ALABAMA BOARD OF EXAMINERS IN COUNSELING
ADMINISTRATIVE CODE

CHAPTER 255-X-8
CONTESTED CASES INVOLVING REFUSAL, REVOCATION OR SUSPENSION OF LICENSE OR CERTIFICATE; INITIATION OF PROCEEDINGS; COMPLAINT PROCEDURE; APPEAL AND JUDICIAL REVIEW; EMERGENCIES

255-X-8-.03 Complaint Procedure.

(1) In the event a complaint is filed against an applicant, ALC, or LPC, or the Board determines from other information that an investigation is necessary, the procedure for investigation of complaint shall be as follows:

(a) An investigative committee consisting of no less than three (3) members, two (2) of which may be the Executive Director and a member of the Board. A third member of the investigative committee may be another member of the board, a contract employee of the board (e.g., consultant), or another person appointed by the Executive Director and acceptable to legal counsel to the board. The committee shall investigate said information or complaint to determine whether there is probable cause for disciplinary proceedings.

(b) The investigative committee may exercise subpoena power in investigating any complaint or information obtained regarding an applicant, ALC, or LPC.

(c) The investigative committee may enter into informal settlements with the applicant, ALC, or LPC under investigation provided said settlement is ratified by the Board.

(d) Upon completion of the investigation, the investigative committee, in consultation with Board's legal counsel, shall determine whether probable cause exists for the Board to issue a summons and complaint and initiate a formal disciplinary proceeding. If the investigative committee determines at this time that no probable cause exists, the proceedings will terminate at that point.

(2) In the event the investigative committee determines that probable cause exists for the filing of a summons and complaint, the Board's attorney shall prepare the summons and complaint.

(3) The notice of proposed Board action, summons and complaint shall be mailed by registered or certified mail, return receipt requested, to the most recent address of the respondent on file with the Board. The notice, summons and complaint may also be sent by personal service as in civil actions, and shall be mailed or

served not less than thirty (30) days nor more than sixty (60) days form the date of the hearing.

(4) The Board may, and in its discretion, appoint some impartial person to act as a Hearing Officer at disciplinary hearings. In the event a Hearing Officer is appointed, the Hearing Officer shall assist the Board in presiding at the disciplinary proceeding, and in ruling on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary.

Author: Alabama Board of Examiners in Counseling
Statutory Authority: Code of Ala. 1975, §§34-8A-1, et seq.; §§41-22-1, et seq.
History: **New Rule:** Filed November 26, 1996; effective December 31, 1996. **Amended:** Filed September 25, 2000; effective October 30, 2000. **Amended:** Filed May 30, 2003; effective July 4, 2003. **Amended:** Filed November 9, 2006; effective December 14, 2006. **Amended:** Filed July 14, 2016; effective August 28, 2016.