

ALABAMA BOARD OF EXAMINERS OF ASSISTED LIVING ADMINISTRATORS  
ADMINISTRATIVE CODE

CHAPTER 135-X-9  
NON-DISCIPLINARY REFUSAL OF LICENSE

TABLE OF CONTENTS

135-X-9-.01      **Explanation And Action On Refusal Of  
Licensure**

135-X-9-.01      **Explanation And Action On Refusal Of Licensure.**

(1)              This rule shall apply to the refusal by the Board to license any applicant who has failed to fulfill the requirements for license, and the provisions of this rule may be concurrent with the provisions of Rule No. 135-X-7-.02 of these Rules and Regulations.

(2)              Whenever the Board refuses to license an applicant, said applicant shall be informed by written notice of such refusal.

(3)              An applicant who is refused license may, within thirty (30) days of the date of the notice issued pursuant to paragraph (2) hereof, request in writing an administrative hearing before the Board. The first of said thirty (30) days shall be the day after the date of the notice; and, in computing said thirty (30) days, all days after the date of the notice including Sundays and holidays shall be included. Such request shall be deemed to be made on the date of its postmark if it is mailed.

(4)              The Board shall determine the day, time, and place of the hearing and shall give applicant ten (10) days notice of such date, time and place.

(5)              At the hearing the applicant may appear in person, or by attorney or both, and may offer evidence, affidavits, arguments, and may submit briefs in support of his/her application.

(6)              All hearings shall be held before a quorum of the Board as defined by statute for meetings of the Board unless the

applicant and the Board shall mutually agree to a hearing before less than a quorum or an agent of the Board.

(7) Regardless of the outcome of the hearing, the Board will inform the applicant of its decision.

(8) The Board will accept request for administrative hearings, which are made more than thirty (30) days after the date of the Board's notice, if such requests are accompanied by an affidavit explaining why the request is made later than thirty (30) days. The Board will grant such requests if its finds that the explanation justified the delay.

**Author:** Theresa Jordan

**Statutory Authority:** Code of Ala. 1975, §34-2A-1-16.

**History: New Rule:** Filed November 8, 2002; effective December 13, 2002.