

ALABAMA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY
ADMINISTRATIVE CODE

CHAPTER 870-X-5
BOARD'S FUNCTION AS A PUBLIC REGULATORY BODY

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870-X-5-.01 Regulatory Functions Of The Board.

(1) The Board shall administer, coordinate, and enforce the provisions of this Act. The Board shall also evaluate the qualifications and supervise the examinations of applicants for licensure under this Act, and shall, at its discretion, investigate allegations of practices violating the provisions of this Act. Any such allegations submitted to the Board must be written, signed, and include a verifiable return address before the Board will consider investigation. The following procedure will be followed after the receipt of an allegation of a violation.

(a) The letter of allegation will be kept by the chair of the Credentials Review and Enforcement Committee. Any and all communication shall be addressed to the chair of the Credentials Review and Enforcement Committee, the Assistant Attorney General or the Executive Secretary. If any other member of the Board is contacted with regard to the complaint, the complaint may be dismissed. The complainant must be represented by either (1) self or (2) an attorney licensed by the State of Alabama.

(b) The chair of the Credentials Review and Enforcement Committee will write the complainant to acknowledge the receipt of the allegation.

(c) The allegation will be investigated if the Board deems such an investigation to be appropriate.

(d) The complainant will be informed whether the Board investigated and, if so, the outcome of the investigation.

(e) The Credentials Review and Enforcement Committee shall present its finding to the Board in a closed Executive Session of the Board.

(f) Any Board member will abstain from voting in connection with a complaint if there is any question of a conflict of interest.

(g) If the Board deems the facts are not sufficient for a violation of ADESPA's law and Rules and Regulations, the file shall be closed and all parties notified. Any party who disagrees with the Board's closure of a case without further action may appeal the Board's decision in accordance with Code of Ala. 1975, §§34-28A-26(c) and 41-22-20.

(h) If the Board finds there is probable cause to take "formal" action on the complaint, the complaint may be resolved through informal or formal proceedings.

(i) Informal Proceedings: This procedure allows the Board to settle a complaint where the following are met:

i. The complaint is not contested.

ii. The party admits his/her guilt to the charges.

iii. The party agrees to a Consent Decree and Final Order.

(j) Formal Proceedings: This procedure requires the Board to conduct a hearing before a final decision is reached.

i. The hearing on the complaint will be conducted in accordance with the provisions outlined in Code of Ala. 1975, §34-28A-26(b). This provision shall govern notices and the hearing procedure.

ii. Evidence received at the hearing shall be received in accordance with Code of Ala. 1975, §41-22-13.

iii. After the hearing is conducted, the board shall enter a final order setting forth its decision. The final order shall comply with the requirements of Code of Ala. 1975, §41-22-16.

iv. If the Board's decision is decided adversely to a party, he/she may file an application for rehearing with

the Board in accordance with Code of Ala. 1975, §34-28A-26(c).

v. An aggrieved party may appeal the Board's decision to the Circuit Court of Montgomery County, Alabama. All matters appealed from the Board's final decision shall be governed by Code of Ala. 1975, §§34-28A-26(c) and 41-22-20.

(k) Punishment: Any party, who is found to have violated the provisions governing the Alabama Board of Examiners for Speech-Language Pathology and Audiology through a formal or informal proceeding, shall be subject to the following punishment:

i. Licensees - A licensee's license to practice Speech-Language Pathology and/or Audiology shall be subject to suspension, revocation, reprimand, or a fine not to exceed \$1,000 for each offense. See Code of Ala. 1975, §§34-28A-26(a) and 34-28A-42(g).

ii. Non-Licensees - a non-licensee shall be fined not less than \$100 nor more than \$500 for each offense. See Code of Ala. 1975, §34-28A-4(a).

(2) The Board shall adopt rules and regulations relating to professional conduct commensurate with the policy of this Act, including, but not limited to, regulations which establish ethical standards of practice, and for other purposes, and may amend or repeal the same in accordance with the administrative procedures of this state. Following their adoption, such rules and regulations shall govern and control the professional conduct of every person who holds a license to practice speech language pathology and audiology in this state.

(3) The Board shall, by appropriate regulations, make provisions for the continuing professional education of persons subject to the provisions of this Act.

(4) Upon request and payment of the administrative charge by any person, the Board shall furnish a list of persons licensed under the provisions of this Act.

(5) The Board shall promulgate the rules and regulations necessary to provide for registration and supervision of applicants for licensure while the applicant is meeting the professional experience requirement enumerated in Section 5D of this Act.

(6) The conferral and enumeration of specific powers elsewhere in this Act shall not be construed as a limitation of the general functions conferred by this section.

Author: Eugene C. Sheeley, Keith Nicholls, Richard Talbott
Statutory Authority: Code of Ala. 1975, §§34-28A-1, et seq.

History: Filed September 20, 1982. **Amended:** Filed February 28, 1985. **Amended:** Filed October 18, 1994; effective November 22, 1994. **Amended:** Filed August 29, 1997; effective October 3, 1997. **Amended:** Filed October 15, 2001; effective November 19, 2001. **Amended:** Filed September 24, 2002; effective October 29, 2002. **Amended:** Filed June 21, 2010; effective July 26, 2010. **Amended:** Filed September 22, 2014; effective October 27, 2014.

870-X-5-.02 Prohibited Acts.

(1) It is unlawful for any person to practice or offer to practice the profession of speech-language pathology or audiology, as defined in the act, without being licensed or exempted in accordance with this act.

(2) It is unlawful for any person assume, use, or advertise any title or description tending to convey the impression that such person is a speech-language pathologist or audiologist without being licensed or exempted in accordance with the provisions of this act.

(3) It is unlawful for any person to present or attempt to use the license of another, or to use or attempt to use an expired or revoked license of any person, firm, partnership or corporation.

(4) It is unlawful for any person to give any false or forged evidence to the Board or any member of the Board in obtaining a license [§34-28A-4(a)].

Author:

Statutory Authority: Code of Ala. 1975, §§34-28A-1, et seq.

History: Filed September 20, 1982. **Amended:** Filed August 29, 1997; effective October 3, 1997.

870-X-5-.03 Penalties For Violations Of Provisions Of The Act.

Any person convicted of a violation of the act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$100.00 nor more than \$500.00 for each offense [§34-28A-4(a)].

Author:

Statutory Authority: Code of Ala. 1975, §§34-28A-1, et seq.

History: Filed September 20, 1982.

870-X-5-.04 Hearings On Suspensions And Revocations Of Licenses.

All such hearings shall be conducted in conformity with the relevant provisions of the Alabama Administrative Procedure Act.

Author:

Statutory Authority: Code of Ala. 1975, §§34-28A-1, et seq.

History: Filed September 20, 1982.

870-X-5-.05 Restoration Of Revoked License And Other Related Relief.

The Board, upon an affirmative vote of five members, may restore a previously revoked license, reduce a period of suspension or withdraw a reprimand. The person seeking such relief must meet the following criteria:

(a) The person must comply with any and all terms of probation if applicable,

(b) The person must is not currently be in violation of any provision of the law and/or rules and regulations pertaining to speech-language pathology and audiology,

(c) The person must is in all respects still be qualified for licensure as a speech-language pathologist and/or audiologist.

Author:

Statutory Authority: Code of Ala. 1975, §§34-28A-1, et seq.

History: Filed September 20, 1982. **Amended:** Filed August 29, 1997; effective October 3, 1997.

870-X-5-.06 Preferring Charges For Violations Of The Act.

(1) The Board, individual members thereof, or such person authorized by the Board to act in its stead, may prefer charges for any of the violations of the act.

(2) Charges may be preferred in any county of the state in which such violations may have occurred [§34-28A-4(b)].

Author:

Statutory Authority: Code of Ala. 1975, §§34-28A-1, et seq.

History: Filed September 20, 1982.

**870-X-5-.07 Proceedings To Enjoin Or Restrain Violations Of
The Act.**

(1) The Board, the attorney general, or the local district attorney may apply for an order enjoining or restraining the commission or continuance of unlawful acts.

(2) Application for restraining orders and injunctions shall be made to the circuit court of the county in which a violation of the act is alleged to have occurred.

(3) The circuit court shall then have jurisdiction over the proceedings and may grant such temporary or permanent injunction or restraining order, without bond.

(4) This remedy is in addition to and independent of any other remedies available for the enforcement of the act (§34-28A-5).

Author:

Statutory Authority: Code of Ala. 1975, §§34-28A-1, et seq.

History: Filed September 20, 1982.