

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

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8 SYNOPSIS: This bill would provide further for the
9 fees and expenses paid to attorneys by the State
10 Board of Medical Examiners and the Medical
11 Licensure Commission.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

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

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 "§34-24-380.

26 "(a) In addition to any other penalty authorized
27 under Section 20-2-54, the State Board of Medical Examiners,

1 acting in its capacity as a certifying board, may in its
2 discretion assess administrative fines not to exceed ten
3 thousand dollars (\$10,000) for each violation of any of the
4 provisions of Section 20-2-54, or any rule or regulation duly
5 promulgated by the board.

6 "(b) In addition to the administrative fine
7 authorized in subsection (a), the board may require a
8 physician or osteopath found to be in violation of Section
9 20-2-54, to pay the costs, fees, and expenses of the board
10 incurred in connection with any proceedings before the board,
11 including, but not limited to, the actual costs of independent
12 medical review and expert testimony, ~~fees, and expenses paid~~
13 ~~to outside counsel by the board,~~ reasonable and necessary
14 attorney fees and expenses, deposition costs, travel expenses
15 for board staff, charges incurred for obtaining documentary
16 evidence, and such other categories of expenses as may be
17 prescribed in rules published by the board. Payment of any
18 costs, fees, or expenses ordered by the board shall be made
19 and enforced in the same manner as an administrative fine.

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

26 "§34-24-381.

1 "(a) In addition to any other penalty authorized by
2 Section 34-24-361 (h) the Medical Licensure Commission may in
3 its discretion assess administrative fines not to exceed ten
4 thousand dollars (\$10,000) for each violation of any of the
5 provisions of Section 34-24-360 or any rule or regulation duly
6 promulgated by the commission. The Medical Licensure
7 Commission may also in its discretion issue public or private
8 reprimands, public or private censures, and may impose
9 involuntary restrictions upon the certificate of qualification
10 and/or license to practice medicine of any physician or
11 osteopath for each violation of any of the provisions of
12 Section 34-24-360.

13 "(b) In addition to the administrative fine
14 authorized in subsection (a), the commission, upon application
15 of the Board of Medical Examiners, may require a physician or
16 osteopath found to be in violation of Section 34-24-360 to pay
17 the costs, fees, and expenses of the board incurred in
18 connection with any proceedings before the commission,
19 including, but not limited to, the actual costs of independent
20 medical review and expert testimony, ~~fees, and expenses paid~~
21 ~~to outside counsel by the board, reasonable and necessary~~
22 attorney fees and expenses, deposition costs, travel expenses
23 for board staff, charges incurred for obtaining documentary
24 evidence, and such other categories of expenses as may be
25 prescribed in regulations published by the board and the
26 commission. Payment of any costs, fees, or expenses ordered by

1 the commission shall be made and enforced in the same manner
2 as an administrative fine."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.