

CHAPTER 190-X-1
ORGANIZATION, ADMINISTRATION AND PROCEDURE

190-X-1-.01 **Purpose.** The Alabama State Board of Chiropractic Examiners was created to ensure that the people of Alabama are adequately provided with the services of qualified chiropractors. It is also the duty of the Board to ensure that the public is protected from the incompetent practice of chiropractic. This purpose is achieved through the establishment of minimum qualifications for entry into the profession, through the conduction of regular examinations, through the adoption of rules defining and expounding unlawful and unprofessional and dishonorable conduct, and through swift and effective discipline, for those practitioners and non licensed clinic owners who violate the applicable laws or rules promulgated thereunder.
Author: Board of Chiropractic Examiners
Statutory Authority: Code of Ala. 1975, §§34-24-144; 34-24-165.
History: Filed September 30, 1982. **Amended:** Filed February 16, 1984. **Amended:** Filed June 18, 2009; effective July 23, 2009.

190-X-1-.02 **Composition And Selection Of Board.**

(1) Composition and Selection of Board. The Board shall be composed of nine members, eight of which shall be licensed to practice and are currently practicing in Alabama who meet the qualifications set out in Code of Ala. 1975, §§34-24-140, 34-24-141 and one consumer member appointed by the Governor. Members serve staggered four-year terms and continue to serve until a new member is appointed/elected, and qualified. No member shall serve more than two consecutive terms. The Alabama State Board of Chiropractic Examiners shall conduct an annual election according to the terms set out in this rule. When a vacancy occurs, whether by expiration of the term, death, resignation of a member, or other cause, the vacancy shall be filled in the same manner as the original appointment/elections are made.

(2) Candidate/Elected Member Qualification. In order to qualify the potential candidate/ elected member must meet the following qualifications:

(a) Be a citizen and a resident of Alabama who has resided in this State for at least five (5) years;

(b) Reside in the Congressional district from which they seek election, except for one African American elected from the state at-large;

(c) Be a graduate of a chartered chiropractic school which required actual attendance in the school as a prerequisite to graduation;

(d) Be actively licensed in Alabama and currently engaged in the clinical practice of chiropractic and have been so engaged for at least the five (5) immediately preceding years;

(e) Have renewed his or her license to practice chiropractic by September 30 of the year in which the election shall take place;

(f) Be of good moral character, with no board convictions in the five (5) years preceding qualification, no prior criminal convictions, and no recent history of drug or alcohol abuse; and

(g) Must not be presently on probation relating to the practice of chiropractic in any state including this state; and

(h) Candidates shall qualify by submitting their name to the executive director of the board during the qualifying period which shall be not less than twenty (20) days nor more than forty (40) days after notice is mailed.

(i) Each member of the board shall meet all qualifications to be a candidate for his or her seat on the board during his or her entire term. Any member who fails to continue to meet the qualifications for his or her seat shall forfeit his or her seat on the board and resign or the board seat shall be declared vacant by the board.

(3) Voter Qualification. In order to be eligible to vote in a board election you must meet the following qualifications:

(a) Reside in the respective congressional district.

(b) Certify your residency in the congressional district on your completed ballot.

(c) Have an active Alabama license.

(4) Ballots.

(a) Not less than fourteen (14) days after the deadline for qualification, each licensed chiropractor shall be mailed a ballot for the appropriate congressional district where the vacancy is to be filled.

(b) In order to be counted the ballot shall be mailed to the independent agency conducting the election, postmarked not later than 14 business days after the ballots were mailed by the board.

(c) Only original, official ballots will be counted.

(d) The ballots shall be maintained for a period of six (6) months by the independent agency conducting the election.

(5) Ballot Counting.

The independent agency conducting the election shall tabulate eligible ballots and shall certify the results. The candidate receiving a simple majority of eligible ballots in the applicable congressional district shall be certified as the winner and deemed elected.

In the event no candidate in a congressional district receives the required majority there shall be a run-off election in the same manner as set out in Code of Alabama 1975 § 34-24-140.

The individual(s) certified as the winner of the election in their district shall take office immediately upon their election.

Effective: 3-6-90, amended 8/06, amended 1/97, (1), (2)(D), (3)(C), (5) amended 8/2003,

(1)(2)(B)(D)(F)(G) amended 6/06, (2)(A)(5) amended 3/2009; amended 6/2013, (2)(h)(4)(a)(b)(e)(5)(6) amended 8/2015

Authority: 34-24-140; 34-24-141; 34-24-144; 34-24-165

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-140, 34-24-141, 34-24-144, 34-24-165.

History: Filed September 30, 1982. **Emergency rule** filed July 21, 1986. **Amended:** Filed November 8, 1988; January 31, 1990. **Amended:** Filed September 19, 1996; effective October 24, 1996. **Amended:** Filed January 21, 1997; effective February 25, 1997. **Amended:** Filed November 6, 2003; effective December 11, 2003. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Amended:** Filed June 18, 2009; effective July 23, 2009.

190-X-1-.03 General Description Of Organization And Operation.

The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, legal, secretarial, clerical and investigative, are paid from legislative appropriation of fees collected by the Board. Any fee which is received by the board shall not be refunded. The attorney general and his assistants may also provide legal services to the Board.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed June 12, 2000; effective July 17, 2000. **Amended:** Filed August 24, 2006; effective September 28, 2006.

190-X-1-.04 Rules Of Order. All proceedings of the Board shall be governed by Roberts Rules of Order, except during disciplinary hearings and except where otherwise provided in these rules.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982.

190-X-1-.05 Quorum. Five (5) members of the Board shall constitute a quorum. However, the board may appoint hearing panels consisting of no fewer than three (3) board members. The consumer member of the board may be a member of each hearing panel. The hearing panels are authorized to conduct

hearings in the same manner as the full board is authorized to conduct hearings.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §34-24-140, 34-24-144.

History: Filed September 30, 1982. **Amended:** Filed December 2, 1986. Filed February 18, 1993. **Amended:** Filed September 11, 1996; effective October 16, 1996. **Amended:** Filed November 6, 2003; effective December 11, 2003.

Amended: Filed August 24, 2006; effective September 28, 2006.

190-X-1-.06 Meetings.

(1) The Board shall meet as prescribed by the Code of Ala. 1975, §34-24-144 and other times the Board deems necessary.

(2) The Board shall comply with the provision of the Alabama Open Meetings Act in connection with any meeting.

(3) All meetings of the Board of Chiropractic Examiners, not including any part relating to the good name or character of an Individual, shall be open and public. Reports of investigations or complaints alleging violation of any law or rule, documents subpoenaed by the Board, reports of any investigator or investigative agency appointed or employed by the Board, memorandum or reports of the Board's counsel, memorandum or reports of the Board's counsel relating to investigations or complaints alleging violation of any law or rule, statements of persons interviewed by the Board or any committee or member thereof unless made a public hearing, reports of information received by the Board or any member thereof in confidence, reports of sensitive personnel records or information, reports of pending criminal investigations or reports or information the disclosure of which would be detrimental to the best interest of the public shall be considered privileged and confidential and shall not be disclosed except to an agent, attorney or employee of the Board of Chiropractic Examiners. The foregoing non-public records or writings shall not be subject to subpoena except upon the express order of a court of competent jurisdiction.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed December 2, 1986; January 31, 1990. **Amended:** Filed September 11, 1996; effective October 16, 1996. **Amended:** Filed September 7, 1999; effective October 12, 1999. **Amended:** Filed April 19, 2002; effective May 24, 2002. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Amended:** Filed October 3, 2011; effective November 7, 2011.

190-X-1-.07 **RESERVED**

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982.

190-X-1-.08 **Voting.** All Board members, including the president, are entitled to vote and are entitled to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board. The president shall vote as a member of the Board and his/her vote shall count no more than the vote of any other member, except that in the event of a tie vote the president shall vote again to break the tie. Any vote that involves termination of any non merit staff member or termination of any contract requires two-thirds vote of all nine (9) members to pass.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 31, 1990. **Amended:** Filed September 19, 1996; effective October 24, 1996. **Amended:** 10/2013; 6/2018

190-X-1-.09 **Use Of Forms.** All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Forms used by the Board may be acquired from the Executive Director. Forms currently used are found in the Appendix A to these rules and / or at www.chiro.alabama.gov.

Effective: 10/1/82, amended 3/2009, amended 6/2013

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed June 18, 2009; effective July 23, 2009.

190-X-1-.10 **Executive Director.**

(1) The Board shall select an Executive Director who shall be responsible for the administration of Board policy. The Executive Director is designated as the agent for the Board for service of legal process upon the Board. All correspondence to the Board, including requests for information and all submissions and other requests, should be made to the Executive Director at the Board's headquarters as follows:

Office of the Executive Director
Alabama State Board of Chiropractic Examiners
126 Chilton Place
Clanton, AL 35045

(2) The Board may employ other full or part time administrative staff, including an administrative assistant, secretaries or others, who shall work under the direction and supervision of the Executive Director.

(3) All Board administrative staff, including the Executive Director and the administrative assistant, shall be entitled to reimbursement for travel the same as other employees of the State of Alabama, including actual expenses for authorized out-of-state travel, and per diem and transportation costs for in-state travel.

(4) The Executive Director shall keep a record of all meetings of the Board. The place of each meeting, names of the members present, all official acts of the Board, and the votes shall be recorded in the minutes. The minutes shall be presented for approval or amendment at the next meetings of the Board. The minutes, not including any section relating to the good name or character of an individual, shall be open to public inspection.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-140, 34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 31, 1990. **Amended:** Filed September 11, 1996; effective October 16, 1996. **Amended:** Filed April 19, 2002; effective May 24, 2002. **Amended:** Filed January 23, 2006;

effective February 27, 2006. **Amended:** Filed June 18, 2009;
effective July 23, 2009. **Amended:** Filed April 27, 2012;
effective June 1, 2012.

190-X-1-.11 **Records**.

(1) "Public Record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known by the public. Public records shall not include, but not necessarily limited to, reports of investigations or complaints alleging violation of any rule or law, documents subpoenaed by the Board, reports of any investigators or investigative agency appointed or employed by the Board, memorandum or reports of the Board's counsel, memorandum or reports of the Board's counsel relating to investigations or complaints alleging violation of any rule or law, statements of persons interviewed by the Board or any committee or member thereof unless made at a public hearing, reports of sensitive, personnel, confidential or health information, reports of pending criminal investigations or reports or information the disclosure of which would be detrimental to the best interest of the public. The foregoing non-public records or writings shall not be subject to subpoena except upon the express order of a court of competent jurisdiction.

(2) Specific public records are available. Any person wishing to obtain public records should submit a public records request form detailing the record or records desired. The records will be provided as outlined in the ASBCE Public Records Access Policy.

(3) Specific records may be obtained by submitting the above request and the fee as established in Rule 190-X-.1-.18.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 41-22-4(1)(c).

History: Filed September 30, 1982. **Amended:** Filed February 26, 2003; effective April 2, 2003. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Amended:** Filed February 22, 2016; effective April 7, 2016. **Amended:** Published February 29, 2024; effective April 14, 2024.

190-X-1-.12 **Employment Of Agents, Etc.** The Board may employ investigators, inspectors, attorneys and any other agents and employees and assistants as may from time to time be necessary, and may use any other means necessary to bring about and maintain a rigid administration and enforcement of the code and these rules.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-1 - 34-24-6, 34-24-144, 34-24-165.

History: Filed September 30, 1982.

190-X-1-.13 **Directory Of Licensees Published.** The Board shall publish annually a directory listing all permit holders and all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the Executive Director at cost as established in Rule 190-X-.1-.18.

Effective: 9/15/82, amended 3/2009, amended 6/2013, amended 1/2016

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-1 - 34-24-6, 34-24-28, 34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed June 18, 2009; effective July 23, 2009.

Effective: 9/15/82, amended 3/2009, amended 6/2013

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-1 - 34-24-6, 34-24-28, 34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed June 18, 2009; effective July 23, 2009.

190-X-1-.14 **Funds For Scholarships, Etc.** This Board is authorized to accept any public or private funds, grants, appropriations, or other monies to be used for scholarships for qualified persons to study chiropractic in an approved chiropractic college.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982.

190-X-1-.15 **Donations Of Equipment, Supplies, Etc.** This Board is authorized to accept any donation of funds, equipment, supplies, or other goods or services from any source.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 31, 1990.

190-X-1-.16 **Declaratory Rulings.**

(1)The Board may issue declaratory rulings upon petition of any person substantially affected by a rule, with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Any such petition shall comply with the requirements of Code of Alabama 1975 §41-22-11 and the following:

(a)All petitions shall be in writing and shall be sent to the Executive Director of the Alabama Board of Chiropractic Examiners by registered mail with return receipt requested and shall specifically state that it is a "request for a declaratory ruling."

(b) The petition shall state with particularity facts sufficient to show the person/entity seeking relief is substantially affected by the rule in question and shall also state sufficient facts to permit the Board to make a valid determination.

(2)Provided that the petition or the matters stated therein arise from an actual question or controversy, the Board shall do one or more of the following:

(a)Issue a declaratory ruling with respect to the validity of one of the Board's rules; or

(b)Issue a declaratory ruling with respect to the applicability to any person/entity, property or state of

facts of any rule of the Board or statute enforceable by the Board; or

(c) Issue a declaratory ruling with respect to the meaning and scope of any order of the Board.

(3) If the petition does not meet the requirements set out above, the petition shall be returned and the party shall be notified in writing of this failure and shall further be notified of their right to submit the petition again.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 41-22-11.

History: Filed September 30, 1982. Amended 4/2016;6/2018

190-X-1-.17 Advisory Opinion.

((1) The Board may, in its discretion, issue an advisory opinion upon written request.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-140, 34-24-144, 34-24-165, 41-22-11.

History: Filed January 31, 1990. Amended 6/2018

190-X-1-.18 Fees. Fees shall be as follows:

- | | | |
|--|--|-------|
| (1) | License Application Fee | \$150 |
| An applicant for a license shall submit to the Board the application fee of \$150.00. | | |
| (2) | Exam Application Fee | \$150 |
| An applicant for licensure or permit must submit an examination fee in the amount of \$150.00. | | |
| (3) | Original License or Permit | \$75 |
| An applicant for a license or permit shall submit to the Board the initial issuance fee of \$75.00. | | |
| (4) | Clinic Owner Non Licensed | \$300 |
| An applicant for a permit shall submit to the Board an initial_or renewal application as prescribed by the Board, along with a permit fee in the amount of \$300.00. | | |
| (5) | Permit or License Replacement or Duplicate | \$75 |
| The fee for any replacement permit or license shall be \$75.00. Upon request, a duplicate chiropractic license or | | |

facility permit may be issued upon payment of a fee in the amount of \$75.00.

(6) Renewal-Active \$300
The annual license renewal fee is \$300.00.

(7) Renewal-Retired \$150
The annual fee for maintenance of a retired license is \$150.00.

(8) Renewal-Inactive \$150
The annual fee for an inactive license is \$150.00

(9) Late Fees for Licensees and Clinic Owner Non Licensed \$100 - \$300
The late penalty for renewal during the month of October is one hundred (\$100), for renewal during the month of November is two hundred dollars (\$200) and for renewal during the month of December is three hundred dollars (\$300).

(10) Reinstatement \$150 - 2,500
Any licensee or permit holder who allows his/her license/permit to lapse past December 31 must apply to the Board for a reinstatement of the license or permit and must submit to the Board a reinstatement fee of \$150.00 together with all back fees including the highest late renewal fee. Any Licensee or permit holder who allows his/her license/permit to lapse past January 31 must also pay a penalty in the amount of \$2,500.

(11) Preceptor Doctor \$25/month (\$75/quarter)
Shall submit \$25.00 monthly (payable the first quarter with the preceptor application and thereafter quarterly in advance.)

(12) Disciplinary Fines \$1,000- 8,000 per violation
(a) The Board may impose a fine not to exceed \$4,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class A violations)

1. Section 34-24-166(b) (1);
2. Section 34-24-166(b) (2);
3. Section 34-24-166(b) (3);
4. Section 34-24-166(b) (4);
5. Section 34-24-166(b) {5};
6. Section 34-24-166(b) (6);
7. Section 34-24-166(b) (9);
8. Section 34-24-166(b) (10);
9. Section 34-24-166(b) (11);
10. Section 34-24-166(b) (12); and

11. Section 34-24-166(b) (15);

(b) The Board may impose a fine not to exceed \$1,000 - 8,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class B violations):

1. Section 34-24-166(b) (7); and
2. Section 34-24-166(b) (8);

(c) The Board may impose a fine not to exceed \$500 - 8,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class C violations);

1. Section 34-24-166(b) (13);
2. Section 34-24-166(b) (14);
3. Section 34-24-166(b) (16); and
4. Section 34-24-166(b) (17)

(13) Costs
The Board may impose actual costs incurred.

(14) Annual Directory \$50
Copies of the directory shall be made available from the Executive Director upon the payment of \$50 per copy.

(15) CCE Provider/Course Approval Application \$75/per Module

(16) 5 Year CCE History \$25 per licensee

(17) Permit holder or Licensee Listing (paper list) \$50

(18) The following fee schedule will apply to all organizations (except state and local government agencies) requesting information from the licensee or clinic databases:

(a) A fee of ten cents (\$.10) per record, up to (10) data fields, and a fee of one cent (\$.01) for each data field exceeding ten (10) will be charged. These fees apply to data released via email, mail, or CDROM disks in Microsoft Excel format;

(a) Additional charges will incur for (but may not be limited to) the cost of CDROM disks (\$2.00) each, actual cost for special paper sizes, flash drive, CD etc. If the requestor is informed in advance, plus postage;

(b) A minimum total fee of (\$75.00) will be charged for each request. Retrieval and Prep Fee \$20 per hour

(c) State and local government agencies will be exempt from all charges except for materials used. These agencies may choose to supply their own CDROM disks and pick up the data, thereby avoiding all charges.

(19) Mailing Labels (paper) \$60

(20) License Verification \$12.50
Any permit holder or licensee who requires written verification of his/her Alabama license or permit may request certification upon payment of a fee of \$ 12.50 each.

(21) Copy of Rules (paper) \$50

(22) Copies produced on standard 8.5X11 paper.
There is no charge for electronic copies..50 cents/page plus postage

(a) Retrieval Prep Fee \$20 per hour
(Does not include charge for legal review or redaction necessary to withhold legally protected information.)

(b) Actual Cost for special paper sizes, flash drive, CD etc. If the requestor is informed in advance.

(c) Mail Fee actual cost for mailing

(23) NSF Fee Max allowed by law
Pursuant to Code of Ala. 1975, 8-8-15, this fee must accompany any check, or other negotiable instrument drawn on a bank or other depository institution and made payable to the Board, if the instrument is not paid or is dishonored by the institution.

(24) Fee to resend Mail \$25

(25) Rule Subscription \$10 (annual subscription)

(26) Licensure by Credentials
(a) Application Fee \$1,000
(b) Application Hearing Fee (if applicable) \$2,000

Effective: 6/2008; amended 1/09; amended 4/2010, amended 01/2011 (10) (15), amended 6/2013 (2) (5) (10) (12) (14), amended 10/2013 (20) (26), amended 10/2014 (2) (3) (4) (7) (8), amended 8/2015 (1) (2) (3) (4) (5) (6) (9) (10), amended 4/2016 (10), amended 01/2017 (12) (a) (b) (c), amended Files December 21, 2020; Effective 4/22/2021

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, 34-24-145; 34-24-165
History: New Rule: Filed August 19, 2008; effective September 23, 2008. **Amended:** Filed August 19, 2009; effective March 5, 2009. **Amended:** Filed January 29, 2009; effective March 5, 2009. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Amended:** Filed April 13, 2010; effective May 18, 2010. **Amended:** Filed June 1, 2011; effective July 6, 2011. **Amended:** Filed July 3, 2013; effective August 7, 2013. **Amended:** Filed October 17, 2013; effective November 21, 2013. **Amended:** Filed January 21, 2015; effective February 25, 2015. **Amended:** Filed October 19, 2015; effective November 23, 2015. **Amended:** Filed August 15, 2016; effective September 29, 2016. **Amended:** Filed April 14, 2017; effective May 29, 2017. **Amended:** Published March 31, 2021; effective May 15, 2021. **Amended:** Published February 29, 2024; effective April 14, 2024.

190-X-1-.19 Criteria For Approval Of Continuing Education.

All continuing education providers must apply for course approval from the Alabama Board in order for a licensee in Alabama to receive credit for license renewal. Blanket approval is given for Board approved chiropractic continuing education courses in other states for licensees who live and practice in that state to use for Alabama license renewal as long as the course is presented on topics which fall within the current scope of practice in Alabama.

- (1) Applications for approval shall:
 - (a) Be on the form prescribed by the Board;
 - (b) Be accompanied by the fee set by the Board;
 - (c) Include a detailed list of dates and locations for each seminar or module within a 365 day range;
 - (d) Include a sample CCE verification form;
 - (e) Include a CV for each speaker;
 - (f) Include a course syllabus;
 - (g) Include draft or final advertising brochures.
- (2) A separate application with documentation, etc. must be submitted for each seminar or module.

(3) Applications for online courses must contain a start date and finish date for the course which may not be more than 365 days.

(4) Any request for approval should be submitted to the Board no less than thirty (30) days prior to offering of the course.

(5) A condition of approval shall be that the course is pertinent to the practice of chiropractic. Continuing education may include, but is not limited to, attendance at lectures, college and post graduate courses, scientific sessions of conventions, research, graduate studies, teachings, video tapes, internet courses or home study courses. Continuing education programs may include, but are not limited to, programs that address the following:

(a) Government regulations

(b) Clinical and technological subjects including but not limited to techniques and procedures in the Alabama scope of chiropractic or recognized specialties, chiropractic equipment, diagnosis and treatment planning and radiology.

(c) Risk Management

(d) CPR

(6) Programs meeting the general requirements of this rule may be developed and offered by any of the following agencies or organizations:

(a) National, state, district or local chiropractic associations;

(b) Accredited colleges or schools;

(c) Individuals or organizations established to provide chiropractic post graduate courses;

(d) The Red Cross;

(e) American Heart Association.

(7) After examination of the subject material, the Board, in its discretion, may grant credit towards license renewal. In determining whether credit is granted and the number of credit hours granted, the Board shall consider the apparent quality of the material taught and its professional value to the practitioner.

(8) The Board of Chiropractic Examiners shall have the right to monitor or audit any course or program to

determine whether that course or program is in compliance with these rules. Any fees associated with such audit must be waived by the provider. No continuing education credit will be awarded as part of the audit.

(9) Dates and locations may be added to an approved course by submitting a letter to the Board office containing the title, approval number, new dates and locations.

(10) Providers shall provide the Alabama Board or each participant with adequate documentation of his / her successful completion of the course. The documentation shall include but it not limited to:

- (a) Name and license number of the participant;
- (b) Name of the course provider;
- (c) Name and title of the course;
- (d) Hours/ CEU's completed;
- (e) Date of completion;
- (f) Authorizing signature, and
- (g) Board issued approval number.

(11) The Board will notify the continuing education providers of the approval or disapproval of a course. The notification will include the number of the approval.

Author: ASBCE

Statutory Authority: Code of Ala. 1975, §§34-24-144; 34-24-145.

History: New Rule: Filed January 16, 2013; effective February 20, 2013. **Amended** 6/2018

CHAPTER 190-X-2 LICENSURE

190-X-2-.01 Requirements For Licensure By Examination.

(1) All applicants, who graduated from chiropractic college after January 1, 2010, shall have a bachelors degree from an accredited college or university or an academic graduate degree from a regionally accredited college or university and evidence of passing a nationally recognized standardized test commensurate with the referenced degree. In addition, the applicant shall be a graduate of a chartered chiropractic school or college accredited by the council of chiropractic education which teaches only

attendance courses and requires a minimum four-year standard college course.

(2) Each applicant shall submit a properly completed Alabama Bureau of Investigation (ABI) Form - 46 and required processing fees for a criminal background report.

(3) Each applicant shall submit Federal Bureau of Investigation (FBI) fingerprint cards and required processing fees for an FBI criminal background report.

(4) The applicant shall submit an application fee and an examination fee in the amounts set forth by Board Rule. The fees must be in the form of a cashier's check, bank certified check, or money order only. These fees are non-refundable.

(5) Each applicant shall be of good moral character, a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(6) Application Required

(a) Application Form. Each applicant for licensure shall fully complete an application form prescribed by the Board.

(b) Documentation. The documents indicated below must be received by the Board before an application will be processed.

1. The following must be submitted to the Board directly from the respective institution, organization or state licensing agency:

(i) A wallet or passport size photograph.

(ii) A certified transcript of the applicant's college grades showing graduation from an accredited college or university with a bachelor's degree.

(iii) A certified transcript of the applicant's chiropractic college grades showing graduation from an approved chiropractic college.

(iv) A certified copy of the applicant's transcript of scores of the National Board of Chiropractic Examiners showing the applicant has passed the necessary examinations administered/required by that Board.

(v) Verification(s) of licensure (out of state license holders only).

(vi) Verification that the applicant is a citizen of or is legally present in the United States by submitting any of the form(s) or type(s) of documentation specified on the application.

(c) Notarization Required. Paper applications must be signed and notarized.

(d) Deadline for Application. Complete application, including all documents and any fees must be received and approved by the Board before an examination is scheduled.

(7) Examination Required.

(a) National Board Examination. Each applicant who matriculated into chiropractic college after January 1, 1973, must pass one of the following combinations of examination:

1. NBCE I, II, III & IV
2. NBCE I, II and SPEC

(b) Alabama Board Examination.

1. In addition to the examination referenced in (a) above, each applicant must pass an examination administered by the Board relating to State Law and Regulations.

2. Passing Grade. A score of seventy - five percent is required.

3. Re-examination. An applicant must pay a fee of \$150 before a re-examination is scheduled.

4. Scores Released. The Board shall notify each examinee of the examination results within 30 days of the examination.

(8) Issuance of License.

(a) Fee. The applicant shall pay the fee as established in Rule 190-X-.1-.18 for the issuance of a license.

(b) Time Limitation. An applicant shall not practice chiropractic until payment of the appropriate license issuance fee. An applicant who passes all required examinations but has not paid the license issuance fee and obtained a license within 12 months following the date of passing must reapply.

(c) Signatures Required and Effective Date. Each license shall be signed by the Executive Director and the President of the Board. The license shall be recorded with the judge of probate where the doctor practices as specified in the Code of Alabama 1975, 34-24-164, and evidenced by the return of the completed form or proof of recordation to the Board office.

Effective: 3/6/90, amended 5/91, amended 8/93, (3) amended 3/2009, amended 10/2012, (1) (2) (3) (4) (5) (6) (7) (8) amended 6/2013 amended 10/2014 (6) (b) (1.vi), amended (8) (a) 8/2015

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-160, 34-24-161; 34-24-163; 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended:** Filed March 22, 1994; effective April 26, 1994. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Amended:** Filed June 21, 2010; effective July 26, 2010. **Repealed and New Rule:** Filed January 16, 2013; effective February 20, 2013.

190-X-2-.02 **Expedited License to Practice Chiropractic For Military Members And Spouses.**

(1) The intent of this rule is to provide for the expedited issuance of a license to practice chiropractic to military service members and the spouses of military service members who are relocated to and stationed in Alabama and who are also qualified chiropractors.

(2) The board, at its discretion and pursuant to this rule, may issue a temporary license to practice chiropractic to a chiropractic applicant who is relocated to or stationed in this state under official military orders and who satisfies any of the following:

(a) Is an active duty, reserve, or transitioning member of the United States Armed Forces, including the National Guard;

(b) Is the spouse of an active duty, reserve, or transitioning member of the United States Armed Forces, including the National Guard; or

(c) Is the surviving spouse of a service member who, at the time of his or her death, was serving on active duty.

(3) For the purposes of this rule, a transitioning

service member is a member of the United States Armed Forces, including the National Guard, on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(4) A chiropractor must satisfy the requirements of paragraph (2) by providing the following:

(a) The active or reserve service member's official military orders;

(b) The transitioning service member's DD Form 214 or NGB Form 22; or

(c) The deceased service member's DD Form 214 or NGB Form 22 and death certificate if the chiropractor is the spouse of a service member; and

(d) A marriage certificate substantiating marriage to the service member if the chiropractor is the spouse of a service member.

(5) A chiropractor may receive a temporary license issued under paragraph (2) if he or she satisfies the requirements of paragraph (2) to the satisfaction of the board, and presents evidence satisfactory to the board of

all of the following:

(a) Possession of a full and unrestricted license to practice chiropractic issued by the appropriate chiropractic licensing board of another state, the District of Columbia, a territory of the United States, or a province of Canada;

(b) Must meet the criteria allowed in Code of Alabama 1975, 34-24-160 (d) and (e)

(c) Has never been convicted, received adjudication, community supervision, or deferred disposition of any felony offense or any crime related to fraud, violence, sexual violations, or the practice of chiropractic;

(d) Has never had his or her chiropractic license subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to the non-payment of fees related to a license;

(e) Is not currently under investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction; and

(f) Is a United States citizen, a national of the United States, or an alien lawfully present in the United States.

(6) A chiropractor who is issued a temporary license under this rule shall apply for a permanent license pursuant to Code of Alabama 1975, 34-24-160, within 12 months after the issuance of a temporary license.

a) A temporary license issued under these rules shall expire 12 months after the date of issuance if an application for a license pursuant to Code of AL 1975 34-24-160 has not been received by the board.

(b) Applicants for a temporary license under this rule shall not be required to pay the initial application fee.

(c) A temporary license may be issued by the Executive Director of the State Board of Chiropractic Examiners, or his or her designee, upon his or her satisfaction and certification of the requirements set forth in this rule.

(d) The temporary license shall clearly indicate that it is a temporary license for military service members or their spouses.

Author: Alabama Board of Chiropractic Examiners

Statutory Authority: Code of Alabama, (1975) § 34-24-162, §34-24-144 and State of Alabama Act 2022-92

History: New Rule: Published July 29, 2022; effective December 15, 2022

190-X-2-.03 **RESERVED**

Authority:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-160, 34-24-165.

History: Filed September 30, 1982. **Repealed:** Filed March 12, 2013; effective April 16, 2013.

190-X-2-.04 **RESERVED**

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-160, 34-24-161.

History: Filed September 30, 1982. **Amended:** Filed May 10, 1984; August 25, 1988; January 29, 1990. **Amended:** Filed March 22, 1994; effective April 26, 1994. **Amended:** Filed September 24, 1996; effective October 29, 1996. **Amended:** Filed April 19, 2002; effective May 24, 2002. **Amended:** Filed January 29, 2004; effective March 4, 2004. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Repealed:** Filed March 12, 2013; effective April 16, 2013.

190-X-2-.05 **RESERVED**

Author: Alabama Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-160, 34-24-161, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed September 12, 1983. **Emergency rule** filed December 19, 1983.

Amended: Filed February 16, 1984; May 10, 1984; November 6, 1987; April 15, 1988; January 29, 1990. **Amended:** Filed June 4, 1997; effective July 9, 1997. **Amended:** Filed September 18, 1997; effective October 23, 1997. **Amended:** Filed May 22, 1998; effective June 26, 1998. **Amended:** Filed December 13, 2001; effective January 17, 2002. **Amended:** Filed August 19, 2008; effective September 23, 2008.

Repealed: Filed March 12, 2013; effective April 16, 2013.

190-X-2-.06 **RESERVED**

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-1 - 34-24-6, 34-24-26, 34-24-144, 34-24-161, 34-24-163, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 19, 1988; January 29, 1990; May 21, 1991. **Amended:** Filed July 19, 1993; effective August 23, 1993. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Repealed:** Filed March 12, 2013; effective April 16, 2013.

190-X-2-.07 **No Temporary Permit Issued.** The filing of an application with this Board neither constitutes the issuance of a temporary license or non licensed owner nor grants any

other special privilege, except as provided in Rule 190-X-7-.02.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-145, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended:** Filed June 18, 2009; effective July 23, 2009.

190-X-2-.08 **Verification of Licensure.** Any permit holder or licensee who requires written verification of his/her Alabama permit or license may request certification upon the payment of a fee as established in Rule 190-X-.1-.18.

Effective: June 22, 1993, amended 8/2015

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended:** Filed May 18, 1993. Effective: June 22, 1993.

190-X-2-.09 **Recordation Of License.**

Each person issued a license shall comply with recording requirements of Code of Alabama 1975, §34-24-164 and furnish to the board documentation within 10 days of the recordation provided for in that section.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-1 - 34-24-6, 34-24-144, 34-24-164, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended** 6/2018

190-X-2-.10 **Display Of License.** Each chiropractor shall at all times display conspicuously in his/her principal office his / her initial certificate of licensure.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-1 - 34-24-6, 34-24-133, 34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990; **Amended** 10/2013

190-X-2-.11 Renewal Of License.

(1) Annual Renewal Required. Each license shall be subject to renewal on September 30 of the year for which it is issued and every person having a valid license may on or before September 30th renew the license for the ensuing year by completing the renewal application, submitting documentation as set forth below and with the payment to the State Board of Chiropractic Examiners of the fees set forth below.

(2) Continuing Professional Education Required. A minimum of 18 hours of continuing education as approved by the Alabama State Board of Chiropractic Examiners is required annually for license renewal.

(a) As a condition of licensure renewal, a chiropractor must obtain every year a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board rules. The two (2) hours are included in the minimum of 18 hours.

(b) Any individual who is initially licensed as a chiropractor in this state after October 1, 2011 shall complete as part of the continuing education requirement four (4) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board Rules as a condition of renewal for the year following their initial licensure.

(c) The requirement set forth in (a) and (b) above may be satisfied by distance-based continuing education in addition to the distance-based education allowed in paragraph (3)

(3) No more than one third (1/3) of the required hours may be completed in a distance based continuing education format which complies with the provisions of this rule. Annually shall mean October 1 - September 30 of each year. The Board may, in the Event of a National or State Declaration of Emergency, by majority vote suspend the requirement that only 1/3 of the required hours be obtained by distance-based formats, for the length of the declared emergency.

(a) All providers of distance based continuing education courses must be an entity approved by the Board as set forth by Board Rule 190-X-1-.19.

(4) The continuing educational requirement for the purpose of license renewal for any person who has graduated from a recognized CCE chiropractic college within the licensure year immediately preceding the licensure year indicated on the license renewal form except hours required in (2)(b) above may be met through attendance at a recognized CCE chiropractic college (a minimum of 18 hours). This applies only to the first license renewal period after initial licensing.

During the grace period (October 1 to December 31) for renewal, a licensee may complete any continuing education requirements for renewal that the licensee failed to complete during the prior fiscal year. Hours obtained during the grace period do not qualify or apply to the deferral procedure outlined below. Hours must be received in the board office before January 1 to avoid reinstatement.

(5) Educational Requirement May Be Waived Or Deferred.

(a) A licensee who cannot complete the continuing educational requirements because of personal physical illness or disability, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose a hardship may apply for a waiver or deferral of time to complete the continuing education requirements. Any waiver or deferral of time to complete the education requirements will be granted solely in the discretion of the board.

(b) A licensee seeking a waiver or deferral must make application on the form provided by the Executive Director of the Board, prior to the December 31 license expiration for completion of the education requirement. For waivers or deferrals due to illness, the application form must be accompanied by a written statement from a physician stating the diagnosis, prognosis and length of time the licensee will be unable to practice or attend an educational program. Waivers or deferrals due to personal physical illness or disability may be granted only to a licensee who has suffered a personal illness or personal disability of a nature that prevented or will prevent him/her from engaging in the active practice of chiropractic for a significant portion of the continuing education period.

(c) All licensees seeking waiver or deferral shall provide full and complete written documentation of the grounds supporting the reasons for which a deferral is sought. A licensee who requests a waiver or deferral of time

to complete the required hours of continuing education shall not engage in the active practice of chiropractic beyond December 31 of any year and until the board grants the licensee's request for wavier or deferral.

(6) Renewal Fee Required.

(a) A licensee shall pay the fee as established in Rule 190-X-.1-.18. The renewal fee may be paid by cashier check, certified check, money order, or credit card.

(b) A licensee who is prevented from practicing chiropractic by reason of physical disability, temporary active duty with any of the armed forces of the United States, or while any licensee is completely retired from the practice of chiropractic may request a waiver or reduction of the fee for annual renewal. The waiver or reduction shall be effective so long as the disability, temporary active duty or complete retirement continues. Licensee must notify the Board within fifteen (15) days from the onset of any claimed physical disability, temporary active duty or complete retirement as set forth above. Licensee shall notify the Board within fifteen (15) days when any such condition no longer is applicable. Forms for waiver or reduction of fees must be obtained from the Office of the Executive Director.

(7) Late Penalty. A penalty shall be charged any person who fails to complete the renewal by September 30 as established in Rule 190-X-.1-.18.

(8) A chiropractor may continue to practice until December 31 of the year for which a license is issued subject to Code of Ala. 1975, Section 34-24-165(b).

(9) The license of any chiropractor who fails to renew on or before January 1st shall be automatically suspended. Any chiropractor whose license is automatically suspended shall be allowed reinstatement if on or before January 31st the chiropractor submits documentation of compliance for conditions of renewal and submits payment of the applicable reinstatement fee. Any chiropractor who seeks reinstatement due to nonrenewal after January 31st shall comply with the requirements of Code of Alabama 34-24-176.

Effective: 3/6/90, (1) amended 5/91, (4) amended 8/96, (4) amended 1/97, (1) amended 7/12/97, (4) amended 6/98, (6) amended 5/99, (1) (3) (4) (5) (6) amended 1/2000, (4) amended 12/2000, (2) (3) amended 2/2001, (2) amended 3/2002, (2) (d), (3), (4) amended 8/2003, (2) (a) (b) (c) (d) (e) 1/2004,

(2) (a) (c) (e), (3) (a) (b) amended 6/2006, (1) (2) (a) amended 10/06; (6) (a) amended 1/09, (1) (5) (6) (b) amended 3/2009, (2) (b) (c) (6) (c) amended 10/2011, (6) (a) amended 6/2012, (2) (a) (c) amended 10/12, (1) (3) (a) (b) (4) (5) (a) (7) amended 6/2013, amended (2) (6) (a) (7) (8) 8/2015, amended 11(3) 9/2020

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-172, 34-24-176.

History: Filed September 30, 1982. **Amended:** Filed February 16, 1984; March 6, 1985; December 2, 1986; January 29, 1990; May 21, 1991. **Amended:** Filed September 11, 1996; effective October 16, 1996. **Amended:** Filed June 4, 1997; effective July 9, 1997. **Amended:** Filed September 18, 1997; effective October 23, 1997. **Amended:** Filed September 29, 1998; effective November 3, 1998. **Amended:** Filed September 7, 1999; effective October 12, 1999. **Amended:** Filed June 12, 2000; effective July 17, 2000. **Amended:** Filed March 6, 2001; effective April 10, 2001. **Amended:** Filed May 23, 2001; effective June 27, 2001. **Amended:** Filed June 14, 2002; effective July 19, 2002. **Amended:** Filed November 6, 2003; effective December 11, 2003. **Amended:** Filed April 15, 2004; effective May 20, 2004. **Amended:** Filed June 15, 2006; effective July 20, 2006. **Amended:** Filed January 19, 2007; effective February 19, 2007. **Amended:** Filed January 29, 2009; effective March 5, 2009. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Amended:** Filed January 20, 2012; effective February 24, 2012. **Amended:** Filed October 18, 2012; effective November 22, 2012. **Amended:** Filed January 16, 2013; effective February 20, 2013. **Amended:** Filed: September 16, 2020; effective February 14, 2021

190-X-2-.12 Reinstatement Of Lapsed License/Clinic Permit

Any chiropractor who has not renewed their license by December 31st of any year or who has not reinstated their license by January 31st of the following year who desires to return to the active practice of chiropractic shall submit an application for reinstatement and a nonrefundable reinstatement fee and penalty as established in Rule 190-X-.1-.18. In addition, the applicant shall possess good moral character and meet the educational requirements existing at the time of initial licensure. As a condition of reinstatement, the board may require the completion a designated number of continuing education hours, the

successful completion of a refresher course(s) at an accredited chiropractor college approved by the board, passing of a law exam or all of the above. The board shall also require any other requirements imposed by any applicable statutory provision.

Any permit holder who has not renewed the permit by December 31 of any year or who has not reinstated the permit by January 31 of the following year who desires to continue operation of their practice shall submit an application for reinstatement and a non-refundable reinstatement fee and penalty as established in Rule 190-X-.1-.18. In addition the applicant shall possess good moral character and meet the requirements existing at the time the initial permit was issued. The Board shall also require any other requirements imposed by any applicable statutory provision.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-172.

History: Filed September 30, 1982. **Amended:** Filed June 12, 2000; effective July 17, 2000. **Amended:** Filed November 6, 2003; effective December 11, 2003. **Amended:** Filed June 18, 2009; effective July 23, 2009. Amended: 6/2015

190-X-2-.13 **Replacement License/Permit, Name Change or Duplicate.**

(1) Replacement

(a) Replacement license/permit must be requested in writing. The request for replacement must include the reason for request.

(b) Replacement license/permit must be marked "replacement license/permit."

(c) Replacement license/permit should contain date that original license/permit was issued and must be signed by the Board President and the Executive Director and contain the date the duplicate is issued.

(d) Fee to be set by the Board.

(2) Change of name on License/Permit.

(a) Any individual desiring a change of name on their license/permit must notify the Board in writing and enclose the following:

- (i) The reason for the name change (i.e. the legal document used to change the name.)
- (ii) Original license/permit, if available.
- (iii) Fee to be set by the Board

(b) The original license/permit will be destroyed upon issuance of a new license/permit so marked as "change of name license/permit."

(3) Duplicate.

(a) Duplicate license/permit must be requested in writing. The request for duplicate must include the reason for request.

(b) Duplicate license/permit must be marked "Duplicate license/permit."

(c) Duplicate license/permit should contain date that original license/permit was issued and must be signed by the Board President and the Executive Director and contain the date the duplicate is issued.

(d) Fee to be set by the Board.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-1 - 34-24-6, 34-24-22, 34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed May 18, 1992. **Amended:** Filed January 29, 2009; effective March 5, 2009. **Amended:** Filed April 13, 2010; effective May 18, 2010. **Amended:** Filed June 1, 2011; effective July 6, 2011. **Amended:** Filed October 18, 2012; effective November 22, 2012. Amended: 6/2015

190-X-2-.14 Retirement Of License.

(1) Any licensee who is no longer in active practice may apply to the Board for retirement of his/her license by submitting an affidavit to that effect on a form supplied by the Executive Director.

(2) A retiree is excused from the continuing education requirement of Rule 190-X-2-.11(2).

(3) The annual renewal fee for maintenance of a retired license may not be more than one-half that provided for an active license.

(4) A retired license shall be automatically suspended if not renewed on or about January 1st. Any chiropractor whose license is automatically suspended shall be allowed reinstatement if on or before January 31st the chiropractor submits documentation of compliance for conditions of renewal and submits payment of the applicable reinstatement fee. Any chiropractor who seeks reinstatement due to nonrenewal after January 31st shall comply with the requirements of Code of Alabama 34-24-176.

Effective: 6/14/84, (3), (5) amended 8/2003, (4) (5) amended 10/2006, (1) amended 3/2009, (3) (4) amended 6/2013, (4) amended 8/2015

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed May 10, 1984. **Amended:** Filed November 6, 2003; effective December 11, 2003. **Amended:** Filed January 19, 2007; effective February 19, 2007. **Amended:** Filed June 18, 2009; effective July 23, 2009.

190-X-2-.15 Licensure By Reciprocity.

(1) The Board may license an applicant if the applicant is licensed in another state which under like condition grants reciprocal licensure without examination to chiropractors duly licensed by examination in this state, and that in the opinion of the board, has standards of practice or licensure equal to or stricter than the requirements imposed by this state subject to the following conditions:

(a) The applicant for licensure by reciprocity must possess a license in good standing in all states in which the applicant is licensed. At the time of the application, the applicant must have practiced chiropractic for at least five (5) years and for the preceding three (3) years the applicant must have been actively licensed and practicing chiropractic in the reciprocating state.

(b) The applicant must not be the subject of any pending complaint or investigation in any state or jurisdiction in which the applicant holds or has held a license. The applicant must provide all information, including any information or documentation requested by the Board, in connection with any pending complaint or investigation for the Board's review. The pendency of any complaint or investigation may be considered by the Board as a reason for denying licensure by reciprocity.

(c) The applicant must not have been disciplined in any state in which he or she holds or has held a license resulting from conduct which would constitute a violation of any of the grounds set forth in Code of Ala. 1975, Section 34-24-166.

(d) The applicant shall not have been convicted of a felony or misdemeanor involving moral turpitude. A plea of nolo contendere shall be considered a conviction.

(e) The applicant must be current with continuing education requirements of the other state.

(f) The applicant must not have been found guilty of any actions in any state which could have resulted in discipline pursuant to Code of Ala. 1975, §34-24-166.

(2) The applicant must complete all forms required by the Board including but not limited to an application for licensure by reciprocity. In addition, as part of the application process, and in order for the application to be considered complete, it shall be the responsibility of the applicant to submit the following:

(a) All applicable fees.

(b) Certification from the Board in each state where the applicant is currently licensed or previously held a license that the applicant's license is currently in good standing or was during the time the applicant possessed such a license. This certification from the Board(s) shall also include a statement that the applicant is in compliance with the provisions of paragraph (1) (a)-(c) above.

(c) any and all available information pertaining to the examination taken by the applicant which resulted in licensure in the other state(s).

(d) a certified transcript of applicant's chiropractic college grades sent directly from the school.

(e) a certified transcript of any National Board examinations sent directly from NBCE.

(f) An affidavit attesting to the applicant's compliance with all the provisions of this rule.

(3) In addition to the requirements listed above, the Board may, as a requirement of the application process, require the applicant to appear for a personal interview.

(4) The Board may consider as part of the application process whether the applicant has ever failed a licensure examination and the applicant shall be required to submit any documentation requested by the Board in connection with such failure.

(5) The Board may consider as part of the application process whether the applicant has ever been denied licensure in any state, regardless of the type of licensure. Upon request of the Board, the applicant shall submit any documentation in connection with such denial.

(6) Any applicant for licensure by reciprocity as a condition to the granting of such license must successfully pass an Alabama jurisprudence examination.

Author: S Bolton

Statutory Authority: Code of Ala. 1975, §§34-24-140, 34-24-161.

History: New Rule: Filed November 16, 1994; effective December 21, 1994. **Repealed:** Filed January 19, 2001; effective February 23, 2001. **New Rule:** Filed

November 6, 2003; effective December 11, 2003. **Amended:** Filed August 24, 2006; effective September 28, 2006.

Amended: Filed October 19, 2010; effective November 23, 2010.

190-X-2-.16 Inactive License (Out of State).

(1) Any licensee who is in active practice outside the state of Alabama may apply to the Board for an Inactive (Out of State) License.

(2) A inactive license must complete renewal as provided in rule 190-X-2-.11(1) (2) (3) (4) (5).

(3) The annual fee for an inactive license shall be one-half of the amount required by 190-X-2-.11(6).

(4) Any licensee who desires to change the status of their license from Inactive to Active shall submit a Status Change Application and any required documentation to the Board. The applicant must receive a renewal card reflecting Active status prior to any actual practice in Alabama. Failure to comply with this requirement may constitute unprofessional conduct as provided in rule 190-X-5-.05.

Effective: 10/2003, amended (3) (4) 3/2006; amended (4) 9/2011, amended (2) (3) 6/2013

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-140, 34-24-165.

History: New Rule: Filed November 6, 2003; effective December 11, 2003. **Amended:** Filed June 15, 2006; effective July 20, 2006. **Amended:** Filed January 20, 2012; effective February 24, 2012.

190-X-2-.17 Non-Licensed Chiropractic Practice Ownership.

(1) Definition. For the purpose of this rule, practice shall mean an office, clinic or other place that offers or provides chiropractic services which is owned in whole or in part by a non-licensed person or entity.

(2) Permit Required.

(a) A practice shall not offer or provide chiropractic services without all non-licensed owners' first obtaining a permit or renewal permit from the Board.

(b) An applicant for a permit shall submit to the Board an application as prescribed by the Board, along with a permit fee and an examination fee in the amounts set forth by Board Rule. The application must be signed by all owner(s), if a sole proprietorship, or by an authorized representative, if a partnership, corporation, Limited Liability Company or Limited Liability Partnership.

Each applicant shall be of good moral character, a citizen of the United States or, if not a citizen of the United States,

a person who is legally present in the United States with appropriate documentation from the federal government.

(c) The following information shall be included in the application and upon renewal:

1.The legal name of the practice and street address, telephone and facsimile numbers of the practice;

2.The type of entity (Sole proprietorship, partnership, corporation, Limited Liability Company, or Limited Liability Partnership);

3.The name, address and percentage of ownership of each person or entity;

4.The name and license number of each chiropractor licensed by the Board who is employed or otherwise engaged to offer or provide chiropractic services at the practice. Each such applicant, i.e. the individual or the person most directly involved should be of good moral character.

(d) As a condition of the issuance of the initial non-licensed permit, the applicant if an individual(s) or if an entity the person(s) who will be most directly involved in the operation of the practice shall successfully pass a jurisprudence examination to be administered by the Board.

(e) No permit or renewal will be issued on an incomplete submission. Applications or renewals that are submitted without all of the required documents, information and/or fees will be deemed incomplete and returned to the applicant.

(f) Practice permits shall not be required for licensed hospitals as defined in Sections 22-21-7, Code of Ala. 1975.

(g) Late Fees. A practice which does not renew the permit by September 30 shall pay late fees in the same amount as outlined in Board Rule 190-X-1-.18(9).

(h) Continuing Education Required. As a condition for renewal of a non licensed permit, the clinic owner(s) if an individual(s) or if an entity the person(s) who will be most directly involved in the operation of the practice shall

obtain a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulations and compliance with the Alabama Chiropractic Practice Act and Board Rules between October 1 and September 30 of each year.

(i) The clinic owner(s) of any non licensed clinic that is initially issued a permit in this state after October 1, 2011 shall complete as part of the continuing education requirement four (4) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board Rules as a condition of renewal for the year following the initial permit issuance.

(3) Any licensed chiropractor who offers or provides chiropractic services for or in a practice as defined in this rule without said practice having first obtained a permit or a timely renewal shall be considered in violation of the Alabama Chiropractic Practice Act. A practice permit shall be subject to the provisions of the Alabama Chiropractic Practice Act in regard to issuance and renewal of the permit or the acts or omission of any licensed chiropractor employed or otherwise engaged to offer or provide chiropractic services.

(4) A clinic may continue to operate until December 31 of the year for which a permit is issued subject to Code of Ala. 1975, Section 34-24-165(a).

(5) The permit of any non licensed owner who fails to renew on or before January 1st shall be automatically suspended. Any non licensed owner whose permit is automatically suspended shall be allowed reinstatement if on or before January 31st the non licensed owner submits documentation of compliance for conditions of renewal and submits payment of the applicable reinstatement fee. Any non licensed owner who seeks reinstatement due to nonrenewal after January 31st shall comply with the requirements of Code of Alabama 34-24-176.

Effective: 10/1/04, amended (7) 10/06, (6) (7) (8) amended 3/08, amended (4) 6/2010, (2) (b) (c) (4) (f) (4) amended 6/2013, (2) (g), (4), (5) amended 10/2015, (2) (i) amended 10/2016

Author: J Ward

Statutory Authority: Code of Ala. 1975, §§34-24-123, 34-24-165.

History: New Rule: Filed December 8, 2004; effective January 12, 2005. **Amended:** Filed January 19, 2007; effective February 19, 2007. **Amended:** Filed June 13, 2008; effective July 18, 2008. **Amended:** Filed June 21, 2010; effective July 26, 2010; (g) (h) (i) amended 11/2013, amended 6/2018 (c) (4) (g)

190-X-2-.18 Inspections.

(a) Whenever the Board determines as a result of a complaint that there is probable cause for doing so, the Board may inspect the practice location or records of any chiropractor or permit holder.

(b) Any of the inspections referenced above may be conducted by a Board member(s) or any duly authorized representative of the Board.

(c) The Board may, after Notice and hearing provided for in this chapter, refuse to grant a license or permit or any renewal thereof or to impose disciplinary sanctions outlined in this chapter if any applicant, licensee or permit holder refuses to allow any inspection as set forth above.

Author: J Ward

Statutory Authority: Code of Ala. 1975, §§34-24-123, 34-24-165.

History: New Rule: Filed March 11, 2009; effective April 15, 2009.

190-X-2-.19 Application; Licensure by Credentials.

(1) **Definitions:** The following definitions shall apply to these rules:

(a) **LICENSURE BY CREDENTIALS.** Licensure by credentials is to be used to evaluate the theoretical knowledge and clinical skill of a chiropractor when an applicant holds a chiropractic license in another state.

(b) **BOARD.** Board shall mean the Board of Chiropractic Examiners of Alabama.

(c) **ACT.** Code of Alabama, (1975)§ 34-24-120 et seq.

(2) To be eligible for licensure by credentials in the State of Alabama, the applicant shall meet the provisions of Code of Alabama, (1975) § 34-24-162.1 and this Rule, which are as follows:

(a) The chiropractor must have been engaged in the active practice of chiropractic or in full time chiropractic education for no less than five thousand (5,000) hours over the five (5) year period immediately preceding the application.

(b) The applicant shall possess a current, valid, unrevoked, unexpired and unlimited license issued by another State Board of Chiropractic. In addition, the applicant shall have passed an initial licensure examination acceptable to the Board which was at least equivalent to the examination required by the Board for applicants for licensure by examination at the time of their application.

(c) The Board of Examiners in the state of current practice shall verify or endorse that the applicant's license is in good standing without any restrictions.

(d) The chiropractor shall not be the subject of pending or final disciplinary action in any state in which the individual has been licensed which shall be verified through inquiry to the National Practitioner Data Bank, the Health Integrity Protection Data Bank, the Federation of Chiropractic Licensing Board CINBAD Databank for Disciplinary Information, or any other pertinent Bank currently existing or which may exist in the future.

(e) The applicant shall provide a written statement agreeing to be interviewed at the request of the Board.

(f) The applicant must successfully pass a written jurisprudence examination to be designed and administered by the Board.

(g) The applicant shall submit affidavits from two licensed chiropractors practicing in the same geographical area where the applicant currently is practicing or teaching attesting to the applicant's moral character, standing, and ability.

(h) The applicant must complete an application for licensure by credential.

(i) Upon the Board's request, the applicant shall execute any necessary release or authorization to obtain information in connection with the application or the requirements of this rule.

(j) The applicant must be a graduate of a chiropractic school or college approved by the board and shall provide the Board with an official transcript with school seal from the school of chiropractic which issued the applicant's professional degree or execute a request and authorization allowing the board to obtain the transcript.

(k) The applicant must not be the subject of any pending or final action from any hospital revoking suspending, limiting, modifying, or interfering with any clinical or staff privileges.

(l) The applicant must not have been convicted of a felony, a misdemeanor involving moral turpitude, any offense relating to controlled or legend drugs or any offense which would interfere with or impair the ability to practice chiropractic with reasonable skill and safety to his or her patients.

(m) The board may consider or require other criteria including, but not limited to, any of the following:

1. Questioning under oath.
2. Results of peer review reports from constituent chiropractic societies or federal chiropractic services.
3. Substance abuse testing or treatment.
4. Proof of no physical or psychological impairment that would adversely affect the ability to practice chiropractic with reasonable skill and safety.
5. Participation in continuing education.
6. Background checks for criminal or fraudulent activities.
7. An agreement to initiate practice within the State of Alabama within a period of one year.
8. Proof of professional liability coverage and that coverage has not been refused, declined, cancelled, nonrenewed, or modified.
9. In the event an applicant has or is practicing in a state which allows an applicant to prescribe

or administer drugs, the applicant has not been the subject of any disciplinary action or is subject to the pendency of any disciplinary action or enforcement proceeding of any kind in connection with these activities. This section applies regardless of whether or not a separate permit or license was issued to engage in the described activities.

(3) The Board may refuse to grant a license to an applicant who does not comply with the requirements of 34-24-166(a) or who has engaged in any acts constituting the grounds for discipline pursuant to Code of Alabama, (1975) § 34-24-166(b).

(4) An applicant shall submit to the Board with the application, a non-refundable fee to be determined by the Board. If an applicant is granted a license, this fee includes the licensing fee for the first licensing year.

(5) An applicant granted a license by credentialing will be subject to the Act and all Board rules.

If all criteria and requirements are satisfied and the Board determines, after notice and hearing, that the individual committed fraud or in any way falsified any information in the application process, the license may be revoked by the Board or the Board may impose other disciplinary sanctions allowed by the provisions of the Act.

Amended 1/09; 4/2016 (2), (2) (b)

Author: Board

Statutory Rulemaking Authority: Code of Alabama, (1975) § 34-24-162.1 and §34-24-144

CHAPTER 190-X-3 SPECIALTY CERTIFICATION

190-X-3-.01 Acupuncture.

(1) Definition. Acupuncture as used in this rule means a modality consisting of stimulating various points on or within the human body or interruption of the cutaneous integrity by specific needle insertion.

(2) Practice Permitted. No person licensed to practice chiropractic in Alabama shall practice Acupuncture unless they have complied with the following requirements:

(a) A minimum of one hundred hours of study.

(b) Pass an examination administered by a school or college of chiropractic approved by the Board or pass the National Board of Chiropractic Examiners Acupuncture examination.

(3) Statement of Policy. It is the policy of the Board to approve the course of study in acupuncture at any accredited college of chiropractic, the general curriculum of which has previously been approved by the Board, which teaches acupuncture as a part of its curriculum and which stages examinations for certification.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-120, 34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990; May 18, 1992. **Amended:** Filed August 13, 2007; effective September 17, 2007.

190-X-3-.02 **Chiropractic Physiological Therapeutics.**

(1) Definition. Chiropractic Physiological Therapeutics includes, but is not limited to, modalities which produce electrical current, light, air, water, thermal (hot and cold), percussion, vibration, traction, massage, sonic wave; colonic irrigation, and rehabilitation equipment (bracing and casting).

(2) Practice Permitted. No person licensed to practice chiropractic in Alabama shall practice Chiropractic Physiological Therapeutics unless they have complied with the following requirements:

(a) A minimum of one hundred twenty hours of study.

(b) Pass an examination administered by a school or college approved by the Board or pass the National Board of Chiropractic Examiners Physiotherapy examination. This applies to all persons licensed to practice chiropractic in

Alabama who matriculated in a chiropractic college on or after January 1, 1988.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-120, 34-24-144, 34-24-165.**History:** Filed January 29, 1990.

Amended: Filed November 20, 1990. **Amended:** Filed August 13, 2007; effective September 17, 2007.

190-X-3-.03 **REQUIREMENTS FOR CERTIFICATION TO PERFORM DRY NEEDLING**

(1) Definition. Dry Needling is a technique within the scope of chiropractic medicine where the practitioner uses a filiform needle to stimulate trigger points and treat neuromuscular pain and deficit in functional movement. Dry Needling is appropriately indicated only after an examination and diagnosis consistent with its use where specific anatomical entities are identified according to physical signs.

Dry Needling does not include stimulation of auricular or distal points nor auricular detoxification, the latter being strictly limited to the five ear-part treatment protocol for detoxification, substance abuse or chemical dependency as set out by the National Acupuncture Detoxification Association.

(2) Must complete in order to perform Dry Needling, a licensed chiropractor:

(a) Must be certified and maintain certification in acupuncture as mandated by Board Rule 190-X-3.01 and any future amendment thereto; and/or

(b) Submit documentation of completion of a Dry Needling course of study approved by the Board, which at a minimum shall include 12 hours of live face to face Dry Needling study.

Online or distance based courses do not qualify as an approved course of study.

(3) Specific and written informed consent shall be obtained prior to performing Dry Needling and made a permanent part of the patient's record. At a minimum, the informed consent must include risks and

benefits of the procedure(s).

In addition, the patient record must clearly indicate and document the performance of the procedure(s), how the patient tolerated the procedure(s) and outcome. This documentation shall be in addition to the record keeping requirements of Board Rule 190-X-5.09, any future amendments or any requirements adopted in the future.

(4) Dry Needling is a non-delegable procedure to be performed only by licensed chiropractors meeting the requirements of this Rule.

(5) Dry Needling must be performed in a manner consistent with generally accepted standard of practice to include clean needle techniques and all applicable standards relating to infection control.

(6) Upon request by the Board, any licensed chiropractor performing Dry Needling must submit within 10 days documentation demonstrating compliance with this Rule, to include but not limited to the required informed consent, sampling of patient records and infection control procedures. Failure to provide the requested information may result in the Board taking appropriate measures to prevent the licensed chiropractor from performing Dry Needling until compliance is demonstrated in addition to any other disciplinary action deemed appropriate.

Author: Board

Statutory Rulemaking Authority: Code of Alabama, (1975) § 34-24- 144 and §34-24-165

History: New Rule: Filed August 20, 2018; Effective November 19, 2018

Amended January 18, 2019; Effective May 17, 2019

CHAPTER 190-X-4 DISCIPLINARY ACTIONS

190-X-4-.01 Complaints.

(1) Complaints alleging any violation of the laws of the State of Alabama or rules of this Board may be lodged by any person with the Executive Director by submitting a written complaint. A copy of a complaint form is available on the Board's website.

(2) In carrying out its investigations, the Board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence and materials as set forth in Code of Ala. 1975, Section 34-24-140.

(3) At any time during the course of an investigation, the Board may, within its discretion, issue a Letter of Concern to the licensee or permit holder who is the subject of the investigation. A Letter of Concern shall consist of a private, confidential, written communication from the Board to the licensee or permit holder, the contents of which shall be specified by the Board. A Letter of Concern shall not be considered a disciplinary action and is not intended to communicate a finding on the part of the Board that a licensee to whom the Letter of Concern is directed will be charged with or has been found guilty of wrong doing. The purpose of the Letter of Concern is to provide notice to the licensee or permit holder under investigation that the Board has concluded that the alleged actions or conduct in question may not be in accord with provisions of Code of Ala. 1975, Section 34-24-120 et seq.

The issuance of a Letter of Concern shall not preclude the Board from taking any other action authorized by law. A Letter of Concern shall be deemed a non-public record under the provisions of Rule 190-X-1-.06. The board shall notify the person or persons whose complaint led to the Board's decision to send a Letter of Concern. The Board may make public statistical reports concerning the number and type of Letters of Concern issued by the Board.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-167.

History: Filed September 30, 1982. **Amended:** Filed June 12, 2000; effective July 17, 2000. **Amended:** Filed April 19, 2002; effective May 24, 2002. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Amended:** (1) (2) 10/2013

190-X-4-.02 Complaint Investigation Procedure.

(1) In the event a complaint is filed against a licensee or permit holder, or it is determined from other information that an investigation is necessary, the procedure for investigation shall be as follows:

(a) The complaint or other information will be investigated by a committee.

(b) if the committee determines after its investigation that probable cause exists, the procedure outlined in Code of Ala. 1975, Section 34-24-120 et seq. shall be followed. In the event the committee determines that probable cause does not exist, no further action will be taken and the complaint will be considered closed.

Author: Steve Dodd, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-167.

History: Filed September 30, 1982. **Emergency rule** filed June 21, 1989. **Amended:** Filed August 16, 1989; August 18, 1992. **Amended:** Filed September 11, 1996; effective October 16, 1996. **Amended:** Filed September 5, 2000; effective October 10, 2000. **Amended:** Filed April 19, 2002; effective May 24, 2002. **Amended:** Filed August 24, 2006; effective September 28, 2006.

190-X-4-.03 **RESERVED**

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-167, 41-22-12(1).

History: Filed September 30, 1982. **Amended:** Filed January 19, 1988; January 29, 1990. **Repealed:** Filed June 12, 2000; effective July 17, 2000.

190-X-4-.04 **Pre-Hearing Discovery.**

(1) Any party to a contested case before the Board may seek discovery by the filing of a motion or request with the Board's Hearing Officer. It shall be within the discretion of the Board's Hearing Officer to allow any such discovery.

(2) The method(s) or type(s) of discovery allowed and/or any limitations or conditions of the same shall be within the discretion of the Board's Hearing Officer; however, interrogatories or request for admissions shall not be allowed.

(3) The Board's Hearing Officer shall also have the authority to perform those acts set forth in Code of Alabama, (1975) §41-22-12(e).

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed June 12, 2000; effective July 17, 2000. **Amended:** (1) (2) (3) 11/2013

190-X-4-.05 Disciplinary Hearings.

(1) Conduct of Hearing.

Hearing Officer. The Board shall appoint a person to act as an impartial hearing officer at any disciplinary hearing. Such hearing officer shall preside at the hearing and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary.

(2) The procedure and format of the hearing shall be the same as that utilized in non-jury civil cases in the Circuit Courts of this State. Additionally, the Board is allowed the right to examine any witness called by either party.

(3) Order. The Board shall render a final Order within forty-five (45) days of the date of the hearing, which shall be in writing and made part of the record and include findings of fact and conclusions of law specifically stated. The licensee and/or permit holder shall be delivered a copy of the Order by certified mail, return receipt requested, and a copy shall be mailed first class to the attorney of record.

(4) Evidence. Evidence shall be admitted in accordance with Code of Alabama, 1975 41-22-13 and 34-24-173.

(5) Emergencies. The Board may in any emergency situation, when danger to the public health, safety, and welfare requires, suspend a license and/or permit without hearing or with an abbreviated hearing in accordance with the Code of Alabama 1975 41-22-19(4) and 34-24-174(c).

(6) Other. The hearing shall otherwise be conducted in compliance with the provision of the Alabama Administrative Procedures Act.

Author: Steve Dodd, Assistant Attorney General
Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-168, 41-22-13, 41-22-16(3).
Effective: 3/6/90, amended 9/92, (a) (f) (g) (h) amended 5/99, (1) (f) (2) (4) amended 3/2009, (1) (a) (b) (c) (d) (e) (f) (2) (3) (4) (5) amended 8/2013, amended 4/2019 (3) amended filed 7/25/2019; effective 9/8/2019

190-X-4-.06 Discipline.

(1) Upon a finding that a licensee or permit holder has violated any enumerated provision of Code of Ala. 1975, §§34-24-123, 34-24-161(e), or 34-24-166, or any rule adopted pursuant thereto, the Board may invoke disciplinary action as outlined in §34-24-166(c). Failure to comply with any final order of the board, including, but not limited to, an order of censure or probation, is cause for suspension or revocation of the license or permit.

(2) Fines. Upon finding that a licensee or permit holder has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following schedule of fines for each such violation. The Board shall not renew the annual certificate of registration of any licensee or permit holder against whom an administrative fine has been assessed by the Board until the fine is paid in full.

(a) The Board may impose a fine not to exceed \$4,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class A violation):

1. Section 34-24-166(b) (1);
2. Section 34-24-166(b) (2);
3. Section 34-24-166(b) (3);
4. Section 34-24-166(b) (4);
5. Section 34-24-166(b) (5);
6. Section 34-24-166(b) (6);
7. Section 34-24-166(b) (9)
8. Section 34-24-166(b) (10);
9. Section 34-24-166(b) (11);
10. Section 34-24-166(b) (12);
11. Section 34-24-166(b) (13); and
12. Section 34-24-166(b) 15.

(b) The Board may impose a fine not to exceed \$2,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class B violation):

1. Section 34-24-166(b) (7); and
2. Section 34-24-166(b) (8);

(c) The Board may impose a fine not to exceed \$1,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class C violations):

1. Section 34-24-166(b) (14);
2. Section 34-24-166(b) (16); and
3. Section 34-24-166(b) (17).

(3) Additional Discipline. Upon finding the licensee or permit holder has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following additional penalties:

- (a) Revoke the license or permit.
- (b) Suspend the license or permit.
- (c) Enter a censure on the license or permit.
- (d) Place the license or permit on probation fixing a period and terms best adapted to protect the public health and safety and to rehabilitate the licensee.
- (e) Impose restrictions on the scope of practice of the licensee.
- (f) Impose peer review
- (g) Impose professional education requirements.
- (h) Issue a reprimand to the licensee or permit holder.
- (i) Order and direct a licensee to submit to a physical, mental or lab examination as outlined in §34-24-166.

(4) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution

of its order to revoke or suspend respondent's license or permit.

(5) Considerations. In determining whether disciplinary action should be invoked, or whether a fine should be imposed and in what amount, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors, including, but not limited to, the following:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of repetitions of offenses;
- (d) the length of time since the violation;
- (e) the number of complaints filed against the licensee or permit holder;
- (f) the length of time the licensee has practiced or permit holder has had permit;
- (g) the actual damage, physical or otherwise, to the patient;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the licensee's or permit holder's livelihood;
- (j) any efforts of rehabilitation; and
- (k) any other mitigating or aggravating circumstances.

Effective: 8/5/89, amended 7/6/93, (a) (b) (c) amended 5/99, (a) (b) (c) amended 1/2001, amended 8/2003, amended 6/06, (2) (a) (c) amended 3/08, (3) (a) (b) (d) (4) (5) (e) (f) (i) amended 3/2009, (2) (a) (c) (3) amended 6/2013, amended 01/2017 (2) (a) (b) (c)

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §34-24-144, 34-24-165.

History: Filed September 30, 1982. **Emergency rule** filed June 21, 1989. **Amended:** Filed August 16, 1989. **Amended:** Filed May 18, 1993; effective June 22, 1993. **Amended:** Filed

September 7, 1999; effective October 12, 1999. **Amended:** Filed May 23, 2001; effective June 27, 2001. **Amended:** Filed November 6, 2003; effective December 11, 2003. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Amended:** Filed June 13, 2008; effective July 18, 2008. **Amended:** Filed June 18, 2009; effective July 23, 2009.

190-X-4-.07 **Costs.**

(1) Upon a finding that licensee or permit holder has violated any enumerated provision of Code of Ala. 1975, § 34-24-120 et seq., or any rule adopted pursuant thereto, the Board may impose the following costs against any person whose license or permit is refused, revoked, or suspended, and/or against who any fine has been imposed.

(a) The Board may impose costs in the amount of up to \$8,000 in connection with any hearing held in connection with the refusal of a license pursuant to Code of Ala. 1975, §34-24-166(a).

(b) The Board may impose costs for the actual amount incurred not to exceed \$8,000 for each violation of any of the provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166, 34-24-170.

History: Filed September 30, 1982. **Amended:** Filed December 2, 1986. **Emergency rule** filed June 21, 1989.

Amended: Filed August 16, 1989. **Amended:** Filed May 18, 1993; effective June 22, 1993. **Amended:** Filed May 22, 1998; effective June 26, 1998. **Amended:** Filed September 29, 1998; effective November 3, 1998. **Amended:** Filed November 6, 2003; effective December 11, 2003.

Amended: Filed August 24, 2006; effective September 28, 2006. Amended (1)(b) 6/2018

190-X-4-.08 **RESERVED**

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-172.

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended:** Filed December 14, 2000; effective January 18, 2001. **Amended:** Filed November 6, 2003; effective December 11, 2003. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Repealed:** Filed; effective November 23, 2015.

190-X-4-.09 **Conflict And Bias.**

(1) No Board member shall participate in any disciplinary hearing before the Board or vote in such a hearing who has a disqualifying conflict or bias against the licensee or permit holder who is the subject of the hearing.

(2) Any challenge to a Board member(s) participation based upon any alleged conflict or bias shall be filed within the time set for the filing of Motions as established by the Hearing Officer. Any such challenge must be accompanied by an affidavit(s) stating with specificity the basis for the alleged conflict or bias.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 41-22-18(1).

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended:** Filed June 18, 2009; effective July 23, 2009; ;(1)(2)(3) amended 11/2013

CHAPTER 190-X-5
PROFESSIONAL CONDUCT

190-X-5-.01 **Oath.** Each applicant for a license to practice chiropractic in Alabama shall be required to sign and affirm the following oath on his/her application form:

"I solemnly swear (or affirm) and attest that the statements made herein are true to the best of my knowledge, and further that if granted a license by the Alabama State Board of Chiropractic Examiners, I agree to keep the Board fully advised as to my address; to give assistance in procuring evidence against, and in the prosecution of those who violate any of the provisions of the Alabama Chiropractic Practice Act or Board Rules. I agree to faithfully follow the laws and rules relating to the practice of chiropractic medicine,

including the provisions of the Alabama Chiropractic Practice Act and Board rules. If I violate those laws or rules, I fully understand that I am subject to discipline, up to and including revocation of my license."

Author: Alabama State Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-160, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed September 7, 1999; effective October 12, 1999. **Amended:** Filed June 13, 2003; effective July 18, 2003.

190-X-5-.02 Cooperation With The Board.

(1) Statement of Policy. Each licensed chiropractor or permit holder is requested and is expected to cooperate with the Board in all matters.

(2) Report of Violations. Any chiropractor or permit holder who has knowledge of violations of any provision of Code of Ala. 1975, §§34-24-120, et seq., or of these rules shall report such to the Board for investigation. When possible, the chiropractor or permit holder shall procure evidence that will aid in the prosecution of the violator. Failure to comply with the requirements of this rule will constitute unprofessional conduct as defined in Rule 190-X-5-.05, and Code of Ala. 1975, 34-24-166(b)(2)(3).

Effective: 3/6/90, amended 7/6/93, (1)(2) amended 3/2009, amended (2) 6/2013

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-123, 34-24-144, 34-24-165, 34-24-166.

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended:** Filed May 18, 1993; effective June 22, 1993. **Amended:** Filed June 18, 2009; effective July 23, 2009.

190-X-5-.03 Notification Of Change Of Address. Each licensed chiropractor or permit holder shall file their mailing, office, and residential and email address with the Executive Director of the Board and notify the Board of any changes of address in writing within fifteen (15) days of such address changes.

(1) Written notice shall list old addresses and new addresses and effective date of change. Notice may be submitted via facsimile, email or regular mail.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165.

History: Filed September 30, 1982. **Amended:** Filed September 18, 1997; effective October 23, 1997. **Amended:** Filed September 7, 1999; effective October 12, 1999.

Amended: Filed June 18, 2009; effective July 23, 2009.

Amended: Filed October 3, 2011; effective November 7, 2011.

190-X-5-.04 Advertising.

(1) A chiropractor or non-licensed clinic owner shall not make or cause to be made a false communication about the chiropractor or the chiropractor's services. A communication is false if it contains a material misrepresentation of fact or law or omits a material fact rendering the statement when considered as a whole to be false.

(2) A communication is defined as information in any manner or medium designed or intended to attract public attention to the chiropractor or his/ her practice.

(3) The chiropractor or non-licensed clinic owner shall have ultimate responsibility for all communications which are approved by him or her or his or her agents or associates. All communications regardless of form, including but not limited to recorded and printed communications, shall be approved by the chiropractor. In the case of broadcast communications, the actual transmission shall be retained and in the case of printed communications, a copy of the publication in which the communication is displayed shall be retained. Copies of communications, including but not limited to the transmission and publication referenced above, shall be retained by the chiropractor for one hundred eighty (180) days following the final appearance or use of the communication. The chiropractor is responsible for making copies of the communications available to the Board within ten (10) days following a request by the board.

Effective: 1/14/08, (2) (3) amended 6/2013

Author: Alabama State Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(5)(15)(20).

History: Filed September 30, 1982. **Amended:** Filed September 12, 1983; February 16, 1984; August 25, 1988; January 29, 1990. **Amended:** Filed September 18, 1997; effective October 23, 1997. **Amended:** Filed September 5, 2000; effective October 10, 2000. **Amended:** Filed May 23, 2001; effective June 27, 2001. **Amended:** Filed December 13, 2001; effective January 17, 2002. **Amended:** Filed September 3, 2002; effective October 8, 2002. **Amended:** Filed November 6, 2003; effective December 11, 2003. **Amended:** Filed April 15, 2004; effective May 20, 2004. **Amended:** Filed October 24, 2007; effective November 28, 2007. **Repealed and New Rule:** Filed March 12, 2008; effective April 16, 2008.

190-X-5-.05 Immoral Or Unprofessional Conduct Prohibited.

(1) The following conduct on the part of a licensee or permit holder is prohibited:

(a) Immoral,

(b) Unprofessional.

(2) Immoral or unprofessional conduct is defined as that conduct which violates those standards of professional behavior which through professional experience have become established, by consensus of the opinion of the Board members, as reasonably necessary for the protection of the public interest.

(3) Advertising which is false or fraudulent is considered unprofessional.

Author: G. Kuhlmann

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(2).

History: Filed September 30, 1982. **Amended:** Filed May 22, 1998; effective June 26, 1998. **Amended:** Filed January 15, 1999; effective February 19, 1999. **Amended:** Filed August 24, 2006; effective September 28, 2006.

Amended: Filed June 13, 2008; effective July 18, 2008.

Amended: Filed June 18, 2009; effective July 23, 2009.

190-X-5-.06 Solicitation.

(1) Statement of Policy. It is the policy of the Board that solicitation by chiropractors and/or permit holders in this state should be regulated so as to effectuate the duty of the State of Alabama to protect the health, safety and welfare of its residents, while not abridging any rights guaranteed to such licensees or to the public by the Constitutions of the United States and the State of Alabama, as construed by the United States Supreme Court and the Alabama Supreme Court. The Board has a substantial interest in protecting the public from fraud, undue influence intimidation, overreaching and other forms of vexatious conduct as well as protecting the tranquility and privacy of the home and of personal injury victims and their loved ones against intrusive, unsolicited contacts by licensees. The practices prohibited by this rule are hereby found and declared to constitute immoral or unprofessional conduct in violation of Code of Ala. 1975, §34-24-166(b)(2)(3), and Rule 190-X-5-.05 and/or fraud in obtaining money or other thing of value in violation of Code of Ala. 1975, §34-24-166(b)(1).

(2) Certain Practices Prohibited.

(a) Direct in -person uninvited solicitation except as authorized in paragraph (4) below, a licensee or permit holder, or a person or entity acting on their behalf, shall not by any direct, in-person, uninvited solicitation solicit an engagement to perform professional services. A licensee or permit holder, or a person or entity acting on their behalf, who has engaged in direct, in-person, uninvited solicitation shall not accept employment resulting from that solicitation, except that a licensee may accept employment from a close friend, relative, former patient (if the solicitation is germane to the former treatment), or one who the licensee reasonably believes to be a patient.

(b) Written communication. All written communications sent by or on behalf of a licensee shall conform to the advertising guidelines of Rule 190-X-5-.04 and this rule.

(3) Definition. For the purpose of this rule, the term "direct, in-person, uninvited solicitation" shall be deemed and construed to mean any communication which directly or implicitly requests oral response from the recipient. Examples of such acts of uninvited solicitation include, but are not limited to, any uninvited in-person visits or

conversations or telephone calls to a specific potential patient. However, such indirect forms of solicitation as giving speeches, conducting educational seminars, distributing professional literature by mail, except as prohibited above, or other forms of delivery that are not "in-person" and writing books and articles are not prohibited.

(4) Solicitation of Accident Victims.

(a) A chiropractor or a person or entity acting on their behalf, may only solicit a victim of an acupuncture as follows:

1. By telephone seven days after the accident.

2. By written communication sent at least three days after the accident. Written communication shall include letter, postcard, pamphlet, email, text, twitter, Facebook or any other form of social media or electronically generated communication.

(b) If a mail is utilized, the outside of each envelope in 10-point bold type at the bottom left hand corner of the front of the envelope, there will be printed in capital letters in a color clearly distinguishable from the color of the background page, this is an advertisement.

(c) On the first and last page of any mailing, in the same type size as the content of the mailing, shall be contained the following paragraph in a color different from the color of the text on the background page.

NOTICE: THIS IS A SOLICITATION. Your name and address and information relative to the accident in which you were involved were acquired from public documents. You are under no obligation to respond to this mailing. Recipients of this solicitation should understand the importance of employing a health care provider and inquiry into the doctor's qualifications and experience is recommended.

(d) If electronic communication is utilized the language required in (b) above must appear in clearly distinguishable capital letters in the subject line and the language required in (c) above must appear in clearly distinguishable capital letters at the beginning and end of the communication.

(e) Senders shall take reasonable steps to avoid calling or sending written communications to minors.

(f) A sample copy of each written communication shall be retained by the sender for a period of one year.

(5) Permissible Communication. Any form of invited communication to a potential client is permissible provided such communication conforms to the advertising guidelines of Rule 190-X-5-.04.

(6) Any current licensed doctor of chiropractic wishing to contract for or perform research that requires solicitation must obtain prior approval of same from the Board.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(b) (1) (2) (3).

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended:** Filed January 28, 2000; effective March 3, 2000. **Amended:** Filed May 23, 2001; effective June 27, 2001. **Amended:** Filed March 19, 2003; effective April 23, 2003. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Amended:** Filed January 20, 2012; effective February 24, 2012. **Amended:** (2) (b) 6/2018

190-X-5-.07 Trust Accounting Procedures For Pre-Payment Plans. A chiropractor who offers any treatment plan which includes payment of fees for services, goods or appliances to be performed or supplied in the future i.e. prior to the furnishing or supplying of any services, goods or appliances shall comply with all of the following requirements.

(a) Maintain for each patient a signed statement which explains fully and completely the services, goods or appliances to be provided and the terms and conditions of payment. This statement shall include provisions for an accounting to the patient upon request as well as provisions for the return of all unearned fees in the event the patient chiropractic relationship is terminated.

(b) The treatment plan shall include an accurate description of the services, goods or appliances to be performed or supplied as well as the period of time in which

the referenced services, goods or appliances will be performed or supplied.

(c) Complete records of such account funds shall be maintained for five (5) years after the performance or supplying of the services goods or appliances or from the termination of treatment. In addition, records shall include a ledger of all funds received and payments made which must be patient specific.

Author: Alabama State Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(2).

Amended (a) (b) (c) (d) (f) 10/2016

History: Filed September 30, 1982. **Amended:** Filed February 16, 1984. **Amended:** Filed June 4, 1997; effective July 9, 1997. **Amended:** Filed January 23, 1998; effective February 27, 1998. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Repealed and New Rule:** Filed March 12, 2008; effective April 16, 2008.

190-X-5-.08 Exploitation Of Patients For Financial Gain.

(1) Statement of Policy. The over utilization of chiropractic services or practice by exercising influence on a patient in such a manner as to exploit the patient or a third party payor for the financial gain of a licensee or a third party is hereby found and declared to constitute unprofessional conduct in violation of Code of Ala. 1975, §34-24-166(3).

(2) Definition of Over utilization Generally. Over utilization of chiropractic services or practice is defined as services or practices rendered, or goods or appliances sold by a chiropractic physician to a patient for financial gain of the chiropractic physician or a third party which are excessive in quality or quantity to the justified needs of the patient or are excessive in price.

(3) Over utilization, Specifically. Over utilization occurs when:

(a) The physician's written chiropractic records do not justify or substantiate the quantity or number of

chiropractic services, or practices rendered, or goods or appliances sold by a chiropractic physician to a patient;

(b) A claim or claims for chiropractic services, practices, goods or appliances is submitted to that patient or third party payor which represents multiple charges for one specific chiropractic diagnostic service or treatment practice, good or appliance.

(c) A charge or claim for chiropractic services, practices, goods or appliances exceeds the usual and customary charges for such services, practices, goods or appliances to the extent that the charge or claim is unconscionable.

(d) A charge or claim is submitted to the patient or to a third party payor for services, practices, goods or appliances which were not rendered or supplied.

(e) A chiropractic doctor renders any chiropractic services, practices, goods or appliances for which a fee may be charged after such time as a patient has requested but has not been provided with a written itemized statement of any chiropractic services, practices, goods or appliances to be rendered during a particular office visit, and the corresponding fees that will be charges for such services.

(4) A chiropractor shall not engage in the following:

(a) Routinely waive co payments or deductibles for the purpose of financial gain; or

(b) Waive co payments or deductibles for the purpose of enticing or encouraging individuals to become patients.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(2).

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended:** Filed January 23, 2006; effective February 27, 2006. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Amended:** Filed March 12, 2013; effective April 16, 2013; **Amended:** (1) 10/2013

190-X-5-.09 Chiropractic Records Required; Release Of Records.

(1) The Board finds and declares that the maintenance of an adequate record in the treatment of a patient is an essential component of the standard of care. Chiropractors and clinic permit holders should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Patient records should be maintained by the treating chiropractor. Any licensee or clinic permit holder or permit holder who fails to keep for a minimum of five (5) years all written chiropractic records which justify the particular course of treatment of the patient engages in unprofessional conduct as defined in Rule 190-X-5-.05.

(2) The Board finds and declares that, while physical chiropractic records may rightfully be considered the property of the licensee or the chiropractic clinic facility where the licensee may be employed, the chiropractic patient is just as rightfully entitled to the information contained in any chiropractic records related to his or her care for any legitimate purposes, which such legitimate purposes certainly includes the obtaining of second chiropractic or medical opinions.

(a) Upon request of a patient or authorized agent of a patient, licensees and clinic permit holders are required to, at a minimum, turn over to a patient or his or her authorized agent legible and accurate copies of any pertinent chiropractic records of the patient when requested to do so by the patient or his or her authorized agent for a legitimate purpose which is stated in writing and signed by the patient. The reasonable costs of reproducing copies of written or typed documents, or reports shall not be more than one dollar (\$1) for each page of the first 25 pages, not more than 50 cents (\$.50) for each page in excess of 25 pages, and search fee of five dollars (\$5). If the records are mailed to the person making the request, reasonable costs shall include the actual costs of mailing. A person may also charge the actual cost of reproducing X-rays and other special chiropractic records.

(b) The release of chiropractic records hereunder may not be made contingent upon payment of any other fee or charge owed by the patient. Failure to provide records to a patient upon request in accordance with this rule shall

constitute immoral or unprofessional conduct as defined in Rule 190-X-5-.05.

(c) The fees provisions of this rule shall not apply to records subpoenaed by the State Board of Chiropractic Examiners.

(3) Request for records from another healthcare practitioner or the Board of Chiropractic Examiners must be released within 10 working/business days.

(4) Upon receipt of a properly signed and executed release from the patient, the licensee or clinic permit holder, at his discretion, may release the original or a copy of x-ray film and a copy of the patient records, etc. to the patient or their designee.

(5) If the Board receives a complaint against a licensee or clinic permit holder where the licensee or clinic will not release the records to a patient at the patient's request, a letter from the Board will be sent via Certified Mail to the licensee/permit holder to release the records to the patient within 10 days of receipt of the certified letter, and submit proof that the records have been mailed to the patient (via Certified Mail) to the Board within 10 days as well. The licensee/permit holder must either submit to the Board proof of the mailing of the records or respond to the Board as to why the records cannot/will not be mailed within 10 days of receipt of the certified letter from the Board.

(6) If the Board has not received proof that the records have been released to the patient, or has not received a response from the licensee/permit holder within 15 days of the date the request was mailed from the Board's office, the chiropractor will be subject to discipline for unprofessional conduct.

(7) Transfer or Disposal of Records. When a licensee retires, terminates employment or otherwise leaves a chiropractic practice, the licensee/permit holder is responsible for ensuring that active patients receive reasonable notification and are given the opportunity to arrange for the transfer of their patient records. Such notification shall be provided no later than 30 days after retirement, termination or any other reason for leaving. A licensee or the chiropractic clinic which employs the licensee should not withhold information from a departing

chiropractor which is necessary for the notification of patients. A licensee/permit holder or their estate(s) transferring patient records in connection with the sale of a practice shall notify the active patients no more than 30 days preceding the sale that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the patient record.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(2).

History: Filed September 30, 1982. **Amended:** Filed February 16, 1984. **Amended:** Filed May 18, 1993; effective June 22, 1993. **Amended:** Filed September 28, 1998; effective November 2, 1998. **Amended:** Filed January 28, 2000; effective March 3, 2000. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Amended:** Filed August 13, 2007; effective September 17, 2007. **Amended:** Filed January 29, 2010; effective March 5, 2010. **Amended:** Filed October 18, 2012; effective November 22, 2012. **Amended:** (1) 11/2013

190-X-5-.10 Inability To Practice Chiropractic With Reasonable Skill And Safety To Patients.

(1) Statement of Policy. The Legislature has declared that a chiropractor or permit holder may be disciplined due to the inability to operate a clinic or practice chiropractic with reasonable skill and safety by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition.

(2) Board Intervention. It is the duty and obligation of the Board to promote the early identification, intervention, treatment and rehabilitation of chiropractors licensed or permit holders to practice in this State who may be impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances or as a result of any physical or mental condition. The Board may enter into an agreement pertaining to the areas, functions, or responsibilities set forth in Code of Ala. 1975, Section 34-24-166(g).

(3) Requirement and Criteria for Examination. Every permit holder who accepts the privilege of operating a

clinic and every licensee who accepts the privilege of practicing chiropractic in the State of Alabama by actually practicing or by the making and filing of an annual renewal upon a showing of probable cause that the chiropractor or permit holder is not capable of physically or mentally practicing chiropractic or operating a clinic with reasonable skill and safety to patients, shall be deemed to have given consent to submit to a mental, physical or laboratory examination, or any combination thereof, and to waive all objections to the admissibility of the testimony or examination reports of the examining physician on the ground that the reports constitute privileged doctor patient communications.

(4) If there is an issue of whether or not a permit holder or licensee is physically or mentally capable of operating a clinic or practicing chiropractic with reasonable skill and safety to patients, upon a showing or probable cause to the Board that the permit holder or licensee is not so capable, the Board may order and direct the permit holder or licensee to submit to a physical, mental, or laboratory examination, or any combination thereof, to be performed by a physician designated or approved by the Board. The expense of the examination shall be borne by the permit holder or licensee who was examined.

Effective: 10/1/82, amended 2(b) 1/98, amended 2(c) 6/98, amended 11/2003, (1)(c) amended 6/2013

Author: G. Kuhlmann

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(2).

History: Filed September 30, 1982. **Amended:** Filed May 22, 1998; effective June 26, 1998. **Amended:** Filed September 28, 1998; effective November 2, 1998. **Repealed and New Rule:** Filed November 6, 2003; effective December 11, 2003.

190-X-5-.11 Delegation, Acceptance Of Responsibility.

(1) The Board finds and declares that any licensee who delegates professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience or licensure to perform them, engages in immoral,

unprofessional or dishonorable conduct as defined in Rule 190-X-5-.05.

(2) The Board finds and declares that licensees who are employed by clinics or other facilities owned by non-licensees jointly and severally accept the professional responsibility and strict liability under the laws governing the practice of chiropractic and/or these rules and regulations for any violations which may be committed by the non-licensed owner(s), or committed by any non-licensed agent or employee acting at the direction of a non-licensed owner(s), or committed by any non-licensed agent or employee at the direction of another non-licensed agent or employee of a clinic or other facility owned by a non-licensee.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(2).

History: Filed September 30, 1982. **Amended:** Filed May 18, 1993; effective June 22, 1993.

190-X-5-.12 **Aiding Unauthorized Practice Prohibited.** The Board finds and declares that any licensee who aids, assists, procures or advises any unlicensed person to practice chiropractic as defined in Code of Ala. 1975, §§34-24-120, et seq., engages in immoral, or unprofessional conduct as defined in Rule 190-X-5-.05.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(2).

History: Filed September 30, 1982.

190-X-5-.13 **Professional Signs.**

(1) Any permit holder or chiropractor who is actively engaged in the operation of a clinic or the practice of chiropractic is required to place a sign or cause or require a sign to be placed in a conspicuous place at the entrance of the office or place of practice which must include the following information:

(a) The name of the practice. If the name of the practice is other than the name of the participating chiropractors, then the name of all chiropractors practicing

at that location shall appear following or beneath the name selected.

(b) The word chiropractor, chiropractic, chiropractors, chiropractic physician or chiropractic physicians. These terms shall be displayed with similar prominence as the name of the practice.

(c) If any permit holder or licensed chiropractor is unable to comply with this rule because of circumstances such as being a member of a multi-discipline practice, not owning or controlling the building where the practice is located, etc., the chiropractor shall document and use their best efforts to have their name listed and in similar prominence the word chiropractor, chiropractic, chiropractors, chiropractic physician or chiropractic physicians at the entrance of the office place of practice.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-1 - 34-24-6, 34-24-33, 34-24-144, 34-24-161, 34-24-166.

History: Filed September 30, 1982. **Amended:** Filed January 29, 1990. **Amended:** September 7, 1999; effective October 12, 1999. **Amended:** Filed March 19, 2003; effective April 23, 2003.

190-X-5-.14 **RESERVED**

Author: J Ward

Statutory Authority: Code of Ala. 1975, §34-24-166(b) (1) (2) (16).

History: Filed May 21, 1991. **Repealed:** Filed September 11, 1996; effective October 16, 1996. **Amended:** Filed March 19, 2003; effective April 23, 2003. **Amended:** Filed September 19, 2005; effective October 24, 2005. **Repealed:** Filed January 20, 2012; effective February 24, 2012.

190-X-5-.15 **Use Of Lasers.** Lasers approved by the Federal Drug Administration for therapeutic use may be utilized by a chiropractor as a treatment device provided the laser is used only within the allowable scope of practice of chiropractic in this state. The chiropractor is responsible for adhering to any laws applicable to the use of the above referenced

lasers and knowing and following the appropriate protocol for their use.

Author: James Ward

Statutory Authority: Code of Ala. 1975, §§34-24-165(c), 34-24-166(2).

History: Filed June 19, 1991. **Amended:** Filed May 18, 1993; effective June 22, 1993. **Repealed:** Filed September 18, 1997; effective October 23, 1997. **New Rule:** Filed January 18, 2008; effective February 22, 2008.

**CHAPTER 190-X-6
AMENDMENT OF RULES**

190-X-6-.01 Rule Making Proceedings.

(1) Petition for adoption of Rules

(a) Any person who wishes to propose that the Board adopt, repeal or amend any rule may do so on the form prescribed by the Board and supplied by the Executive Director.

(b) The Board shall meet and consider any petition for adoption, repeal or amendment within sixty days of its submission.

(2) Notice.

(a) The Board shall give at least thirty-five (35) days notice of any proposed action on any rule by publication in the Alabama Administrative Monthly in compliance with Code of Ala. 1975, 41-22-5; and by letter, a copy of proposed changes which is sent to the Alabama Administrative Monthly, to all legally constituted associations of chiropractors in the State of Alabama that has supplied the Executive Director with an address.

(b) Any person who wishes to receive notice by mail of all proposed actions on rules may do so by requesting such notice from the Executive Director and paying an annual charge of \$10.00 to cover costs of the mailings. All annual subscriptions begin October 1 and expire September 30.

(3) Public Hearings. The Board shall permit all interested persons reasonable opportunity to submit data, views or arguments concerning any proposed rule action. Data, views or arguments submitted in writing must be

received by the Executive Director at least two (2) days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views or arguments orally must submit a request to appear before the Board to the Executive Director, and such request must be received by the Executive Director at least five (5) days before the deadline for comment.

(4) Board Decision. The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

(5) Emergency Rules. In the event the Board finds that an immediate danger to the public health, safety or welfare requires adoption of a rule upon fewer than thirty-five (35) days' notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than thirty-five (35) days notice, the Board may adopt an emergency rule under the provision of the Administrative Procedure Act, Section 5(2).

(6) Compliance With Administrative Procedure Act. All rules adopted by the Board shall otherwise substantively and procedurally comply with the provisions of the Alabama Administrative Procedure Act.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 41-22-8.

History: Filed September 30, 1982. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Amended:** Filed October 18, 2012; effective November 22, 2012.

190-X-6-.02 **RESERVED**

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§ 34-24-144, 34-24-165, 41-22-8.

History: Filed September 30, 1982. **Amended:** Filed February 16, 1984; January 29, 1990. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Repealed:** Filed October 18, 2012; effective November 22, 2012.

190-X-6-.03 RESERVED

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§ 34-24-144, 34-24-165, 41-22-8.

History: Filed September 30, 1982. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Amended:** Filed October 19, 2009; effective November 23, 2009. **Repealed:** Filed October 18, 2012; effective November 22, 2012.

190-X-6-.04 RESERVED

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-24-144, 34-24-165, 41-22-8.

History: Filed September 30, 1982. **Repealed:** Filed October 18, 2012; effective November 22, 2012.

190-X-6-.05 RESERVED

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-24-144, 34-24-165, 41-22-8.

History: Filed September 30, 1982. **Repealed:** Filed October 18, 2012; effective November 22, 2012.

190-X-6-.06 RESERVED

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-24-144, 34-24-165, 41-22-8.

History: Filed September 30, 1982. **Repealed:** Filed October 18, 2012; effective November 22, 2012.

**CHAPTER 190-X-7
PRECEPTOR AND EXTERN PROGRAM**

190-X-7-.01 Preceptor Doctor.

(1) Definition: This preceptor program is designed to provide experience and practice for unlicensed or student doctors before or after graduation as further qualified by this section in cooperation with sponsoring licensed doctors and participating chiropractic colleges.

- (2) All preceptor doctors must:
- (a) Be approved by the Alabama State Board of Chiropractic Examiners for each participation.
 - (b) Have an active Alabama license.
 - (c) Be in active practice in Alabama for three (3) years or more.
 - (d) Provide evidence of malpractice insurance for themselves and provide the location and submit a schedule showing when the extern will be working under direct on premises supervision for the program.
 - (e) Contribute a fee as established in Rule 190-X-.1-.18 (payable the first quarter with the preceptor application and thereafter quarterly in advance) to the Alabama State Board of Chiropractic Examiners to defray expense of administration of this program only when the Preceptor actually has an extern in the office. Recent graduate compensation is between the parties involved.
 - (f) Have no Class A or B violations of Board rules for two (2) years and have no present investigations for possible Board violations.
 - (g) Complete application which states that he or she has read and understands Code of Alabama 1975, 34-24-145, and Board rules and regulations pertaining to this program.
- (3) Violations of this program by the Preceptor is considered Unprofessional Conduct.
- (4) In cases where more than one licensed doctor is in the clinic, each one who will direct the unlicensed student must be approved as outlined above.
- (5) The board shall notify the preceptor doctor when the applicant is approved for each tier.

Effective: 3-6-90, amended 11/97; amended 03/2008 (h) (i); amended 03/2013 (2) (d); amended 10/2015 (2) (e); amended 6/2018 (5) Authority: 34-24-145

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §34-24-145.

History: Filed February 16, 1984. **Amended:** Filed January 29, 1990. **Amended:** Filed November 25, 1997;

effective December 30, 1997. **Amended:** Filed June 13, 2008; effective July 18, 2008. **Amended:** Filed April 19, 2018; effective August 3, 2018 **Amended** Filed December 21, 2020; effective 5/15/2021

190-X-7-.02 Extern.

(1) Extern. A student enrolled in their last year at a Board approved chiropractic college accredited by the Council of Chiropractic Education or a recent chiropractic graduate of such an accredited school who is issued a limited license to practice under the direct on-premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and in the case of a student, under the supervision of the accredited school.

(2) Qualifications. In order to receive a permit as an Extern the following applies:

(a) Student

1. In addition to the requirements imposed in Code of Alabama 1975 §34-24-145, the following qualifications must be met:

(i) Currently enrolled in the final academic year at an approved chiropractic college which maintains a standard of training acceptable to the Board.

(ii) Documentation of successfully completing the written examination Parts I and II of the National Board of Chiropractic Examination.

(iii) Provide evidence of malpractice insurance coverage.

(b) Graduate

1. In addition to the requirements imposed in Code of Alabama 1975 §34-24-145, the following qualifications must be met:

(i) Graduated within six (6) months preceding the filing of an application from an approved chiropractic college maintaining a standard of training acceptable to the Board and not yet licensed in any other state.

(ii) Documentation of successfully passing Parts I and II of the National Board of Chiropractic Examination.

(iii) Successfully passing Part III and IV of the

National Board of Chiropractic Examination
within twelve (12) months following the date
of graduation.

(c) Any student or graduate must submit an application which shall include a provision that in executing the application the applicant agrees to comply with the provisions of the Alabama Chiropractic Practice Act and all the Rules adopted by the Board. In addition, a student, in order to be approved, must have submitted a current and complete licensure application, including any fee and documentation, required by all student applicants for licensure.

1. For the purpose of this rule the following meanings shall apply.

(i) Tier I applicants are those whose results from any required background checks have not yet been received. Tier I applicants are not allowed to adjust, or make any diagnosis or treatment directly with the patient. Tier II extern can perform same services as a chiropractic assistant as long as under the direct supervision of the preceptor doctor and may observe the preceptor doctors treatment of patients.

(ii) Tier II applicants are those who have successfully complied with all requirements set out in this rule. Tier II applicants should be able to have full patient treatment privileges as long as under the direct supervision of the preceptor doctor. A student who graduates is no longer eligible to possess a permit to participate in the preceptorship program unless at the time of graduation the requirements of Part IV of the National Board of Chiropractors Examination have not been satisfied. In that event, participation in the preceptor program may continue for no longer than twelve (12) months following the date of graduation.

(d) Anyone approved as an extern shall only deliver chiropractic services under the direct on-premises supervision of an approved preceptor. The chiropractic services delivered are those specified in the Alabama Chiropractic Practice Act or in any Rule adopted by the

Board.

(3) Each applicant for this permit shall be of good moral character or have not engaged in any act or omission which is a ground for discipline set out and described in Code of Alabama 1975 34- 24-166(b). In addition, the applicant must be a citizen of the United States or if not such a citizen, a person who is legally present in the United States with appropriate documentation from the Federal Government.

Effective: 3-6-90, amended 2/93, (2) (d) amended 3/94, (1) (c) and (3) (a) amended 11/97, (1) (c) amended 2/2000, (1) (b) (c) (d) and (2) (b) (d) (e) amended 8/2001, (1) (b) (2) (b), amended 3/2009, amended 6/2010 (2) (b), amended 1/2011(2) (b), amended 3/2013, amended 6/2018, amended 9/2022
Authority: 34-24-145; 34-24-165

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-145,34-24-165.

History: Filed February 16, 1984. **Amended:** Filed February 23, 1987; January 29, 1990; December 18, 1992. **Amended:** Filed March 22, 1994; effective April 26, 1994. **Amended:** Filed November 25, 1997; effective December 30, 1997. **Amended:** Filed June 12, 2000; effective July 17, 2000. **Amended:** Filed December 13, 2001; effective January 17, 2002. **Amended:** Filed June 13, 2008; effective July 18, 2008. **Amended:** Filed June 18, 2009; effective July 23, 2009. **Amended:** Filed June 21, 2010; effective July 26, 2010. **Amended:** Filed April 13, 2010; effective May 18, 2010. **Amended:** Filed June 1, 2011; effective July 6, 2011. **Amended:** Filed ; effective August 8, 2013 **Amended:** Filed April 17, 2018; effective August 3, 2018. **Amended** September 16, 2020, Effective February 14, 2021. Amended September 16, 2022, Effective March 17, 2023

190-X-7-.03 Establish Director of Preceptor and Extern Program.

(1) The director of this program shall be a licensed Alabama doctor in active practice and be appointed by a majority vote of the Board of Examiners. The director will serve a term of one year and may be re-appointed.

(2) Duties of the director of the Preceptor Extern Program should be, but are not necessarily limited to:

(a) Reviewing qualification and approval or denial of acceptance of prospective preceptor doctors or extern.

(b) Confirming that applicants are notified of acceptance or denial of application within two (2) weeks of approval in writing to the address on the application.

(c) Monitoring the rules and regulations, recommend necessary changes to the Board of Examiners and in general administer the program within the established guidelines.

(d) Checking either by phone or on-site visit with each preceptor doctor at least quarterly and provide a short report at the Board meetings.

(e) Notifying the Board president or the Board liaison of known violations of the rules.

(3) The director of this program shall not have disciplinary or administrative powers other than those established by the Board of Examiners.

(4) Funds to pay the actual expenses incurred will be paid from the \$25.00 monthly payments made by participating doctors.

(5) Director may receive no monetary compensation other than actual expenses incurred while discharging outlined duties.

Effective: 3-6-90, (1) amended 7-24-91, amended 2/2000; amended 03/2013 (2) (a)

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, §§34-24-145, 34-24-165.

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