

ALABAMA BOARD OF EXAMINERS OF ASSISTED LIVING ADMINISTRATORS
ADMINISTRATIVE CODE

CHAPTER 135-X-8
COMPLAINTS

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135-X-8-.01 **Complaints And Inquiry Procedures**

135-X-8-.01 **Complaints And Inquiry Procedures.**

(1) Complaints or charges against any person having been issued a license as an assisted living administrator or having been issued a license as a provisional assisted living administrator shall be in writing, and shall be submitted to the Board.

(2) The Board, or any person or persons appointed by it for the said purpose, shall thoroughly investigate said charges, and if such investigation is not made by the Board, report its findings to the Board. The Board, upon making or receiving the findings, may dismiss the charges, inquire further, or take disciplinary action pursuant to paragraph (3) of this rule.

(3) If the Board determines that disciplinary action should be taken, it may refuse, suspend, or revoke the applicant's or licensee's license, or reprimand or otherwise discipline the applicant or licensee.

(4) Whenever the Board takes any action under paragraph (3) hereof against any licensee or applicant, such applicant or such licensee shall be informed of said action by written notice.

(5) Within thirty (30) days, computed as described in Rule No. 135-X-9-.01 paragraph (3) of the date of the Board's notice issued pursuant to paragraph (4) hereof, the applicant or licensee receiving such notice may request in writing a hearing or re-hearing before the Board.

(6) Upon receipt of a request under paragraph (5) hereof, the Board will do one of the following:

(a) The Board may grant the request for a hearing and suspend its action until conclusion of said hearings;

(b) The Board may grant the request for a hearing without a suspension of its action.

(7) The hearing shall be held on the date, time and place determined by the Board.

(8) Persons to whom hearings are granted shall be given at least ten (10) days notice of the date, time and place of such hearing.

(9) Persons to whom hearings are granted may appear in person or by attorney or both, and may present evidence, affidavits, arguments, and briefs.

(10) Hearings shall be held before at least a quorum of the board as defined by statute for meetings of the Board unless the Board and the person to whom the hearing is granted mutually agree to a hearing before less than a quorum or an agent of the Board.

(11) Persons to whom hearings are granted shall be informed in writing of the outcome of said hearings.

(12) Persons aggrieved by a final decision or order of the Board suspending, revoking, or refusing to issue a license are entitled to a review of the decision or order by taking an appeal to the circuit court of the county in which the assisted living administrator or applicant resides. In such cases, the appeal shall be taken by filing notice thereof with the circuit court within thirty (30) days of the date of notice by the Board of its decision. Appeals from any order or judgment rendered thereon by the circuit court to the Supreme Court shall be available as in other cases.

(13) The Board shall report to the Department of Public Health all final disciplinary actions taken under this section.

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Statutory Authority: Code of Ala. 1975, §34-2A-1-16.

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