Time
335-3-8-.44	Administrative Appeal Procedures
335-3-8-.48	Authorization Of Designated Representative And Alternate Designated Representative
335-3-8-.49	Responsibilities Of Designated Representative And Alternate Designated Representative
335-3-8-.50	Changing Designated Representative And Alternate Designated Representative; Changes In Owners And Operators; Changes In Units At The Source
335-3-8-.51	Certificate Of Representation
335-3-8-.53	Delegation By Designated Representative And Alternate Designated Representative
335-3-8-.56	Recordation Of TR NOx Ozone Season Group 2 Allowance Allocations And Auction Results
335-3-8-.57	Submission Of TR NOx Ozone Season Group 2 Allowance Transfers
335-3-8-.58	Recordation Of TR NOx Ozone Season Group 2 Allowance Transfers
335-3-8-.59	Compliance With TR NOx Ozone Season Group 2 Emissions Limitation
335-3-8-.60	Compliance With TR NOx Ozone Season Group 2 Assurance Provisions
335-3-8-.62	TR NOx Ozone Season Group 2 Trading Program – Account Error
335-3-8-.63	TR NOx Ozone Season Group 2 Trading Program – Administrator’s Action On Submissions
335-3-8-.67	Monitoring System Out-Of-Control Periods
335-3-8-.68	Notifications Concerning Monitoring
335-3-8-.69	Recordkeeping And Reporting
335-3-8-.70	Petitions For Alternatives To Monitoring, Recordkeeping, Or Reporting Requirements
335-3-8-.71	NOx Budget Program
335-3-10-.01	General
335-3-10-.02	Designated Standards Of Performance
335-3-10-.03	Appendices To 40 CFR 60
335-3-11-.01	General
335-3-14-.03	Standards For Granting Permits
335-3-14-.04	Air Permits Authorizing Construction In Clean Air Areas [Prevention Of Significant Deterioration Permitting (PSD)]
335-3-15-.04	Synthetic Minor Operating Permit Requirements
335-3-17-.01	Transportation Conformity
335-3-17-.02	General Conformity
335-3-C	Appendix C - EPA Reference Documents For New Source Performance Standards And National Emission Standards For Hazardous Air Pollutants
335-3-G	Appendix G - Clean Air Act Amendments of 1990 - List of Hazardous Air Pollutants

335-5-1-.02	Applicability
335-5-1-.03	Definitions
335-5-1-.06	Fees
335-5-1-.07	Process For Entering A Covenant
335-5-2-.01	Covenant Contents
335-5-2-.03	Relations To Other Land Use Law
335-6-16-.07	Trust Fund Fee And Charge
335-6-16-.09	Scope Of Tank Trust Fund Coverage
335-6-16-.14	Applications For Payment

**Date Filed: December 11, 2023**

**Public Notice appeared in Volume XLI, Issue No. 11 AAM, Dated August 31, 2023.**

335-3-11-.06	National Emission Standards For Hazardous Air Pollutants For Source Categories
--------------	--

**Date Filed: December 13, 2023**

**Public Notice appeared in Volume XLI, Issue No. 11 AAM, Dated August 31, 2023.**

335-3-14-.05	Air Permits Authorizing Construction In Or Near Nonattainment Areas
--------------	---

**Date Filed: December 14, 2023**

**Public Notice appeared in Volume XLI, Issue No. 11 AAM, Dated August 31, 2023.**

#### **D. INSURANCE, ALABAMA DEPARTMENT OF**

##### **Amended Rules:**

Chapter 482-1-088	Guidelines to Advertisers Regarding the Offering of Free Gifts, Benefits, Etc.
-------------------	--

482-1-128-.06	Rules For Coordination Of Benefits
---------------	------------------------------------

**Date Filed: December 7, 2023**

**Public Notice appeared in Volume XLII, Issue No. 1 AAM, Dated October 31, 2023.**

##### **New Rule:**

482-1-161-.10	Adoption of 2024 Version of Valuation Manual
---------------	--

**Date Filed: December 7, 2023**

**Public Notice appeared in Volume XLII, Issue No. 1 AAM, Dated October 31, 2023.**

#### **E. MEDICAL CANNABIS COMMISSION, ALABAMA**

##### **Amended Rule:**

Chapter 538-X-3	Applications and Licensing Requirements - Generally
-----------------	---

**Date Filed: December 11, 2023**

**Public Notice appeared in Volume XLII, Issue No. 1 AAM, Dated October 31, 2023.**

##### **New Rule:**

538-X-3-.20	Special Procedures Relating to Certain Applications
-------------	---

**Date Filed: December 11, 2023**

**Public Notice appeared in Volume XLII, Issue No. 1 AAM, Dated October 31, 2023.**

#### **F. MEDICAL EXAMINERS, ALABAMA BOARD OF**

##### **Amended Rules:**

540-X-1-.16	Fees Associated With Collaborative Practices
-------------	--

- 540-X-7-.15                      Registration - Physician Assistant (P.A.)
- 540-X-7-Appendix-A            Application For Registration Of Physician Assistant
- 540-X-18-.03.01                Application For A Qualified Alabama Controlled Substances  
Registration Certificate (QACSC)
- 540-X-18-.05.01                Renewal Of A Qualified Alabama Controlled Substances  
Registration Certificate (QACSC) – Required Disclosures

**Date Filed: December 19, 2023**

**Public Notice appeared in Volume XLII, Issue No. 1 AAM, Dated October 31, 2023.**

**G. REVENUE, ALABAMA DEPARTMENT OF**

**Amended Rules:**

- 810-5-8-.06                      Mandatory Liability Insurance Registration Suspension,  
Reinstatement, And Revocation Procedures
- 810-6-3-.77                      Exemption For Certain Purchases By Contractors And  
Subcontractors In Conjunction With Construction Contracts With  
Certain Governmental Entities And Statutorily Exempt Entities

**Date Filed: December 18, 2023**

**Public Notice appeared in Volume XLII, Issue No. 1 AAM, Dated October 31, 2023.**

**RULES THAT SIGNIFICANTLY LESSEN COMPETITION UNDER SECTION  
41-22-22.1 OF THE CODE OF ALABAMA 1975.**

None

**EDITOR’S NOTE**

A withdrawal of Rule 364-X-4-.02 Fees by the Board of Licensure for Professional Geologists was erroneously generated and printed in the November 2023 AAM due to a technical issue created by the migration of data to the new website. Please disregard this withdrawal. This rule is effective on December 15, 2023.