



**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**

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

SUBSTANCE OF PROPOSED ACTIONS:

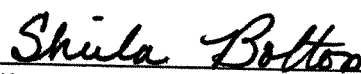
- (1) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2013-414.
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to correct code reference.
- (3) The Alabama State Board of Chiropractic Examiners proposes to amend this 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:

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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.

(2)            Board Intervention. It is the duty and 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).

(3)            Requirement and Criteria for Examination. Every 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

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the examination shall be borne by the permit holder or licensee  
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