

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

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

Rule No. 850-X-10-.07 Prehearing Discovery
 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)

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-.07 Prehearing Discovery

INTENDED ACTION:

Removing the section on subpoenas and the reference to 850-X-1-.19

SUBSTANCE OF PROPOSED ACTION:

Removing the section about issuing subpoenas since 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-.07 Prehearing Discovery

(1) Permitted. Prehearing discovery shall be permitted in accordance with this rule to the extent necessary to prevent fraud, conserve the Board's time, prevent undue surprise at hearing and facilitate the carriage of justice.

(2) Extent Allowed. The attorney for the Board or the respondent may upon application to the hearing officer, obtain discovery regarding any matter not privileged which is relevant to the subject matter of the complaint, whether it relates to the charge of the Board or the defense of the respondent.

(3) Methods of Discovery.

(a) Upon written application to the hearing officer, ~~and subject to the reasonable costs of issuance of the subpoenas as may be set from time to time by the executive director,~~ the following discovery shall be allowed or ordered:

1. Deposition upon oral examination of any expert witness;
2. Interrogatories to or deposition upon oral examination of the respondent;
3. Order for production and copying of documents and things and entry upon land for inspection and other purposes, against any person;
4. Discovery as may otherwise be agreed upon between the parties.

(b) The hearing officer may impose such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression or undue burden or expense.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-12(c) (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~