

Alabama Board of Examiners for Speech-Language
Pathology and Audiology (ABESPA)

NOTICE OF INTENDED ACTION

Rule Number & Title: 870-X-5-.01(1) (a) Regulatory Functions Of The Board

Intended Action: To Amend Chapter

Substance of Amendment: ABESPA proposes to amend chapter to cover who to contact regarding a complaint.

Time, Place, Manner of Presenting Views: All interested parties may present their views in writing to Wanda Rawlinson, Executive Secretary or via email at abespa@mindspring.com at any time during the thirty-five (35) day period following the publication of the notice or by appearing at the public hearing scheduled for 12:30 p.m. on Friday, September 12, 2014 at 400 South Union Street, 4th floor conference room.

Final Date for Comment and Completion of Notice: September 12, 2014

Contact Person at Agency:

Wanda Rawlinson

334-269-1434

Email: abespa@mindspring.com



Wanda C. Rawlinson, Executive Secretary/Director

ALABAMA BOARD OF EXAMINERS
FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
ADMINISTRATIVE CODE

CHAPTER 870-X-5
BOARD'S FUNCTION AS A PUBLIC REGULATORY BODY

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870-X-5-.01 Regulatory Functions Of The Board.

(1) The Board shall administer, coordinate, and enforce the provisions of this Act. The Board shall also evaluate the qualifications and supervise the examinations of applicants for licensure under this Act, and shall, at its discretion, investigate allegations of practices violating the provisions of this Act. Any such allegations submitted to the Board must be written, signed, and include a verifiable return address before the Board will consider investigation. The following procedure will be followed after the receipt of an allegation of a violation.

(a) The letter of allegation will be kept by the chair of the Credentials Review and Enforcement Committee. Any and all communication shall be addressed to the chair of the Credentials Review and Enforcement Committee, the Assistant Attorney General or the Executive Secretary. If any other member of the Board is contacted with regard to the complaint, the complaint may be dismissed. The complainant must be represented by either (1) self or (2) an attorney licensed by the State of Alabama.

(b) The chair of the Credentials Review and Enforcement Committee will write the complainant to acknowledge the receipt of the allegation.

(c) The allegation will be investigated if the Board deems such an investigation to be appropriate.

(d) The complainant will be informed whether the Board investigated and, if so, the outcome of the investigation.

(e) The Credentials Review and Enforcement Committee shall present its finding to the Board in a closed Executive Session of the Board.

(f) Any Board member will abstain from voting in connection with a complaint if there is any question of a conflict of interest.

(g) If the Board deems the facts are not sufficient for a violation of ABESPA's law and Rules and Regulations, the file shall be closed and all parties notified. Any party who disagrees with the Board's closure of a case without further action may appeal the Board's decision in accordance with Ala. Code §34-28A-26(c) and 41-22-20 (1975).

(h) If the Board finds there is probable cause to take "formal" action on the complaint, the complaint may be resolved through informal or formal proceedings.

(i) Informal Proceedings: This procedure allows the Board to settle a complaint where the following are met:

- i. The complaint is not contested.
- ii. The party admits his/her guilt to the charges.
- iii. The party agrees to a Consent Decree and Final Order.

(j) Formal Proceedings: This procedure requires the Board to conduct a hearing before a final decision is reached.

i. The hearing on the complaint will be conducted in accordance with the provisions outlined in ALA. CODE §34-28A-26(b) (1975). This provision shall govern notices and the hearing procedure.

ii. Evidence received at the hearing shall be received in accordance with ALA. CODE §41-22-13 (1975).

iii. After the hearing is conducted, the Board shall enter a final order setting forth its decision. The final order shall comply with the requirements of ALA. CODE §41-22-16 (1975).

iv. If the Board's decision is decided adversely to a party, he/she may

file an application for rehearing with the Board in accordance with ALA. CODE §34-28A-26© (1975).

v. An aggrieved party may appeal the Board's final decision to the Circuit Court of Montgomery County, Alabama. All matters appealed from the Board's final decision shall be governed by ALA. CODE §34-28A-26© and 41-22-20 (1975).

(k) Punishment: Any party, who is found to have violated the provisions governing the Alabama Board of Examiners for Speech-Language Pathology and Audiology through a formal or informal proceeding, shall be subject to the following punishment:

i. Licensees – A licensee's license to practice Speech-Language Pathology and/or Audiology shall be subject to suspension, revocation, reprimand, or a fine not to exceed \$1,000 for each offense. See ALA. CODE §§34-28A-26(a) and 34-28A-42(g) (1975).

ii. Non-Licensees - a non-licensee shall be fined not less than \$100 nor more than \$500 for each offense. See ALA. CODE §34-28A-4(a) (1975).

(2) The Board shall adopt rules and regulations relating to professional conduct commensurate with the policy of this Act, including, but not limited to, regulations which establish ethical standards of practice, and for other purposes, and may amend or repeal the same in accordance with the administrative procedures of this state. Following their adoption, such rules and regulations shall govern and control the professional conduct of every person who holds a license to practice speech language pathology and audiology in this state.

(3) The Board shall, by appropriate regulations, make provisions for the continuing professional education of persons subject to the provisions of this act.

(4) Upon request and payment of the administrative charge by any person, the Board shall furnish a list of persons licensed under the provisions of this Act.

(5) The Board shall promulgate the rules and regulations necessary to provide for registration and supervision of applicants for licensure while the applicant is meeting the professional experience requirement enumerated in Section 5D of this Act.

(6) The conferral and enumeration of specific powers elsewhere in this Act shall not be construed as a limitation of the general functions conferred by this section.

Authors: Eugene C. Sheeley, Keith Nicholls and Richard Talbott.

Statutory Authority: Code of Ala. 1975, §§34-28A-1, et seq.

History: Filed September 20, 1982. Amended: Filed February 28, 1985. Amended: Filed October 18, 1994; effective November 22, 1994; Filed 20, 1997; Filed _____