

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME: The Alabama State Board of Chiropractic Examiners

RULE NO. & TITLE:

- (1) Rule 190-X-1-.02 Composition and Selection of Board**
- (2) Rule 190-X-1-.18 Fees**
- (3) Rule 190-X-2-.01 Requirements for Licensure by Examination**
- (4) Rule 190-X-2-.08 Verification of License**
- (5) Rule 190-X-2-.11 Renewal of License**
- (6) Rule 190-X-2-.12 Reinstatement of License/Clinic Permit**
- (7) Rule 190-X-2-.13 Replacement License/Permit, Name Change or Duplicate**
- (8) Rule 190-X-2-.14 Retirement of License**
- (9) Rule 190-X-4-.08 Restoration of a Refused, Revoked or Cancelled License**
- (10) Rule 190-X-5-.12 Aiding Unauthorized Practice Prohibited**

INTENDED ACTION: The Alabama State Board of Chiropractic Examiners proposes to amend or repeal the rules as listed above.

SUBSTANCE OF PROPOSED ACTIONS:

- (1) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2015-275.
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2015-275.
- (3) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2015-275.
- (4) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2015-275.
- (5) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2015-275.
- (6) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2015-275.
- (7) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2015-275.
- (8) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule per changes in ACT 2015-275.
- (9) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule per changes in ACT 2015-275.
- (10) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to delete obsolete verbiage.

TIME, PLACE AND MANNER FOR PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama State Board of Chiropractic Examiners, 126 Chilton Place, Clanton, AL 35045, 205-755-8000.

FINAL DATE FOR COMMENT & COMPLETION OF NOTICE: October 6, 2015.

CONTACT PERSON AND ADDRESS:

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Sheila Bolton

Sheila Bolton
Executive Director

Alabama State Board of Chiropractic Examiners

Proposed Amended Rule

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) ~~Submit a completed qualification form to the Board not less than 20 days prior to the election or within the time stated in the Notice of Election. 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~~

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during the qualifying period which shall be not less than twenty (20) days nor more than forty (40) days after notice of the election.

(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) An official ballot will be sent to each qualified voter in the respective district not less than 14 days and not later than 120 days after the deadline for qualification. 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 it must be received by the Board the ballot shall be returned to the independent agency conducting the election, not later than 14 days after the ballots are were mailed by the board.~~

~~(c) Each official ballot must be returned in the official envelope in order to be counted.~~

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

~~(e)~~(d) The ballots ~~will~~ shall be maintained for a period of six (6) ~~6~~ months by the independent agency conducting the election. ~~Executive Director of the Board as public information~~

(5) Ballot Counting. ~~As seen as possible, after the deadline for board reception of ballots the Executive Director will deliver by hand or mail all of the unopened ballots to an independent agency employed by the Board for the purpose of~~

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~~there is only one candidate for the board and in this situation, the board shall certify the results. The results of the election shall be certified by no less than three members of the board. The candidate with a simple majority of the votes cast in each respective congressional district shall be declared the winner. In the event that no majority is gained by a candidate run-off ballots will be sent out within 14 days of the completion of the ballot tabulation and a run-off election between the two largest vote recipients will be held.~~

~~Immediately upon being declared the winner, the elected member shall take office.~~

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.