

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Examiners
Rule No. 190-X-1-.18

Rule Title: Fees

 New XX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in costs, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *B. Kelly*

Date August 12, 2015

DATE FILED
(STAMP)

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:

Amy Deavers
Administrative Assistant
Alabama State Board of Chiropractic Examiners
126 Chilton Place
Clanton, AL 35045
1-800-949-5838 ext. 226

Sheila Bolton

Sheila Bolton
Executive Director

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. _____ Department or Agency Board of Chiropractic Examiners

Rule No. 190-X-1-.18

Rule Title Fees

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The License/Permit issue and replacement fees are being increased to cover some of the costs associated with having to print and mail.

The late fees are being increased to help cover operational costs of the Board and to encourage timely renewal..

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATIONG RESOURCES AND ACHIEVING THE SEATED PURPOSE:

The costs is passed on to the licensee/permit holder.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Licensing fees, application fees and other fees provide the revenue for the Board to operate and to implement new rules and regulations.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IIMPACT OF THIS RULES ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

All of the licensed chiropractors and permit holders will benefit from being able to have their license replaced or a duplicate issued.

The short term economic impact is that the person may have less money to spend or pay bills in any given year.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BRDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIORNMENT AND PUBLIC HEALTH:

None

10. DETRIMENTAL EFFECT ON THE ENVIORNMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None

Alabama State Board of Chiropractic Examiners

Proposed Amended Rule

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

(1) License Application Fee \$150.00
~~An application fee not to exceed \$150.00 shall be required of all applicants for licensure. The exact fee shall be set from time to time by resolution of the Board. 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 complete the application form and submit an examination fee in the amount of \$150.00 a fee of \$150 pursuant to Rule 190-X-2-.17.~~

(3) Original License or Permit \$75 \$50
~~Upon completion of all requirements for licensure or permit and payment of the license/permit issuance fee of not more than \$50.00 as set from time to time by resolution of the Board, an applicant shall be issued a license/permit. 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 to be established by the Board in the amount of \$300.00.~~

(5) Permit or License Replacement or Duplicate \$75 \$50
~~The fee for any replacement permit or license shall be \$50.00 \$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
~~A fee not exceeding \$300.00 to be fixed by rule of the Board is required for annual license renewal. The annual license renewal fee is \$300.00.~~

(7) Renewal-Retired \$150
~~The annual fee for maintenance of a retired license may not be more than one-half that provided in 190-X-2-.11 (6) for an active license. is \$150.00.~~

(8) Renewal-Inactive \$150
~~The annual fee for an inactive license shall be one-half of the amount required by 190-X-2-.11(6). is \$150.00~~

(9) Late Fees for Licensees and Clinic Owner Non Licensed \$100 - \$300 \$50-250
~~The late penalty for renewal during the month of October is fifty dollars (\$50) one hundred (\$100), for renewal during the~~

Alabama State Board of Chiropractic Examiners

Proposed Amended Rule

month of November is ~~one~~ two hundred dollars ~~(\$100)~~ (\$200) and for renewal during the month of December is ~~two~~ three hundred and ~~fifty~~ dollars ~~(250)~~ (\$300)

(10) Reinstatement \$150 - 2,500
~~In the event~~ any licensee or permit holder who allows his/her license to lapse past December 31 ~~and desires to return to active practice, he/she 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 and a penalty in the amount of \$2,500.

(11) Preceptor Doctor \$25/month (\$75/quarter)
~~Contribute~~ Shall submit \$25.00 monthly (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 or intern in the office.~~

(12) Disciplinary Fines \$500-2,000 per violation
(a) The Board may impose a fine not to exceed \$2,000 for each violation ~~off~~ 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 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 for each violation of any of the following provisions ~~off~~ of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class C violations);

Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

1. Section 34-24-166(b) (13);
 2. Section 34-2 4-166(b) (14);
 3. Section 34-24-166(b) (16); and
 4. Section 34-24-166(b) (17)
- (13) Disciplinary Costs Up to \$8,000 per guilty

count

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

- (14) Annual Directory \$50

~~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, which cost shall be estimated and set from time to time by resolution of the Board. 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 or CDROM disks in Microsoft Excel format;

(b) Additional charges will incur for (but may not be limited to) the cost of CDROM disks (\$2.00) each), plus postage;

(c) A minimum total fee of (\$75.00) will be charged for each request.

(d) 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) \$55

- (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 .50 cents/page plus postage

- (23) NSF Fee Max allowed by law

Alabama State Board of Chiropractic Examiners Proposed Amended Rule

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)

Author: ASBCE

Statutory Authority: Code of Ala. 1975, 34-24-144; 34-24-16(e); 34-24-166(c) (1).

History: New Rule: Filed August 19, 2008; effective September 23, 2008. **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.