

1 SB481  
2 119324-1  
3 By Senator Means  
4 RFD: Industrial Development and Recruitment  
5 First Read: 02-MAR-10

2  
3  
4  
5  
6  
7  
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.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT

16  
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.