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TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

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

Rule No. 850-X-10-.09 Conduct of Disciplinary Hearings
 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 Brandi Holden

Date 7-12-16

(DATE FILED)
(STAMP)

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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-.09 Conduct of Disciplinary Hearings

INTENDED ACTION:

Removing the reference to 850-X-1-.19

SUBSTANCE OF PROPOSED ACTION:

Removing the 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-.09 Conduct of Disciplinary Hearings.

(1) Plea. The respondent shall plead either "guilty" or "not guilty" to the charges set forth in the complaint.

(2) Opening Statement. Each side shall be permitted to make a short opening statement.

(3) Presentation of Evidence. The Investigative Committee for the Board shall present its evidence, followed by the respondent, followed by rebuttal by the Committee. Witnesses will generally be called and examined in the following order:

- (a) Direct examination;
- (b) Cross examination;
- (c) Examination by the Board;
- (d) Re-direct examination;
- (e) Re-cross examination;
- (f) Re-examination by the Board.

(4) Evidence. Evidence shall be allowed in accordance with the Alabama Administrative Procedure Act, Code of Ala. §41-22-13 (1991).

Documentary evidence and testimony which is otherwise admissible in a contested case shall not be rendered inadmissible because of any claim of privilege between social worker and client. All testimony regarding the medical or psychological condition of individuals and all patient or client records produced during the course of the contested case shall be considered confidential and shall not be released to persons who are not parties or participants in the contested case.

(5) Closing Argument. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(6) Oral proceedings shall be recorded either by mechanized means or by a qualified court reporter. The record of oral proceedings shall be maintained for five (5) years from the date of entry of the final order.

Author: Alabama State Board of Social Work Examiners

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

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (~~See Rule 850 X 1 .19~~).