

ALABAMA BOARD OF REHABILITATION SERVICES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Rehabilitation Services

RULE NO. & TITLE: Amend Rule No. 795-7-12-.03 Conference With The Commissioner.

INTENDED ACTION: The ALABAMA BOARD OF REHABILITATION SERVICES proposes to amend rules and regulations.

SUBSTANCE OF PROPOSED ACTION: The amendment of this rule is authorized under the authority of ALA. CODE 1975 §21-9-1 *et seq.*, and the Alabama Board of Rehabilitation Services wishes to amend this rule so as to come in compliance with requirements for the program. This amended rule and regulation is issued under the authority of ALA.CODE 1975 §21-9-1 *et seq.* This rule covers specific requirements and procedures necessary for the proper administration of Alabama law. The amendment corrects punctuation.

Copies of the proposed amended rule are available for inspection in the offices of the Board, 602 South Lawrence Street, Montgomery, Alabama 36104. Upon reasonable notice, persons requiring accommodation may obtain copies in large print, Braille or other media.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit written comments, and if requested in advance may personally appear before the Alabama Board of Rehabilitation Services by submitting a request to appear, to:

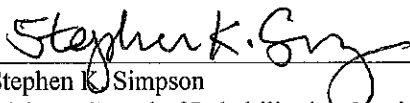
Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187

To be considered by the Board, written comments must be received in the office of the Board no later than two days before the next regularly scheduled Board meeting on March 3, 2017, to wit: not later than March 1, 2017. Persons desiring to orally express their views before the Board must first submit their comments in writing as stated above, and shall be limited to ten minutes per person.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 1, 2017.

CONTACT PERSON AT AGENCY:

Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187



Stephen K. Simpson
Alabama Board of Rehabilitation Services

**ALABAMA DEPARTMENT OF REHABILITATION SERVICES
BUSINESS ENTERPRISE PROGRAM**

**CHAPTER 795-7-12
DUE PROCESS**

TABLE OF CONTENTS

795-7-12-.01 Review - General
795-7-12-.02 Administrative Review
795-7-12-.03 Conference With The Commissioner
795-7-12-.04 Full Evidentiary Hearing

795-7-12-.03 Conference With The Commissioner. A conference with the commissioner may be requested when a vendor is dissatisfied with an administrative review decision or is dissatisfied with SLA actions not directly affecting the operation or administration of his/her facility. A conference with the commissioner shall be non-evidentiary and not of record. The following procedures will be utilized for a conference with the commissioner:

(a) A vendor shall request, in writing, a conference with the commissioner within 15 calendar days of receipt of the administrative review decision or at anytime he/she is dissatisfied with SLA actions not directly affecting his or her facility.

(b) The request shall specifically describe the matter in dispute or the alleged error committed by the review team in reaching its decision. In the case of any dispute that arises from the operation or administration of a vendor's facility, no new issue or dispute not previously addressed and/or resolved by the administrative review team shall be considered.

(c) The conference with the commissioner shall be scheduled within 45 calendar days of receipt of a properly filed request.

(d) The SLA shall dismiss a request for conference with the commissioner if the vendor:

1. withdraws the request in writing;
2. is in default for failure to appear; or
3. dispute is a new issue or problem not previously addressed by the administrative review team.

(e) The commissioner will issue, in writing to the vendor, a final decision within 15 calendar days of the conference and inform him/her of the next level of due

process. Should the SLA not respond within the required 15 calendar days the vendor may proceed to the next level of due process.

Author: Alabama Board of Rehabilitation Services, Alabama Elected Committee of Blind Vendors.

Statutory Authority: Alabama Code 1975 §§ 21-1-40 and 21-9-9; 20 U. S. C. § 107 et. seq.

History: New Rule: Filed January 19, 2000; effective February 23, 2000;

Amendment: Filed December 16, 2016.