

1 SB188
2 163115-3
3 By Senator Beasley
4 RFD: Governmental Affairs
5 First Read: 10-MAR-15

8 SYNOPSIS: This bill would authorize the State Board of
9 Prosthetists and Orthotists to issue subpoenas in
10 order to carry out its duty to investigate
11 complaints related to the practice of prosthetics
12 and orthotics.
13

14 A BILL
15 TO BE ENTITLED
16 AN ACT
17

18 To add Section 34-25A-7.1 to the Code of Alabama
19 1975, relating to the State Board of Prosthetists and
20 Orthotists; to further provide for the powers of the board
21 relating to its duty to regulate the practice of prosthetics
22 and orthotics.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 34-25A-7.1 is added to the Code
25 of Alabama 1975, to read as follows:

26 §34-25A-7.1.

1 (a) In addition to the other powers of the board,
2 the State Board of Prosthetists and Orthotists shall have all
3 powers necessary and proper to carry out its official duties,
4 including, but not limited to, the authority to issue
5 subpoenas and compel the attendance of witnesses and the
6 production of all necessary papers, records, documentary
7 evidence and materials, or other evidence in matters pending
8 before the board or to investigate complaints concerning the
9 practice of prosthetics and orthotics. Any subpoena issued
10 pursuant to this section shall be signed by the chair of the
11 board or by the executive officer of the board and may be
12 served by any sheriff, by the executive officer of the board,
13 or by any other person authorized to serve a subpoena under
14 the Alabama Rules of Civil Procedure. Any subpoena issued
15 pursuant to this section shall be enforced by the circuit
16 court upon application of the board or its executive officer
17 in the same manner as the issuance of a subpoena by the
18 circuit court.

19 (b) The board, by rule, may further provide for the
20 enforcement and other disciplinary action, including civil
21 fines, by the board against any licensee of the board or any
22 other person engaged in the practice of prosthetics and
23 orthotics who fails to comply with any subpoena of the board
24 issued pursuant to this section.

25 (c) Subsection (a) is supplemental to the provisions
26 of subsection (c) of Section 41-22-12, relating to the

1 issuance of subpoenas in a contested case under the Alabama
2 Administrative Procedure Act.

3 (d) Nothing in this section shall apply to a
4 hospital or an authorized health care practitioner, or to a
5 person employed by a hospital or an authorized health care
6 provider.

7 Section 2. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.