

**RULES
OF
ALABAMA STATE BOARD OF HEALTH**

CHAPTER 420-5-21

PAYMENT OF PLAN REVIEW FEES



WITH FEE STATUTE

**ORIGINAL RULES EFFECTIVE JANUARY 5, 2001
AMENDED AUGUST 27, 2012
AMENDED JANUARY 29, 2017**

ALABAMA DEPARTMENT OF PUBLIC HEALTH

MONTGOMERY, ALABAMA

www.adph.org/facmgmt

**ALABAMA STATE BOARD OF HEALTH
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420-5-21-.01 APPLICABILITY. The following procedures are applicable to submittals of drawings and specifications for new construction, addition, or alteration projects to hospitals or other health care facilities in the State of Alabama as defined by Section 22-21-20, Code of Alabama 1975. These rules apply to projects having the first project submittal received for review, by the Technical Services Unit of the Alabama Department of Public Health, on or after the effective date of these rules.

Author: Victor C. Hunt

Statutory Authority: Code of Alabama, 1975, 22-21-40, et. seq.

History: Original rule filed: November 20, 2000; effective January 5, 2001.

420-5-21-.02 FEES REQUIRED

(1) **FEE SCHEDULE:** Fees are based on a percentage of the cost of construction of each project. The fee schedule is set out in Alabama Administrative Code Rule 420-1-5-.08, “State Level Fees,” and is available online at www.adph.org/facmgt.

(2) **INITIAL FEE:** The first submittal of each new project shall be accompanied by an initial fee payment. This includes projects consisting only of fire alarm or fire sprinkler work. Submittals sent in without this initial fee will not be logged in until the fee payment is received.

(3) **FINAL STAGE DRAWING APPROVAL FEE:** Upon receipt by the architect or owner of the Department’s written notice of approval of the final drawings and specifications, payment shall be due for 75 percent of the total fee. The following conditions apply:

(a) Written review comments must be sent by the Alabama Department of Public Health to the project architect within 60 calendar days of the Department's receipt of each submittal (120 calendar days on projects costing more than \$15,000,000). If the Alabama Department of Public Health does not meet this time limitation, the Drawing Approval fee payment is waived.

(b) Final Inspection will not be scheduled prior to receipt of Final Stage Drawing Approval fee payment.

(4) FINAL INSPECTION FEE: Upon the project having a requested preliminary inspection or final inspection performed by the Alabama Department of Public Health, payment shall be due immediately for the remainder of the total fee. The following conditions apply:

(a) The inspection must be performed within 30 calendar days of the Alabama Department of Public Health's receipt of a written request for inspection from the project architect, or by the date requested by the architect (whichever is later). Requests for preliminary or final inspections must occur after Final Stage Drawing Approval. If the Department does not meet this time limitation, the Final Inspection fee payment is waived.

(b) Certificate of Completion (COC) will not be issued prior to receipt of Final Inspection fee.

(5) REVIEWS AND INSPECTIONS COVERED BY FEES: Up to four separate plan review submittals, prior to final approval, are included in the Final Stage Drawing Approval Fee. One building inspection is included in the Final Inspection Fee.

(6) ADDITIONAL FEES:

(a) If additional submittals or inspections are required, an additional fee, equal to 15 percent of the total fee, shall be paid for each additional submittal or inspection. The time restrictions and conditions which apply to routine submittals and final inspections shall apply to additional submittals and inspections.

(b) When sprinkler or fire alarm drawings are submitted as part of a larger project, they will not be counted as additional submittals requiring the additional fee.

Author: Victor C. Hunt

Statutory Authority: Code of Alabama, 1975, 22-21-40, et. seq.

History: Original rule filed: November 20, 2000; effective January 5, 2001. **Amended:** Filed July 23, 2012; effective August 27, 2012. **Amended:** Filed December 15, 2016; effective January 29, 2017.

420-5-21-.03 PAYMENT OF FEES

(1) Final Stage Drawing Approval Fee Payment shall be accompanied by the completed "Final Stage Drawing Approval Fee Worksheet" and a copy of the architect's or contractor's latest estimated cost of building construction. The cost estimate will be the basis for calculating the estimated total fee on the fee worksheet.

(2) Final Inspection fee payment shall be accompanied by the completed "Final Inspection Fee Worksheet" and a copy of the contractor's latest pay request. The pay request will be the basis for calculating the total fee on the fee worksheet.

(3) "Cost of construction" shall include the cost of the actual building construction, addition, or alteration, including sitework.

(4) Fee payments are nonrefundable.

(5) All payments to the Department shall be by check or money order, made payable to "Alabama Department of Public Health."

(6) Fee payments shall be received only at the office of the Technical Services Unit in Montgomery.

Author: Victor C. Hunt

Statutory Authority: Code of Alabama, 1975, 22-21-40, et. seq.

History: Original rule filed: November 20, 2000; effective January 5, 2001. **Amended:** Filed July 23, 2012; effective August 27, 2012.

The following pages contain the fee statute and are included only for information:

CODE OF ALABAMA 1975, SECTIONS 22-21-40 through 22-21-46

Section 22-21-40

Approval of design and construction of project.

No licensee of the State Board of Health or Department of Public Health, applicant for licensure from the State Board of Health or Department of Public Health, or any person or entity seeking certification for reimbursement under the Social Security Act or other law of the United States for which the State Board of Health or Department of Public Health provides surveys or inspections shall commence or in any fashion engage in any new construction, additions to, or alterations of any hospital or other health care facility in the State of Alabama as defined by Section 22-21-20 and rules of the State Board of Health without first submitting to the State Board of Health plans, drawings, and specifications for the new construction, addition, or alteration, and receiving review comments from the State Board of Health. Construction shall not begin until the licensee, applicant, or submitter satisfies the State Board of Health that all comments to submittals have been integrated into revised plans, drawings, and specifications and the design is finally approved by the State Board of Health. The reviews and subsequent inspections shall be for the purpose of approval of the design and construction of the project and for verification of compliance with standard codes and rules of the State Board of Health.

(Act 2000-686, § 1.)

Section 22-21-41

Duties of State Board of Health.

When the State Board of Health receives submittals of plans, drawings, and specifications for the construction, addition to, or alteration of health care facilities for the purposes of review and approval, the State Board of Health shall make reviews of submitted plans, drawings, and specifications and inspections or investigations of the construction as it deems necessary. In addition, the State Board of Health shall make a final inspection of the submitted project at the appropriate time. The State Board of Health shall prescribe by rule the procedure for a licensee, applicant, or submitter to pay fees required by this article and to submit plans, drawings, and specifications to the State Board of Health for preliminary review or inspection and approval or recommendation with respect to compliance with rules of the State Board of Health. In exchange for fees included in the fee schedule provided herein, the State Board of Health shall provide reviews of up to four plan submissions and one final inspection visit of the finished construction, for each project. If additional reviews or final inspections are required, an additional fee, equal to 15 percent of the total fee, shall be paid to the department for each additional submittal or inspection.

(Act 2000-686, § 2.)

Section 22-21-42

Review and final inspection.

The State Board of Health shall send written review comments to the project architect within 60 calendar days for projects costing less than fifteen million dollars (\$15,000,000), or within 120 calendar days on projects costing over fifteen million dollars (\$15,000,000), of the State Board of Health's receipt of each submittal. If the review is not timely made, the fee as established by Section 22-21-44 and due at drawing approval shall be waived. The State Board of Health shall perform the final inspection within 30 calendar days of the receipt of a written request for inspection from the project architect or by the date requested by the project architect, whichever shall be later. If the final inspection is not timely made, the remainder of the fee shall be waived.

(Act 2000-686, § 3.)

Section 22-21-43

Schedule of fees.

The State Board of Health may charge fees in accordance with the following schedule based on the cost of building construction:

Construction Cost	Fee (percent of construction cost)
Up to \$100,000	Greater of \$500 or 1.2%
\$100,001 - \$1,000,000	Greater of \$1,200 or 0.5%
\$1,000,001 - \$5,000,000	Greater of \$5,000 or 0.2%
\$5,000,001 - \$15,000,000	Greater of \$10,000 or 0.1%
Over \$15,000,000	\$15,000

(Act 2000-686, § 4.)

Section 22-21-44

Payment of fees.

An initial fee payment of five hundred dollars (\$500) shall accompany the first drawing submittal for each project. Upon written approval of the final stage drawings, 75 percent of the estimated fee, less the initial five hundred dollar (\$500) payment, shall be paid. The estimated fee shall be based on the architect's estimated cost of construction. At the final building inspection, the remainder of the fee shall be paid to the State Board of Health. This payment shall be the final fee less fees previously paid or waived. The final fee shall be based on the actual cost of construction. A copy of the contractor's latest pay request shall be furnished to the department as the evidence for actual cost. Except as specifically provided herein, no fees paid shall be refundable. The Alabama Department of Mental Health and Mental Retardation shall be exempt from all fees described herein.

(Act 2000-686, § 5.)

Section 22-21-45

Rules and regulations; review by advisory board.

The State Board of Health shall establish rules and regulations to carry out the purpose of this article. These rules and regulations shall be reviewed and approved by the advisory board established by Section 22-21-27. The advisory board shall also be provided reports at its meetings on the fees collected and review process for those projects completed prior to the board's meeting.

(Act 2000-686, § 6.)

Section 22-21-46

Plan Review Fund.

There is established a separate special revenue trust fund in the State Treasury to be known as the Department of Public Health Plan Review Fund. All receipts received by the State Board of Health or the Department of Public Health for whatever purpose pursuant to this article shall be deposited in this fund. The receipts shall be disbursed only by warrant of the State Comptroller upon the State Treasury, upon itemized vouchers approved by the State Health Officer or his or her designee; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 to 41-4-96, inclusive, and only in amounts as stipulated in the general appropriations act or other appropriation acts.

(Act 2000-686, § 7.)