

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama State Board of Podiatry

Rule No.: 730-X-3-11

Rule Title: Podiatry Records Required; Release Of Records

X New _____ 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 cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

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? No

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 _____

Date: Febraury 11, 2015

(DATE FILED)
(STAMP)

Alabama State Board of Podiatry

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Podiatry

RULE NO. & TITLE: 730-X-3-.11 Podiatry Records Required; Release Of Records.

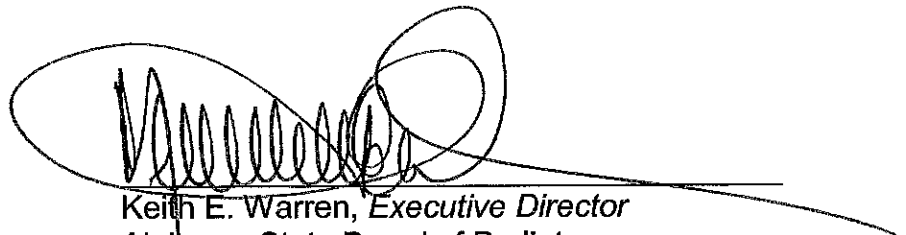
INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION: The Board proposes establish guidelines regarding patient records and the release of those records to clients. This will allow the Board to have authority over patient records for the purposes of investigations, the transfer of records to another podiatrist or the disposal of patient records that are over a certain age.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Friday, April 3, 2015. Comments should be directed to Keith E. Warren, Executive Director at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@warrenandco.com or via telephone at 334-420-7237.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Friday, April 3, 2015.

CONTACT PERSON AT AGENCY: Keith E. Warren
Executive Director
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7237



Keith E. Warren, Executive Director
Alabama State Board of Podiatry

730-X-3-.11. Podiatry 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. Podiatrists 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 podiatrist. Any podiatrist who fails to keep for a minimum of five (5) years all written podiatric records which justify the particular course of treatment of the patient engages in unprofessional conduct as defined in Ala. Code § 34-24-276 (a) (2).

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

(a) Upon request of a patient or authorized agent of a patient, podiatrists are required to, at a minimum, turn over to a patient or his or her authorized agent legible and accurate copies of any pertinent podiatric 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, photographic images or digital images and other special podiatric records.

(b) The release of podiatric 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 Ala. Code § 34-24-276 (a) (2).

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

(3) Request for records from another healthcare practitioner or the Alabama State Board of Podiatry must be

released within 10 working/business days.

(4) Upon receipt of a properly signed and executed release from the patient, the podiatrist, at his/her 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 authorized agent.

(5) If the Board receives a complaint against a podiatrist that the podiatrist 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 podiatrist directing him/her to release the records to the patient within 10 days of receipt of the certified letter. The podiatrist must submit proof to the Board that the records have been mailed to the patient (via certified mail) within 10 days, as well. If the podiatrist cannot submit to the Board proof of the mailing of the records, then the podiatrist must inform 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 podiatrist will be subject to discipline for unprofessional conduct.

(7) Transfer or Disposal of Records. When a podiatrist retires, terminates employment or otherwise leaves a practice, the podiatrist 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 podiatrist or the podiatric clinic which employs the podiatrist should not withhold information from a departing podiatrist which is necessary for the notification of patients. A podiatrist 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: Hendon B. Coody

Statutory Authority: Code of Ala. 1975, §34-24-252.

History: Filed February 11, 2015;