

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-.02 Administrative Review.

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 clarifies where an administrative review request must be sent and who is responsible for appointment and notification.

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-.02 **Administrative Review.** The purpose of an administrative review is to provide an informal process through which a vendor has the opportunity to address and resolve disagreements, issues or SLA actions affecting the operation or administration of his/her facility. An administrative review to resolve disagreements, issues or SLA actions directly affecting the operation or administration of his/her facility is a prerequisite to a commissioner's conference. The following procedures will be utilized for an administrative review:

(a) A vendor shall request in writing, to the ~~appropriate supervisor~~ BEP director within 15 calendar days of the occurrence of the disputed matter, an administrative review. The request shall specify the circumstances for which an administrative review is sought. The ~~supervisor~~ BEP director will appoint ~~one~~ two or more SLA staff members who ~~has~~ have not been directly involved with the affected vendor to serve on the review team. Failure of the vendor to request an administrative review within the above time frame shall constitute a waiver of his/her right to same resulting in the action becoming final and not subject to further review.

(b) The ~~supervisor~~ BEP director will notify the vendor of the time and place for the review.

(c) An administrative review may be dismissed if the vendor:

1. withdraws the request in writing;
2. is in default for failure to appear; or
3. request is not submitted within the time frame identified in item (a) above.

(d) The vendor will be informed, in writing, of the review team's decision within 15 days of the administrative review, including information regarding the next level of review. Should the SLA not respond within the required 15 days the vendor may proceed to the next level of due process.

(e) A copy of the administrative review decision will be filed in the vendor's BEP file.

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.