

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

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

Rule No. 850-X-10-12 Final Order of the Board
 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 Golden

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-.12 Final Order of the Board

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-.12 Final Order of the Board.

(1) Final Order. A quorum for purposes of rendering a final decision and order pursuant to this rule shall consist of five members of the Board. The Board shall issue a final order within forty-five (45) days of the date of receipt of the hearing officer's decision and recommendation. The final decision and order shall include findings and grounds therefore. If the Board does not enter a separate written final decision and order within the time frames stated above, unless otherwise extended by agreement of the parties in writing, the decision and recommendation of the hearing officer shall be deemed the final order of the Board by operation of law.

(2) The Board may affirm in whole or in part, reject or modify the recommendation of the hearing officer; provided, however, the Board may reject or modify a recommendation of the hearing officer that supports the position of the respondent only if it is clearly established that the hearing officer's findings, inferences, conclusions or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority;
- (c) in violation of the state plan, or a department or program rule;
- (d) made upon unlawful procedure;
- (e) affected by other error of law;
- (f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(3) The respondent or other interested party shall be delivered a copy of the final order by first class mail, and a copy shall be mailed first class to each attorney of record.

(4) The time limits set forth in this rule may be waived or extended by written agreement of the parties.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-15 (1991); 41-22-16 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; October 4, 2014 ~~(See Rule 850-X-1-.19).~~