

STATE BOARD OF SOCIAL WORK EXAMINERS

**CHAPTER 850-X-1
GENERAL PROVISIONS**

850-X-1-.01 Purpose. The Alabama State Board of Social Work Examiners was created to maintain the integrity of the social work profession and to protect the public against dangers arising from attempts of incompetent or unscrupulous persons to practice the profession of social work. This purpose is achieved through the establishment of minimum qualifications for licensure and certification in the profession of social work practice, through the adoption of rules defining and delineating unlawful conduct, and through swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated hereunder.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §34-30-57 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998.

850-X-1-.02 Policy Against Discrimination. It is the policy of the Board of Social Work Examiners that no person shall ever be excluded from licensure or certification, participation in, denied the benefits of, or subjected to discrimination under any program, activity, employment, or service administered by the Board, on the basis of race, color, creed, religion, national origin, sex, disability, or age.

Author: Robert M. Weinberg, Assistant Attorney General.

Statutory Authority: Code of Ala. 1975, §34-30-57 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998.

850-X-1-.03 General Description of Organization and Operation. The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical, investigative and legal, are paid by fees collected by the Board. The Attorney General and his/her assistants provide legal services to the Board. The Board may utilize the assistance of licensed social workers as voluntary advisory panel members to assist the Board in complying with these rules.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(1) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.04 Employment of Personnel. The Board may employ investigators, attorneys and any other agents and employees and assistants as may from time to time be necessary to bring about and maintain a rigid administration and enforcement of Alabama law regulating the practice of social work.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(1) (1991); §41-22-6 (1996 Supp.).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective date January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.05 Executive Director. The Board shall employ an executive director who shall be responsible for the administration and execution of Board policy. The executive director is designated as agent for the Board for service of legal process upon the Board. All correspondence to the Board, including requests for information and all submissions and other requests should be made to the executive director at the Board's headquarters as follows:

Executive Director
Alabama State Board of Social Work Examiners
RSA Union Building
100 No. Union Street, Suite 736
Montgomery, Alabama 36130-1620

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(1) (1991); §41-22-6 (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.06 Rules of Order. All proceedings of the Board shall be governed by Robert's Rules of Order, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(2) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.07 Meetings.

(1) Each member of the Board shall be given five business days notice of the time, place, and purpose of any special meeting by the executive director, unless such notice is waived by the individual member or unless such member is present at the called meeting.

(2) Failure of any Board member to attend any three consecutive regular meetings shall be considered cause for removal as provided in Code of Ala. 1975, §34-30-55 (1991).

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-56 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.08 Voting. All members of the Board, including the chairman, are entitled to vote and to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for elsewhere in the Rules. The chairman shall vote as a member of the Board.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(2) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December

5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.09 Records.

(1) "Public record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known to the public. Records which do not constitute "public records" include, but are not limited to, those received by a public officer in confidence, sensitive personnel records, applications for licensure or certification, complaints against licensees or applicants, patient or client records, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Specific public records are available for inspection at Board headquarters during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the executive director, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time by resolution of the Board.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §31-22-4(a) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.10 Registry. The Board shall, no less than annually, compile and publish a registry of the names and addresses of all persons licensed and certified to practice social work in Alabama. Copies of the registry shall be made available to the public upon request and upon payment of a fee necessary to cover the administrative costs of publication to be set from time to time by resolution of the Board.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-57(3) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.11 Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided:

(a) The petitioner shows that he/she is substantially affected by the rule in question;

(b) Sufficient facts are supplied in the request to permit the Board to make a valid determination; and

(c) The request arises from an actual question or controversy.

(2) A petition for a declaratory ruling shall contain the following minimum information:

(a) A title reflecting that the petition seeks a declaratory ruling on a rule or rules.

(b) The petitioner's name, address and telephone number.

(c) A statement identifying all rules or statutes that may be involved in the petition, if known.

(d) A clear and concise statement of the precise factual situation involved.

(e) The exact question to which an answer is required.

(f) The reason for submitting the petition.

(g) Full disclosure of the petitioner's interest.

(h) A statement as to whether the petitioner's case or question presented is presently under consideration by the Board or by any judicial or quasi-judicial body in any pending proceedings, and, if so, where.

(i) A certification and signature of petitioner before a notary public or other person authorized by law to administer oaths that the information contained in the petition is true and correct to the best of petitioner's information and belief, and that the petition has not been filed for any improper purposes, or for delay or harassment.

(3) Failure or refusal to completely disclose or provide the minimum information required by these rules shall be grounds for dismissal of the petition.

(4) Declaratory rulings shall not issue with respect to generalized grievances or matters that are currently pending before the Board or any judicial or quasi-judicial body in any proceeding, contested case or litigation, nor may be utilized as a means of collateral attack on or appellate review of any final decision of the Board, or any judicial or quasi-judicial body.

(5) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-11 (1991).

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-11 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.12 Petitions for Adoption, Repeal, or Change of Rule.

(1) Any person may petition the Board for the adoption of a new rule or for the repeal or change of any existing rule.

(2) Action by the Board on any such petition shall be as provided in ALA. CODE § 41-22-8 (1991).

(3) In order to be considered, a petition for a rule change shall be in writing and contain the following minimum information:

(a) A title reflecting that the petition seeks the adoption of a new rule, or the modification or repeal of an existing rule or rules.

(b) The petitioner's name, address, and telephone number.

(c) A statement identifying all rules or statutes that may be involved should the relief sought in the petition be granted in whole or in part.

(d) A clear and concise statement or narrative as to why the new rule, or modification or repeal of an existing rule is needed, specifying:

1. the persons or class of persons it would affect and how it would affect them;
2. the benefits and disadvantages of the proposed rule, modification or repeal;
3. the estimated cost or cost savings to the Board or the public;
4. any other reasons why the rule, modification, or repeal should be accepted by the Board;
5. the legal authority for the proposed rule, modification or change;
6. the names and complete addresses of any persons, firms, organizations, and the identity of any class of persons known to the petitioner who would be or could be adversely affected by the proposed rule, modification or repeal.

(e) The reason for submitting the petition, if not apparent from the face of the petition.

(f) Full disclosure of the petitioner's interest.

(g) A statement as to whether the issues presented by the petition are presently under consideration by the Alabama State Board of Social Work Examiners or by any judicial or quasi-judicial body in any pending proceedings, and, if so where.

(h) A certification and signature of Petitioner before a notary public or other person authorized by law to administer oaths that the information contained in the petition is true and correct to the best of petitioner's information and belief, and that the petition has not been filed for any improper purposes, or for delay or harassment.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-8 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.

850-X-1-.13 Severability. If any of the rules and regulations of the Board which shall be known as the Alabama State Board of Social Work Examiners Administrative Code, or any sentence, paragraph, phrase or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board that each rule and/or any portion thereof, is severable.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-8 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998; September 15, 2016; effective October 21, 2016.