

ALABAMA STATE BOARD OF OCCUPATIONAL THERAPY  
ADMINISTRATIVE CODECHAPTER 625-X-10  
DISCIPLINARY PROCEEDINGS

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**625-X-10-.01      Complaints.**

Complaints alleging any violation of the laws of the State of Alabama or rules of this Board may be lodged by any person with the Executive Director.

**Author:** Cynthia G. Powell, O.T.

**Statutory Authority:** Code of Ala. 1975, §§34-39-6, 34-39-16.

**History:** Filed January 7, 1992.

**625-X-10-.02      Probable Cause.**

Except as otherwise provided by statute or administrative rule of the Board, the Executive Director, upon the lodging of a complaint, shall consult with the Board's attorney to determine whether probable cause exists for the issuance of a summons and complaint.

**Author:** Cynthia G. Powell, O. T.

**Statutory Authority:** Code of Ala. 1975, §§34-39-6, 34-39-16.

**History:** Filed January 7, 1992.

**625-X-10-.03      Summons And Complaint.**

(1) Preparation. In the event the Executive Director determines that probable cause exists for the filing of a Summons and Complaint, the Executive Director shall instruct its legal counsel to prepare such.

(2) Except as otherwise provided by statute or administrative rule of the Board, a summons and complaint shall be sent, certified mail return receipt requested, to the most recent address of the Respondent on file and shall be mailed at least 35 days prior to the scheduled date of the hearing. In the event the summons and

complaint is refused or the return receipt has not been received by the Board or its attorney at least 25 days before the scheduled hearing, the Respondent may be served by mailing a copy of the summons and complaint first class mail at least 22 days before the hearing date.

(3) Contents: The summons and complaints shall give notice in substantial compliance with the Alabama Administrative Procedure Act 12(2), (Code of Alabama 1975, §41-22-12(a)(b)(2))..

(4) Counsel for the Board may amend the probable cause note as deemed appropriate, subject to approval by the Board at disciplinary hearings.

**Author:** Cynthia G. Powell, O.T.

**Statutory Authority:** Code of Ala. 1975, §§34-39-6, 34-39-16.

**History:** Filed January 7, 1992.

#### **625-X-10-.04      Pre-Hearing 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 Chairperson, obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action, 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 Chairperson the following discovery shall be allowed or ordered:

1. Deposition upon oral examination of any expert witness
2. Interrogatories to Respondent
3. Order for production and copying of documents and entry upon land for inspection and other purposes, against any person

(b) The discovery must be had in accordance with any terms and conditions imposed by the Chairperson. The Chairperson may impose any 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:** Cynthia G. Powell, O.T.

**Statutory Authority:** Code of Ala. 1975, §§34-39-6, 34-39-16.

**History:** Filed January 7, 1992.

Code of Alabama 1975, § 34-39-6 and § 34-39-16, in pertinent parts, requires the Board to promulgate regulations establishing a procedure by which the Board will institute actions against an Occupational Therapist or an Occupational Therapy Assistant for violation of the Act and the regulations promulgated thereto or for professional misconduct. This regulation sets forth the procedure and process by which such complaints shall be instituted.