

APA-1  
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-1-5.08

Rule Title State Level Fees

New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

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? Yes, it may minimally effect the cost of sewage disposal for certain onsite systems and costs for provider services.

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 facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? Yes

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 §41-22-23, Code of Alabama, 1975.

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 Services Agency.

Signature of Certifying Officer P. J. [Signature] Date 1/19/23

REC'D & FILED  
2023 JAN 19 PM 2:52  
LEGISLATIVE SVC AGENCY

**FORM APA2  
10/17**

**STATE BOARD OF HEALTH  
NOTICE OF INTENDED ACTION**

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

**RULE NUMBER AND TITLE:** 420-1-5.08, State Level Fees

**INTENDED ACTION:** To amend the current rules

**SUBSTANCE OF PROPOSED ACTION:** This amendment will allow the Department to increase and/or establish permit and licensure fees required by Ala Code §22-18-4(a) and authorized by Ala Code §22-25B-7(2).

**TIME, PLACE, AND MANNER OF PRESENTING VIEWS:** A public hearing will be held on February 15, 2023, at 9:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

**FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE:** Written or oral comments will be received until the close of the record at 5:00 p.m. on Tuesday, March 7, 2023. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

**CONTACT PERSON AT AGENCY:** Pam Kendrick, Office of General Counsel, Department of Public Health, P.O. Box 303017, Montgomery, Alabama 36130-3017, Telephone number (334) 206-5209.



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P. Brian Hale, Agency Secretary

**ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23(f))**

Control No. 420 Department or Agency Public Health

Rule No: 420-1-5-.08

Rule Title: State Level Fees

       New   x   Amend        Repeal        Adopt by Reference

       This rule has no economic impact.

  x   This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The purpose of this rule is to establish a statewide fee for wastewater management entity performance permits, and to increase the fees for 2-year licenses for emergency medical services personnel (EMSP) and annual licenses for emergency medical provider services (Services).

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

This rule is necessary to establish permit and licensure fees required by Ala Code §22-18-4(a) and authorized by Ala Code §22-25B-7(2).

3. EFFECT OF THIS RULE ON COMPETITION:

N/A

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Relating to EMSP and Services Fees: These fees will marginally increase the cost of doing business for Services, because the annual fee will increase from \$30.00 to \$100.00. This is well below the provider service licensure fee that other states in the Southeast charge. There will also be an increased cost if Services pay the licensure fees for their employees. The fee for EMSP will increase from \$12.00 to \$40.00 for a two year license.

Relating to Wastewater Management Entity Fees: This rule may increase the cost of living in some geographical areas, should wastewater management entities pass the cost of the permit fee to their customers. However, there is a cost associated with all forms of sewage disposal. Because these are 5 year permits, any increase should be small.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

There should be no impact on employment.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

N/A

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

In the short term, the increase in EMSP licensure fees may impact EMSP, although these fees may be paid by their employer. The licensure fees are not expected to impact provider services given the low cost.

The wastewater management entity fee will likely be borne by its customers. The fee should be small if it is spread over several individuals.

The public will benefit from this rule because the revenue will enable the Department to provide better services, ensuring that EMSP are well qualified, ambulances are safe and properly stocked, and that wastewater treatment plants are operated correctly to protect public health and the environment.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

There are no uncertainties associated with the benefits and burdens of the permit and licensure fees.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

This rule will protect the environment and public health. The revenue generated by the wastewater management entity permits will allow a staff person to be dedicated to overseeing these permits and the required discharge monitoring. The EMS licensure fees will protect public health by ensuring that there are available resources to perform inspections, respond to complaints, and process licensure applications.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

If this rule is not implemented, it will be difficult to monitor wastewater management entities to ensure they are operating safely so that people are not exposed to raw sewage.

Public health may be impacted if the Department lacks adequate resources to inspect Services, investigate complaints against EMSP, and review licensure applications and background checks.

**420-1-5-.08**     State Level Fees. Notwithstanding any rule provision previously adopted by the State Board of Health, pursuant to Code of Ala. 1975, §§ 22-11A-42 and 41-1-11, the Department of Public Health shall collect fees for the services as set out below.

(1) Bureau of Environmental Services

(a) Lead Hazard Reduction Contractor Certification

1. Initial Application Fee -- \$300
2. Annual Renewal Fee -- \$240
3. Replacement Certificate Fee -- \$30
4. Project Fees:

a. Residential Dwelling Unit -- \$120 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$600. For projects exceeding 5 residential dwelling units, the fee shall be \$600 plus 2 percent (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.

b. Child Occupied Facilities -- \$300 for each child occupied facility plus 2 percent (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.

c. Combined Mixed Use Project. (Project which contains both residential dwelling units and child occupied facilities): \$120 per residential dwelling unit covered by the project notification for project of 1 to 5 dwelling units up to \$600, \$300 for each child occupied facility, plus 2 percent (.02) of the contract (project) cost covered by the project notification but not to exceed \$12,000.

(b) Lead Renovation Contractor Certification

1. Initial Application Fee -- \$300
2. Annual Renewal Fee -- \$300
3. Replacement Certificate Fee -- \$30

(c) Milk, Milk Products, or Frozen Dessert Processing Plant Permit; Initial Application and Annual Renewal Fee -- \$300

(d) Performance/Operational Permit for Cluster Wastewater Systems utilizing a Certified Management Entity; Initial Application, Modification, and 5-Year Renewal Fee -- \$2,500

(2) Bureau of Health Provider Standards

(a) Health Care Facility License (excluding Assisted Living Facilities and Specialty Care Assisted Living Facilities):

1. Initial Application and Annual Renewal Fee -- \$240, plus a fee of \$6 per bed for each bed over 10 beds.

2. Increase in Bed Capacity during Calendar Year -- \$240, plus \$6 each for the net gain in beds.

(b) Assisted Living Facility and Specialty Care Assisted Living Facility Initial Application and Annual Renewal Fee -- \$240, plus a fee of \$18 for each bed.

(c) Late Penalty for Annual Renewal -- \$300 or 100 percent of the renewal fee, whichever is greater.

(d) Health Care Facility Plan Review Fees:

1. Initial Fee Accompanying First Drawing Submittal -- \$600

2. Total Fee:

Construction Cost	Fee (% of Construction Cost)
Up to \$100,000	Greater of \$600 or 1.44%
\$100,001-\$1,000,000	Greater of \$1,440 or 0.6%
\$1,000,001-\$5,000,000	Greater of \$6,000 or 0.24%
\$5,000,001-\$15,000,000	Greater of \$12,000 or 0.12%
Over \$15,000,000	\$18,000

(3) Office of Emergency Medical Services

(a) Individual Emergency Medical Services Personnel 24-Month License (Initial Application and Renewal) -- \$1240

(b) Air or Ground Provider Service 12-Month License (Initial Application and Renewal) -- \$30100

(4) Bureau of Clinical Laboratories

Procedure Code	Hybrid Name	Test Name in Horizon Laboratory Information Management System	Rate
00100	Infectious bacterial disease, whole genome sequencing	Enteric Whole Genome Sequencing	\$640.89
80048	80048 - Blood chemistry analysis	Basic Metabolic Panel	\$16.50
80051	80051 - Blood chemistry analysis	Electrolyte Panel	\$12.00
80053	80053 - Blood chemistry analysis	Comprehensive Metabolic Panel	\$18.00
80061	80061 - Blood chemistry analysis	Lipid Panel	\$22.32
80069	80069 - Blood chemistry analysis	Renal Function Panel	\$14.48
80076	80076 - Blood chemistry analysis	Hepatic Function Panel	\$13.62
82040	82040 - Blood chemistry analysis	Albumin	\$8.25
82150	82150 - Blood chemistry analysis	Amylase	\$10.80
82247	82247 - Blood chemistry analysis	Bilirubin, Total	\$8.36
82248	82248 - Blood chemistry analysis	Bilirubin, Direct	\$8.36
82310	82310 - Blood chemistry analysis	Calcium	\$8.60
82465	82465 - Blood chemistry analysis	Total Cholesterol	\$7.50
82565	82565 - Blood chemistry analysis	Creatinine	\$9.00
82728	82728 - Blood chemistry analysis	Ferritin	\$22.73
82947	82947 - Blood chemistry analysis	Glucose	\$6.56



82977	82977 - Blood chemistry analysis	GGTP	\$12.00
83540	83540 - Blood chemistry analysis	Iron	\$10.79
83550	83550 - Blood chemistry analysis	IBC (part of MAP Panel)	\$15.00
83615	83615 - Blood chemistry analysis	LDH	\$10.07
83655	83655 - Lead	Blood Lead	\$22.50
83718	83718 - Blood chemistry analysis	HDL Cholesterol	\$13.65
83721	83721 - Blood chemistry analysis	LDL Cholesterol	\$15.90
84075	84075 - Blood chemistry analysis	Alkaline Phosphate	\$9.00
84100	84100 - Blood chemistry analysis	Phosphorus	\$7.91
84155	84155 - Blood chemistry analysis	Protein, Total	\$6.11
84436	84436- Blood chemistry analysis	Thyroxine, Total (part of Thyroid Panel)	\$11.45
84443	84443 -Blood chemistry analysis	TSH (part of Thyroid Panel)	\$34.40
84450	84450 - Blood chemistry analysis	AST (SGOT)	\$9.00
84460	84460 - Blood chemistry analysis	ALT (SGTP)	\$10.50
84478	84478 - Blood chemistry analysis	Triglycerides	\$10.50
84479	84479- Blood chemistry analysis	T Uptake (part of Thyroid Panel)	\$10.77
84520	84520 - Blood chemistry analysis	BUN (Urea Nitrogen)	\$7.50
84550	84550 - Blood chemistry analysis	Uric Acid	\$10.08
85025	85025 - CBC with differential	CBC with Differential	\$15.00
85027	85027 - CBC	CBC	\$10.77
86360	86360 - Blood lymphocyte count	Lymphocyte Subset (with or without %)	\$87.00
86592	86592 - Syphilis qualitative	RPR Automated	\$7.50
86593	86593 - Syphilis quantitative	RPR Dilution Automated	\$7.50
86618	Lyme disease total antibody	Borrelia burgdorferi Antibody	\$28.38

86701	86701 - HIV-1	HIV-1/2 Geenius	\$16.50
86702	86702 - HIV-2	HIV-1/2 Geenius	\$25.50
86706	86706 - HBsAb	Hep B Surf Antibody	\$18.00
86709	86709-Hepatitis A IGM Antibody	Hepatitis A Antibody, IgM	\$21.00
86780	86780 - TPPA	Syphilis Screen	\$24.00
86788	86788 - West Nile virus IgM	West Nile Virus	\$28.08
86789	86789 - West Nile virus antibody	West Nile Virus	\$23.99
86790	Virus antibody, not otherwise specified	Chikungunya IgM	\$24.00
86794	Zika virus IM antibody	Zika IgM (and other flavivirus)	\$28.08
86803	86803-Hepatitis C AB test	Hep C Antibody (Anti-HCV)	\$24.00
87015	87015 - Concentration	TB Smear and Culture	\$11.13
87040	87040 - Aerobic bacterial culture	Bordetella Culture	\$17.21
87045	87045 - Aerobic isolation stool	Enteric Fecal Screen	\$16.50
87046	87046 - Aerobic culture stool	E. coli O157 Confirmation, E. coli Screen	\$15.74
87070	87070 - Isolate identification	Legionella Culture Screen, Positive Gonorrhea Culture	\$16.50
87076	87076 - Anaerobic isolate	Anaerobic Identification	\$15.00
87077	87077 - Aerobic identification	Biochemicals (TB Biochemicals, Aerobic Identification, Bordetella Culture, E. coli O157 Confirmation, E. coli Screen, Haemophilus ducreyi, Haemophilus influenzae Confirmation, Legionella Culture Screen, Neisseria meningitidis, Positive Gonorrhea Culture, Salmonella, Shigella, ShigaToxin Screen & Isolation, Vibriosis Confirmation)	\$13.46

87081	87081 - Culture	Legionella Culture Screen	\$12.00
87086	87086 - Culture with quantitative count	Urine Culture (Streak)	\$15.00
87088	87088 - Culture identification	Urine Culture (Isolation)	\$15.00
87101	87101 - Culture of mold/yeast	Fungal Scalp	\$13.50
87102	87102 - Culture of mold/yeast	Routine Mycology	\$14.01
87103	87103 - Blood mycology	Blood Routine Mycology	\$30.69
87106	87106 - Culture of fungi/yeast	Mycology Cultures	\$17.21
87107	87107 - Culture of mold	Fungal Scalp	\$17.21
87116	87116 - Mycobacteria, presumptive culture	TB Culture (negative growth)	\$18.00
87118	87118 - Mycobacteria, confirmatory culture	TB Culture (positive growth), TB MALDI Assay	\$21.92
87147	87147 - Immunologic method	E. coli O157 Confirmation, E. coli Screen, Haemophilus influenzae Confirmation, Neisseria meningitidis, Salmonella, General Micro Serotype, Shigella, Shiga Toxin Screen & Isolation	\$8.63
87150	87150 - Nucleic acid amp probe, per culture/isolate	Bacillus PCR, Blood Parasites, Bordetella pertussis PCR, Brucella PCR, Burkholderia PCR, CRE/CRPA (GeneXpert Carba-R), Dengue, Francisella PCR, General PCR, Haemophilus influenza PCR (Tests for 7 types), Neisseria meningitidis PCR, Norovirus PCR, TB PCR, Yersinia PCR	\$58.49
87152	Culture, pulse field gel	PFGE	\$11.61

87153	DNA/RNA Sequencing identification	16S sequencing, Norovirus sequencing	\$192.26
87172	87172 - Pinworm exam	Pinworm	\$7.13
87177	87177 - Parasites smear and identification	Ova and Parasitology	\$14.84
87186	87186 - Microdilution	Urine Culture ID (Enterococci Sensitivity, Enterobacteriaceae, Non-enterococcal Strep Sens, Pseudomonas Sensitivity, Staphylococci)	\$14.42
87187	Microbe susceptible microdilution/agar dilution	CRE/CRPA Susceptibility, Agar Diffusion	\$60.26
87188	87188 - Macrobroth dilution sensitivity	TB Sensitivity (AST)	\$12.00
87190	87190 - Mycobacteria sensitivity	TB Sensitivity (Direct/Indirect)	\$10.97
87205	87205 - Smear/stain	Gram Stain	\$7.50
87206	87206 - Acid fast stain	TB Smear and Culture, Kinyoun Stain, Bordetella Smear, FA Stain Microbiology, Ova and Parasitology	\$8.99
87207	87207 - Parasites stain	Blood Parasites	\$10.50
87209	87209 - Complex stain	Ova and Parasitology	\$29.96
87210	87210 - Wet mount	Mycology Cultures	\$8.73
87230	Toxin assays	Botulinum Toxin Mouse Bioassay (One per mouse; 2-10), Ricin TRF	\$32.90
87340	87340 - HBsAg	Hep B Surf Antigen	\$19.50
87341	87341 - HBsAg neutralization	Hepatitis Neutralization	\$17.22
87389	87389 - HIV-1 Ag with HIV-1/2 Ab	HIV Screen Ag-Ab Bioplex	\$40.13
87390	87390-HIV-1 AG IA	HIV-1/2 Geenius	\$36.09
87427	87427 - Shiga-like toxin	Enteric Fecal Screen	\$19.98

87501	Influenza DNA amplified probe	Influenza PCR (Tests for 2-8 types)	\$85.53
87507	GI pathogens, multiplex amplified probe, 12-25 targets	GI Panel (BioFire)	\$694.64
87522	87522-Hepatitis C Revrs	Hepatitis C Viral Load	\$71.40
87535	87535 - HIV-1 amplified probe	HIV-1 Conf of HIV-SCRN (HIV-1 RNA Qualitative Assay)	\$58.49
87536	87536 - HIV-1 quantification	HIV Viral Load	\$141.83
87550	87550 - Mycobacteria direct probe	Kansasii Probe, Gordonii Probe	\$37.50
87555	87555 - Mycobacteria direct probe	TB Probe	\$40.32
87560	87560 - Mycobacteria avium probe	Avium Probe	\$40.94
87633	87633 - Respiratory virus amplified probe	Respiratory Panel Biofire PCR	\$694.64
87661	87661 - Nucleic acid amplified probe	TV	\$58.49
87797	Infectious Agent, nucleic acid direct probe, not otherwise specified	VZV PCR	\$45.05
87798	Infectious Agent, nucleic acid amplified probe, not otherwise specified	Botulinum PCR (Tests for 7 types), Coxiella PCR, Ebola PCR, Middle Eastern Respiratory Syndrome Coronavirus (MERS-CoV), Non-variola orthopoxvirus PCR, Norovirus PCR (Test for 2 types), Orthopoxvirus PCR	\$58.49
87801	87801 - Nucleic acid amplified probe, multiple organisms	CT & GC, Arbovirus Trioplex PCR (Tests for 3 viruses), Bordetella PCR (Tests for 3 organisms),	\$116.99

		Plasmodium (Tests for 4 organisms)	
87901	87901 - HIV-1 reverse transcriptase	HIV Genotyping	\$429.08
81220	81220 - NBS CFDNA		\$1,800.00
81479	81479-Molecular Pathology Procedure-NBS-SCID		\$2,692.50
82010	82010 - NBS Acetone serum quant		\$15.14
82017	82017 - NBS Acylcarnitines quant		\$34.52
82131	82131 - NBS Amino acids single quant		\$34.52
82139	82139 - NBS Amino acids multi quant		\$34.52
82261	82261 - NBS Biotinidase		\$34.52
82379	82379 - NBS Carnitine total/free quant		\$34.52
82775	82775 - NBS Galactosemia		\$43.11
83021	83021 - NBS Hemoglobin Frac/Quant		\$36.95
83498	83498 - NBS CAH		\$55.61
83520	83520 - NBS IRT		\$26.49
84437	84437 - NBS Thyroxine		\$13.25
84443	84443 - NBS TSH		\$34.40

**Author:** P. Brian Hale

**Statutory Authority:** Code of Ala. 1975, §§ 22-11A-42, 41-1-11

**History:** New Rule Filed: June 15, 2016, effective July 30,

2016. **Amended:** April 7, 2020, effective June 14, 2020.

**Amended:** XX-XX-XXXX, effective XX-XX-XXXX.