TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Rule No. 190-X-510 Department or Agency: Alabama State Board of Chiropract	ic Examiners
Rule Title: Inability To Practice Chiropractic With Reasonable Skill As	nd Safety To
Pateints	
New _XX _Amend Repeal Adopt by Refe	erence
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?	
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 accompanied by a fiscal note prepared in accordance with subsection (f) of 22-23, Code of Alabama 1975.	4 - 1 -
Certification of Authorized Official	
I certify that the attached proposed rule has been proposed in full compliant requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it complicable filing requirements of the Administrative Procedure Division of Legislative Reference Service.	
Signature of certifying officer Husld & Colling ac	
Date July 3, 2013	
DATE I (STA	

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-4-.06 Discipline

(2) Rule 190-X-5-.02 Cooperation With The Board

(3) Rule 190-X-5-.04 Advertising

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

(5) Rule 190-X-5-.13 Professional Signs

<u>INTENDED ACTION</u>: The Alabama State Board of Chiropractic Examiners proposes to amend 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 2013-414.
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to correct code reference.
- (3) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2013-414.
- (4) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2013-414.
- (5) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2013-414.

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: September 27, 2013.

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
Executive Director

Alabama State Board of Chiropractic Examiners Proposed Amended Rule

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.
- 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).
- 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 to practice chiropractic 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

Alabama State Board of Chiropractic Examiners Proposed Amended Rule

the examination shall be borne by the <u>permit holder or licensee</u> who was examined.

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

amended 11/2003, amended (1)(c) 6/2013

Authority: 34-24-166(2); 34-24-144; 34-24-165