Proposed Amendments to Rules and Regulations

Proposed amendments to the Alabama Board of Court Reporting’s Rules and Regulations are currently being advertised for public comment.

Time, Place, Manner of Presenting Views:

Written comments, views, or arguments will be received by the Alabama Board of Court Reporting until 4:30 p.m. on April 5, 2017. Comments should be sent to:

ABCR
P.O. Box 241565
Montgomery, AL  36124

Any written comments received will be reviewed by the Board at the next Board Meeting (currently scheduled for May 12, 2017).

Please find below proposed Rule and Regulation Amendments:

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 requested 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 card.

(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.

CHAPTER 257-X-3 – Licensure

257-X-3-.01 Licensure by Grandfathering by work experience:

Any person who has been engaged in the practice of court reporting on June 1, 2006, may apply for licensure by grandfathering on or before December 31, 2012. The Application for Grandfathering will require evidence that the court reporter is proficient in court reporting. The application will include:

(a) Affidavit of past education and work experience as a court reporter;
(b) Affidavit from a judge for whom he or she has worked as an official court reporter; or
(c) Three (3) affidavits from licensed attorneys, unrelated by blood or marriage to the person and who have utilized the services of the court reporter;
(d) Payment of licensure fee.
**257-X-3-.02 Temporary Licensure**

(1) Effective on April 21, 2010, any person who is a graduate of a school of court reporting may apply for temporary licensure.

(2) Temporary licenses shall expire eighteen (18) months after issuance.

(3) Temporary licenses are not renewable. In the event that a temporary license expires without the temporary licensee having passed the examination for full licensure, court reporting services by the temporary licensee shall cease and desist immediately upon the expiration of the temporary license. The Board will issue a Cease and Desist notice upon the expiration of an expired Temporary License and copy the employer of record. The Board Investigator will follow up with the expired temporary licensee to ensure the individual is not operating with an expired temporary license (if the individual has not been issued their full licensure). Upon expiration of a temporary license, the temporary license number will be listed under the expired listing on the Board web site. The Board may not be held liable for lost income to the temporary licensee or to the court reporting firm.

(4) The temporary license application will consist of the following:

   (a) Proof of graduation from a school of court reporting in a form approved by the Board of: Official Transcripts, Copy of Diploma, or Official Letter from the Court Reporting Program’s Director;
   (b) Complete application forms as approved by the Board;
   (c) Application and temporary license fee as approved by the Board.

(5) The temporary license allows the applicant to practice as a court reporter without passing the examination, subject to the following stipulations:

   (a) The court reporter with a temporary license shall function under the supervision of a currently licensed court reporter;
   (b) Temporary licensees may not direct bill for court reporting services provided; such services may be billed through the employing court reporter firm or a fully licensed court reporter.
   (c) The temporary license will be reflected by the initials, “TL” for “Temporary License” followed by their assigned number.
   (d) All individuals, having been issued a temporary license, shall be subject to regulation pursuant to any rules promulgated by the Alabama State Board of Court Reporting and Alabama Code Section 34-8B-1, et seq.
   (e) Failure of any temporary licensee to meet any of the requirements enunciated in Reg. 257-X-3-.03 shall subject the temporary licensee to disciplinary action provided by Reg. 257-X-5.
257-X-3-.03 Traditional Application for Licensure

(1) Proof of graduation from court reporting program or its equivalent in the form of: Official Transcripts, Copy of Diploma, or Official Letter from the Court Reporting Program’s Director;

(2) Pass the Licensure Examination;

(3) Complete application and appropriate fees.

257-X-3-.04 Examination

Applicants for licensure must pass the Written Knowledge Examination administered by NCRA and provide documentation of having passed the NCRA Registered Professional Reporter Examination (RPR), or NVRA CRA Examination, or Alabama Skills Examination administered by ACRA. Passage of examination legs from the State and National Examination may be combined.

257-X-3-.05 Renewal

(1) Every Court Reporter License in Alabama shall expire on September 30th of each year. The holder of the license may renew such license during the sixty (60) days preceding the expiration date thereof by paying the required fee and completion of the application for renewal.

(2) It is the responsibility of each licensee to notify the Board of any change of address or legal name within thirty (30) days. Failure to receive a renewal form from the Board shall not constitute an excuse for failure to renew licensure.

(3) Late renewals may be received up to sixty (60) days following expiration of license with the required late renewal fee and application for renewal. An individual may not provide court reporting services under an expired license.

(4) All Licensees have a deadline of November 29th of the renewal year to submit the required CEUs for license renewal, to prevent the Board from pursuing any Disciplinary action.

(5) The Board will issue a Cease and Desist notice to all individuals with expired licenses, copy the employer of record, and post all expired licenses on the Board web site. The Board Investigator will follow up on each expired license to ensure that court reporting services are not being provided under an expired license.
Chapter 257-X-4 - Standards of Professional Conduct

257-X-4-.01 Standards of Professional Conduct

In order to establish and maintain a high standard of integrity in the practice of court reporting, the following Standards of Professional Conduct shall be binding on every person holding a CCR (Certified Court Reporter) or a Temporary License from the Board:

(a) A licensee shall be fair and impartial toward each participant in all aspects of reported proceedings.

(b) A licensee should only accept an assignment if his/her level of competence will result in the preparation of an accurate transcript and will remove himself/herself from an assignment if he/she believes his or her abilities are inadequate, recommending or assigning another licensee only if such licensee has the competence required for such assignment.

(c) A licensee, if requested, shall provide information regarding services to be rendered regarding administration of professional services to all parties. The licensee must strive to meet promised delivery dates whenever possible, make timely delivery of transcripts when no date is specified, and provide immediate notification of delays.

(d) A licensee shall be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict arises, the licensee must disclose that conflict or potential conflict.

(e) A licensee who becomes impaired and unable to function according to the standards of practice should immediately seek inactive status and refrain from practice. It is the licensee’s responsibility to seek supervision and/or personal therapy for any problem that is interfering with the ability to perform professional services.

(f) A licensee shall preserve the confidentiality and ensure the security of information, oral or written, entrusted to the licensee by any and all of the parties in the proceeding.

(g) It is the licensee’s responsibility to preserve his/her shorthand notes and audio files (if any) for a period of no less than five (5) years, except as otherwise prescribed by law, e.g. the Alabama Unified Judicial System’s Records Retention Schedule for the Circuit, District, Juvenile and Municipal Courts, through storage of the audio files and the original paper notes and/or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, or optical or laser disk systems.

(h) Once the transcript is prepared, audio files (if any) must be maintained for one (1) year from the date the transcript is filed.

(i) Audio files are the property of the licensee and shall be provided by request at the licensee’s discretion or by order of the Court.

(j) A licensee’s signature, license number, and expiration date, and the date the transcript was certified shall be affixed to a transcript of his/her stenographic notes to certify to its correctness if the transcript has been prepared by him/her or under his/her direct supervision.

(k) A licensee shall not permit the use of his/her name or firm’s name, nor shall a licensee be associated in business ventures with persons or firms that the licensee has reason to believe to be engaging in fraudulent or dishonest business practices.
A licensee having knowledge of any alleged violation of the Court Reporter Act shall cooperate with the Board of Court Reporting or appropriate governmental agency, furnishing such information or assistance as may be required to conduct an investigation resulting from a complaint.

A licensee shall be truthful and accurate when making public statements or when advertising qualifications or services provided.

A licensee shall meet all mandated continuing education requirements and should keep abreast of current literature and technological advances and developments.

Licensees having knowledge of possible/probable violations of any of these Rules and Regulations shall file a complaint form with the Board and cooperate as necessary with the Board investigation of such violation.

257-X-5-.03 Grounds for Discipline of a Licensee or Denial of Renewal or Reinstatement

The Board may fine, suspend, revoke, or otherwise discipline any court reporter upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license by:

(a) Filing false, forged, or altered documents or credentials, including required continuing education documentation;
(b) Misrepresenting or falsifying facts in applying for original licensure, renewal, reactivation, or reinstatement of license;
(c) Having another person appear for a licensing or certification examination.

(2) Has been convicted of, or has entered a plea of guilt, regardless of court disposition, to a charged criminal act that would tend to bring reproach upon the court reporter profession. Such criminal acts include, but are not limited to, offenses involving drugs, theft, lewdness, sexual misconduct, abuse, violence, fraud, or any other conduct deemed detrimental to the public’s health, safety, or welfare.

(3) Is impaired due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render the court reporter unsafe or unreliable, which includes, but is not limited to:

(a) Testing positive for alcohol and/or unauthorized drugs;
(b) A pattern of abuse or misuse of habit-forming and/or mood-altering drugs or alcohol;
(c) Impairment while on duty due to the use of drugs or alcohol;
(d) The use of alcohol or habit-forming or mood-altering drugs to the extent that medical or psychiatric treatment, rehabilitation, or counseling is medically determined or otherwise recommended by a legally authorized practitioner.
(4) Has been convicted of any felony offense or has been convicted of any misdemeanor which would relate to the disqualifications contained elsewhere in Section 257-X-5-.03. In the event that a plea or finding of guilt is for a lesser or different offense, the Board shall have the authority to review the factual circumstances of the initial charge, any amended charge, and/or the conviction in determining what action, if any, is appropriate.

(5) Is guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters of court reporting, which includes, but is not limited to:

(a) Failure to comply with the Alabama Court Reporting Act and Rules and Regulations as well as federal, state, or local laws, rules, or regulations applicable to the area of court reporting practice;
(b) Failure to practice court reporting in accordance with the standards of practice adopted by the Board;
(c) Practice beyond the scope of practice as determined by, but not limited to, educational preparation, license status, state and federal statutes and regulations, state and national standards appropriate to the type of practice, and court reporting experience;
(d) Gross negligence in the practice of court reporting;
(e) Falsification of credentials;
(f) Falsification of employment records;
(g) Representing oneself as a court reporter without a license.;
(h) Having a license denied, conditionally issued, reprimanded, placed on probation, suspended, revoked, or voluntarily surrendered in another state, territory, or country, or having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct which would constitute grounds for disciplinary action in this state. A certified copy of the record of the agency that took such action shall be conclusive evidence of the grounds for discipline.
(i) Failure to keep the Board apprised of legal name change within thirty (30) days of name change.
(j) Failure to keep the Board apprised of change of address within thirty (30) days of address change.

(6) Has failed to respond to official Board correspondence, including, but not limited to, requests for information, subpoenas, or notices.

(7) Has willfully or repeatedly violated any of the provisions of a statute or rule that includes but is not limited to:

(a) Practicing or seeking to practice court reporting without a current license;
(b) Impersonating an applicant for licensure or another licensed practitioner or permitting or allowing another person to use the court reporter license;
(c) Continued violation of statute or rule after notice by the Board;
(d) Failure to comply with any stipulated terms and conditions of any Board order or contract.

(8) Failed to comply with continuing education requirements.

(9) Submitted payment of any fees or fines to the Board with a worthless check, invalid credit card, or by any other method that is not honored by the financial institution.

(10) Authorizing Court Reporter License number to be used on any transcript not produced through his or her personal effort or supervision, or both.

(11) Poses a risk to public safety for any other reasons stated by law.

257-X-7 Appendix I

Fee Schedule

<table>
<thead>
<tr>
<th>Fee</th>
<th>Amount</th>
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<tr>
<td>License Fee</td>
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<td>Application Fee</td>
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<tr>
<td>Renewal Fee</td>
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<td>Late Renewal Fee</td>
<td>20% of License Fee each month</td>
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<tr>
<td>Temporary License Fee</td>
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<td>Reinstatement Fee</td>
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<td>Replacement License Fee</td>
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Author: Alabama Board of Court Reporting
Statutory Authority: Code of Alabama, 1975. § 34-8B-1 thru. § 34-8B-18
Effective Date: June 19, 2012