

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-2-.11

Rule Title: Renewal of License

     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.

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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 

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:

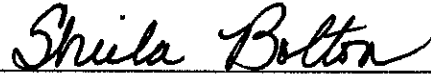
- (1) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2015-275.
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2015-275.
- (3) The Alabama State Board of Chiropractic Examiners proposes to amend this 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

A handwritten signature in black ink that reads "Sheila Bolton". The signature is written in a cursive style with a horizontal line underneath it.

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-2-.11

Rule Title Renewal of License

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:

(a) and (9) The cap is being increased to align with Act 2015-275.

(7) Reinstatement in January or later to ensure citizens have access to licensed DC's.

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:

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-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 30<sup>th</sup> 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.

(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.

# Alabama State Board of Chiropractic Examiners

## Proposed Amended Rule

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 licensees 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 wavier or deferral of time to complete the education requirements will be granted solely in the discretion of the board.

(b) A licensee seeking a wavier 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 wavier or deferral shall provide full and complete written documentation of the grounds supporting the reasons for which a deferral is sought. A licensee who request a wavier 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 fee not exceeding \$400.00 is required for the annual renewal of a license to practice chiropractic; provided, however, that any increase or decrease of the renewal fee in any one (1) year shall not exceed \$25.00. \$300.00 to be fixed by rule of the Board is required for annual license renewal. The

# Alabama State Board of Chiropractic Examiners

## Proposed Amended Rule

~~renewal fee is \$300.00. This~~ The renewal fee may be submitted  
~~in paid by cashier's check, bank 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 pursuant to Rule 190-X-1-18(10). ~~The late penalty for renewal completed during the month of October is fifty dollars (\$50), for renewal completed during the month of November is one hundred dollars (\$100) and for renewal completed during the month of December is two hundred and fifty dollars (\$250).~~

(8) Lapsed License. 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



# Alabama State Board of Chiropractic Examiners

## Proposed Amended Rule

**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.