

1 HB652
2 119324-2
3 By Representative Galliher
4 RFD: Health
5 First Read: 02-MAR-10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

To amend Sections 34-24-380 and 34-24-381, Code of Alabama 1975, relating to penalties for violations imposed by certain medical boards, to provide further for the fees and expenses paid to attorneys by the State Board of Medical Examiners and the Medical Licensure Commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-24-380 and 34-24-381, Code of Alabama 1975, are amended to read as follows:

"§34-24-380.

"(a) In addition to any other penalty authorized under Section 20-2-54, the State Board of Medical Examiners, acting in its capacity as a certifying board, may in its discretion assess administrative fines not to exceed ten thousand dollars (\$10,000) for each violation of any of the provisions of Section 20-2-54, or any rule or regulation duly promulgated by the board.

"(b) In addition to the administrative fine authorized in subsection (a), the board may require a physician or osteopath found to be in violation of Section 20-2-54, to pay the costs, fees, and expenses of the board incurred in connection with any proceedings before the board, including, but not limited to, the actual costs of independent medical review and expert testimony, ~~fees, and expenses paid~~

1 ~~to outside counsel by the board,~~ reasonable and necessary
2 attorney fees and expenses, deposition costs, travel expenses
3 for board staff, charges incurred for obtaining documentary
4 evidence, and such other categories of expenses as may be
5 prescribed in rules published by the board. Payment of any
6 costs, fees, or expenses ordered by the board shall be made
7 and enforced in the same manner as an administrative fine.

8 "(c) Notwithstanding any other provision of law to
9 the contrary, any action commenced for the purpose of seeking
10 judicial review of an order or decision of the State Board of
11 Medical Examiners suspending or revoking a registration as
12 authorized under Section 20-2-54 must be filed, commenced, and
13 maintained in the Alabama Court of Civil Appeals.

14 "§34-24-381.

15 "(a) In addition to any other penalty authorized by
16 Section 34-24-361 (h) the Medical Licensure Commission may in
17 its discretion assess administrative fines not to exceed ten
18 thousand dollars (\$10,000) for each violation of any of the
19 provisions of Section 34-24-360 or any rule or regulation duly
20 promulgated by the commission. The Medical Licensure
21 Commission may also in its discretion issue public or private
22 reprimands, public or private censures, and may impose
23 involuntary restrictions upon the certificate of qualification
24 and/or license to practice medicine of any physician or

1 osteopath for each violation of any of the provisions of
2 Section 34-24-360.

3 "(b) In addition to the administrative fine
4 authorized in subsection (a), the commission, upon application
5 of the Board of Medical Examiners, may require a physician or
6 osteopath found to be in violation of Section 34-24-360 to pay
7 the costs, fees, and expenses of the board incurred in
8 connection with any proceedings before the commission,
9 including, but not limited to, the actual costs of independent
10 medical review and expert testimony, ~~fees, and expenses paid~~
11 ~~to outside counsel by the board,~~ reasonable and necessary
12 attorney fees and expenses, deposition costs, travel expenses
13 for board staff, charges incurred for obtaining documentary
14 evidence, and such other categories of expenses as may be
15 prescribed in regulations published by the board and the
16 commission. Payment of any costs, fees, or expenses ordered by
17 the commission shall be made and enforced in the same manner
18 as an administrative fine."

19 Section 2. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 08-APR-10.

Greg Pappas
Clerk

Senate

21-APR-10

Passed