

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

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

Rule No. 850-X-1-.16 Declaratory Ruling
 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 Brenda 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-1-.16 Declaratory Ruling

INTENDED ACTION:

Renumbering section to 850-X-1-.11

SUBSTANCE OF PROPOSED ACTION:

Renumbering sections because of others that were deleted before it also removing the reference to 850-X-1-.19 since it too is being deleted.

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-1-.16 11 Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided:

(a) The petitioner shows that he/she is substantially affected by the rule in question;

(b) Sufficient facts are supplied in the request to permit the Board to make a valid determination; and

(c) The request arises from an actual question or controversy.

(2) A petition for a declaratory ruling shall contain the following minimum information:

(a) A title reflecting that the petition seeks a declaratory ruling on a rule or rules.

(b) The petitioner's name, address and telephone number.

(c) A statement identifying all rules or statutes that may be involved in the petition, if known.

(d) A clear and concise statement of the precise factual situation involved.

(e) The exact question to which an answer is required.

(f) The reason for submitting the petition.

(g) Full disclosure of the petitioner's interest.

(h) A statement as to whether the petitioner's case or question presented is presently under consideration by the Board or by any judicial or quasi-judicial body in any pending proceedings, and, if so, where.

(i) A certification and signature of petitioner before a notary public or other person authorized by law to administer oaths that the information contained in the petition is true and correct to the best of petitioner's information and belief, and that the petition has not been filed for any improper purposes, or for delay or harassment.

(3) Failure or refusal to completely disclose or provide the minimum information required by these rules shall be grounds for dismissal of the petition.

(4) Declaratory rulings shall not issue with respect to generalized grievances or matters that are currently pending before the Board or any judicial or quasi-judicial body in any proceeding, contested case or litigation, nor may be utilized as a means of collateral attack on or appellate review of any final decision of the Board, or any judicial or quasi-judicial body.

(5) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-11 (1991).

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-11 (1991).

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