

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY  
ADMINISTRATIVE CODECHAPTER 410-1-5  
REPLACEMENT OF EXISTING EQUIPMENT

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**410-1-5-.01      Exemption Of Replacement Equipment.**

(1) The replacement of equipment by health care facilities shall be exempt from certificate of need review provided:

(a) such replacement does not change the purpose, use or application of the equipment;

(b) the existing equipment is taken out of service;

(c) the replacement equipment does not enable the health care facility to expand its health services;

(d) the replacement equipment does not enable the health care facility to provide any health services not previously provided on a regular basis;

(e) the Executive Director approves the exemption after receipt of the proper application as indicated below.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §22-21-265(b).

**History:****410-1-5-.02      Determination Of Exemption Status.**

(1) Determination of whether the acquisition of replacement equipment is exempt from review shall be made by the Executive Director of the agency and shall be governed by the procedures in Rule 410-1-7-.02.

**Author:** Alva M.Lambert

**Statutory Authority:** Code of Ala. 1975, §22-21-265(b).

**History: Amended:** Filed February 12, 1996; effective March 18, 1996. **Amended:** Filed May 3, 2005; effective June 7, 2005.

**Amended:** Filed October 30, 2007; effective December 4, 2007.

**410-1-5-.03      Appeals.**

Any decision of the Executive Director regarding the reviewability of replacement equipment may be appealed to the Certificate of Need Review Board, in the form of a request for Declaratory Ruling; provided, however, that the Certificate of Need Review Board shall consider only those facts and arguments presented to the Executive Director for his decision.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §22-21-265(b).

**History:**

**410-1-5-.04      Fees.**

The applicant shall submit with the application a non-refundable fee in the amount of twenty percent (20%) of the fee provided in Rule 410-1-7-.06 for non-rural hospitals, except that a rural hospital shall be required to submit an application fee of only twenty-five percent (25%) of the fee specified for non-rural hospitals. All required filing fees must be submitted to the State Agency via overnight mail and marked in such a way as to clearly identify the fee with the electronic submission; or the fee may be submitted electronically via the payment portal available through the State Agency's website.

**Author:** Alva M. Lambert

**Statutory Authority:** Code of Ala. 1975, §22-21-265(b).

**History:** **Amended:** Filed July 24, 2012; effective August 28, 2012. **Amended:** Filed September 19, 2013; effective October 24, 2013. **Amended:** Filed August 23, 2016; effective October 7, 2016.