

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. 850 Department : Alabama State Board of Social Work Examiners

Rule No. 850-X-10-.06 Disciplinary Hearings Generally
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

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 cost of any goods or Services involved and, if so, to what degree? No

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? NA

Are the facets 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 rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with the subsection (f) of Section 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 Reference Service.

Signature of certifying officer Brandon Holden

Date 7-12-16

(DATE FILED)
(STAMP)

APA-2
07/04

Alabama State Board of Social Work Examiners

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama State Board of Social Work Examiners

RULE NO. & TITLE:

850-X-10-.06 Disciplinary Hearings Generally

INTENDED ACTION:

Removing "issue subpoenas" and reference to 850-X-1-.19

SUBSTANCE OF PROPOSED ACTION:

Removing "issue subpoenas" because the board cannot and reference to 850-X-1-.19

TIME, PLACE, MANNER OF PRESENTING VIEWS:

A Public Hearing will be held September 8, 2016, 9:30AM, 100 North Union Street, Suite 300, Montgomery AL 36104

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Written comments may be sent to Alabama State Board of Social Work Examiners at: 100 North Union Street, Suite 736, Montgomery AL 36130-1620. All written comments must be received by 4:30PM September 7, 2016.

CONTRACT PERSON AT AGENCY:

Brenda W. Holden, 334/242-5860



Signature of Officer

850-X-10-.06 Disciplinary Hearings Generally.

(1) Hearing Open to Public. Unless otherwise provided by law, the hearing shall be open to the public.

(2) Counsel. A party may be represented by counsel at his or her own expense.

(3) Quorum. A quorum for purposes of this rule shall consist of five members of the Board.

(4) Hearing Officer. The Board may, in its discretion, appoint some person to act as hearing officer at disciplinary hearings or contested cases who shall preside at the hearing and rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary. In the conduct of a hearing, a hearing officer shall have the following authority:

(a) establish a date, time and place for the hearing;

(b) maintain order;

(c) make a record of the proceedings;

(d) establish reasonable time limits for the conduct of the proceedings;

(e) rule on the admissibility of evidence which shall be in accordance with the Alabama Administrative Procedure Act, Code of Ala. §41-22-13 (1991).

(f) hold a prehearing conference, if necessary, to clarify the matters in dispute; establish the order of presentation; allow and establish time limits for the exchange of exhibits and names of witnesses;

(g) ~~issue subpoenas~~, discovery orders related to relevant matters, and protective orders in accordance with the Alabama Administrative Procedure Act, subject to the reasonable costs of issuance of the subpoenas as may be set from time to time by the Executive Director; and

(h) enter any order on any other matter which will effectuate the conduct of the hearing and promote the administration of justice.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-4(a)(2) (1991); 41-22-12 (1996 Supp.); 41-22-13 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~