

The Alabama Board of Court Reporting (ABCR) proposes to amend their Administrative Code or Rules and Regulations under which to operate. Specifically, the ABCR is proposing amendments to change of name or address, formal disposition of contested cases, and continuing education.

Written comments, views, or arguments will be received by the ABCR thru 4:30 p.m. on May 6, 2019. Comments should be mailed to ABCR at P.O. Box 241565; Montgomery, AL 36124-1565. Written comments will be reviewed by the ABCR at the next regularly scheduled Board meeting (currently scheduled for May 17, 2019).

CHAPTER 257-X-2 – Board Policies and Procedures

257-X-2.01 Change of Name or Address

(1) The applicant or licensee shall notify the Board of any legal name change within thirty (30) days of change. Appropriate legal documents and fees shall be submitted prior to changing the name of the licensee on the license certificate.

(2) The licensee shall notify the Board office of any change in the licensee's address within thirty (30) days of the change. The address of record is the address provided by the applicant or licensee.

(3) The licensee shall notify the Board office of any change in the licensee's employer within thirty (30) days of the change. The employer of record is the name and address of the employer provided by the applicant or licensee.

(4) Address and name changes, as well as employer information, will be included in the information verified by the Board in the course of an audit.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

Amended: Filed October 19, 2018; effective December 4, 2018. **Amended:** Filed March 20, 2019; effective _____, 2019.

257-X-5.07 Formal Disposition of Contested Cases

(1) At least thirty (30) days prior to the administrative hearing, a notice of hearing and a copy of the charges shall be served on the applicant or licensee via personal service or registered or certified mail to the last known address for the applicant or licensee on file with the Board. If service of process is refused or unclaimed, and the certified mail receipt or the return of the person serving process so indicates, the Board may serve the document by first-class mail addressed to the licensee or other person at his or her last known address as shown in the Board's records. Service shall be deemed complete three (3) days after the depositing of same in the United States mail.

(2) The Board's complaint may be amended prior to the hearing, but no amendment shall be permitted on fewer than thirty (30) days' notice which is not germane to the initial charge or charges or which materially alters the nature of any offense charged in the initial complaint.

(3) Requests for subpoenas shall be filed with the Board at least fifteen (15) days prior to the hearing along with the appropriate subpoena-processing fee. Any expense for service by a sheriff, process server, or other entity shall be the responsibility of the party requesting the subpoena. Any expenses incurred relative to subpoenas requested by a respondent, either for witnesses or related to production of documents, are the responsibility of the party requesting the issuance of said subpoena.

(4) The hearing shall be conducted by a hearing officer appointed by the Board in accordance with the hearing procedures set forth in the Alabama Administrative Procedure Act, Section 41-22-1, et seq., Code of Alabama (1975). The hearing officer shall have the authority to perform those acts set forth in Section 41-22-12(c), Code of Alabama (1975), and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary. All testimony provided at the hearing shall be under oath, and a record of the proceeding shall be transcribed by a court reporter scheduled by the Board.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed October 19, 2018; effective December 4, 2018.

Amended: Filed March 20, 2019; effective _____.

Chapter 257-X-6 - Continuing Education

257-X-6-.01 Continuing Education Requirements

(1) ~~Beginning with the September 30, 2008 renewal and every renewal thereafter, e~~Every licensee who applies for renewal of a license shall complete five (5) hours of continuing education (CE) relevant to the practice of court reporting prior to submitting an application for license renewal. Effective for the 2020 License Renewal Period (October 1, 2019 to September 30, 2020), Additional CE Hours obtained in excess of the five (5) hours required for annual renewal may no longer be rolled over to the next renewal period. ~~obtained may be rolled over to the next renewal for up to thirty-six (36) months.~~

(2) A Renewal Period is the twelve (12) months preceding September 30th of each year.

(3) A CE hour means a minimum of fifty (50) minutes of actual clock time spent by a licensee in actual attendance at and completion of an approved CE activity. After completion of the initial CE hour, credit may be given in one-half hour (0.5) increments.

(4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Alabama license.

(5) Non-Resident Licensees shall comply with the CE Requirements set forth in this Section.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed October 19, 2018; effective December 4, 2018. **Amended:** Filed March 20, 2019; effective _____.

257-X-6-.02 How to Acquire CE Credit

(1) CE hours may be earned from:

(a) Verified attendance at or participation in a program, activity or course through the National Court Reporters Association (NCRA), National Verbatim Reporters Association (NVRA), or the Alabama Court Reporters Association (ACRA). Personal Development Credits (PDC) offered by the NCRA will not be accepted except as listed in Chapter 257-X-6-.02 (1) (f), (g), and (h).

(b) Verified attendance (e.g., license of attendance or license of completion) at or participation in a program, activity or course ("program") presented by a continuing education sponsor in subsection (c) below;

(c) Verified attendance at a program that is of general informational value to court reporters but does not directly relate to the reporter's ability to produce an accurate and timely transcript. A maximum of two-and-one-half (2.5) hours credit may be counted during a renewal period for such programs, which include:

(1) Professionalism, including knowledge and application of standards of professional responsibility, impartiality, public relations, attire; and,

(2) Office procedures, record-keeping, wealth, including a reporter's approach to personal tax management, planning for retirement or changing careers within reporting, maintaining the individual reporter's health and emotional adjustment, ability to listen, to concentrate, to communicate, or to cope.

(d) Verified personal preparation of educational presentations pertaining to the profession of court reporting and serving as an instructor, speaker, or panel member at an approved course will be allowed as CE credit for actual presentation time, plus actual preparation time of up to two (2) hours for each hour of presentation. Credits for preparation time shall not be allowed for repetitious presentations. No more than ~~five (5)~~ two (2) hours of credit can be earned under this category in any one renewal period.

(e) Writing articles regarding the profession of court reporting that are published in a state or nationally recognized professional journal of court reporting or law. No more than ~~three (3)~~ two (2) hours of credit can be earned under this category in any one renewal period. Credits will not be allowed for the same article published in more than one publication.

(f) If already an RPR, 0.25 CE's may be obtained through verified passage of a higher certification test of the RMR; CRR; CBC; RDR (WKT only); CLVS (Skills or WKT); or CRC. Passage of a single examination may only be counted once towards CE credit.

(g) Verified Stenographic University Program, Realtime Coach, or similar program may be counted for up to 0.25 CE's per renewal period.

(h) Verified Oral Histories Project may be counted for up to 0.25 CE's per renewal period.

(2) Courses completed that are a part of the curriculum of a university, college or other educational institution. One semester of course work is equivalent to five (5) hours of CE, and one quarter of course work is equivalent to two-and-one-half (2.5) hours of CE.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012.

Amended: Filed October 19, 2018; effective December 4, 2018. **Amended:** Filed March 20, 2019; effective _____.

257-X-6-.04 Activities Not Qualifying for CE Credit

(1) Activities that are not acceptable for CE credits include, but shall not be limited to, the following:

- (a) Attendance or participation at professional or association business meetings, ~~conferences~~, general sessions, elections, policymaking sessions or program orientation;
- (b) Serving on any boards or committees;
- (c) Entertainment and recreation;
- (d) Tours, visiting exhibits;
- (e) Any function for which the registrant receives remuneration as part of his/her regular employment;
- (f) In-house training on office equipment; ~~and~~
- (g) Courses with a main thrust of teaching nonverbal skills (i.e., golf, tennis, dancing, basket-weaving);~~:-~~
- (h) CPR and First Aid courses;
- (i) Personal Development Credits approved by NCRA (except as provided in Chapter 257-X-6-.02 (1) (f), (g), and (h));
- (j) Attendance at meetings and events related to court reporting or any other topic;
- (k) Book tests approved by NCRA;
- (l) Speedbuilding practice;
- (m) Certification testing (except as provided in Chapter 257-X-6-.02 (1) (f));
- (o) Participation in formal mentoring programs;
- (p) Pro bono or volunteer services; and
- (q) Promoting the profession to the public.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed October 15, 2018; effective December 4, 2018. **Amended:** Filed March 20, 2019; effective _____.

257-X-6-.05 Certification of Compliance with CE Requirements

(1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE Requirements set forth in the Board's rules.

(2) The Board shall conduct random audits to verify compliance with CE Requirements.

(3) The Board may require additional evidence of compliance with the CE Requirements (~~e.g., license of attendance~~) in the course of a Board audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance for the current renewal year and

the three (3) years previous to the current renewal year. Licensees selected for audit will not be renewed until all proof of compliance with the CE Requirements has been provided to the Board. Any licensee selected for audit who has not submitted the required proof of compliance by September 30 of the renewal year may not practice court reporting until acceptable proof of compliance has been submitted to the Board.

(4) A licensee may submit any of the following as acceptable proof of compliance with CE Requirements:

- (a) An NCRA, ACRA or NVRA CE Transcript Report.
- (b) For non-members acquiring CE at NCRA, ACRA or NVRA conventions or meetings an approved punch card, punch letter, sign in sheet, certificate of completion, grade card or letter from the course provider with an original signature.
- (c) For CE acquired outside of a NCRA, ACRA, or NVRA convention or meeting a certificate of completion or letter with Pre-Qualification ID Number provided to the sponsor by NCRA, ACRA, or NVRA.
- (c) A certificate of completion or letter from the State Bar.
- (d) An official transcript from a college or university.
- (e) A certificate of completion or letter from a city, county, or federal judicial body providing CE to employees.
- (f) Official letter from NCRA proving passage of a higher certification test (as defined in Chapter 257-X-6-.02 (1) (f)).
- (g) Official letter from NCRA proving participation in an Oral Histories Project.
- (h) Official letter or qualifying certificate from Realtime Coach, a stenographic university, or similar program approved by NCRA proving participation in said program or speed contests (limited to 2.5 hours per renewal period).

(5) It is the licensee's sole responsibility to ensure that all CE credits are acquired from approved sponsors or programs as listed in Chapter 257-X-6-.03 (1), or that the coursework will be approved upon submission to the approving organizations, in advance of the licensee's participation in the CE Program. If a CE sponsor (other than a college or university course, State Bar CE Course, or CE Course provided to employees by a city, county, or federal judicial body) has not received prior approval from NCRA, NVRA or ACRA, the licensee will be responsible to contact the applicable approving organization and submit any required paperwork and fees to have the CE approved. If the CE course (other than a college or university course, State Bar CE Course, or a CE Course provided to employees by a city, county, or judicial body) is not approved by NCRA, ACRA or NVRA, it will not be accepted by the Board. The Board will accept no responsibility for disputes or discrepancies concerning CE approvals between licensees, sponsors and/or the approving organizations.

(56) When there appears to be a lack of compliance with CE Requirements, an applicant shall be notified of the same in writing, and the applicant may request an interview with the Board. An interview neither forecloses nor mandates the institution of formal disciplinary proceedings against the renewal applicant by the Board.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed October 19, 2018; effective December 4, 2018. **Amended:** Filed March 20, 2019; effective _____.