

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:

Amy Deavers
Administrative Assistant
Alabama State Board of Chiropractic Examiners
126 Chilton Place
Clanton, AL 35045
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Sheila Bolton
Executive Director

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190-X-4-.06 Discipline.

(1) Upon a finding that a licensee or permit holder has violated any enumerated provision of Code of Ala. 1975, §§34-24-123, 34-24-161(e), or 34-24-166, or any rule adopted pursuant thereto, the Board may invoke disciplinary action as outlined in §34-24-166(c). Failure to comply with any final order of the board, including, but not limited to, an order of censure or probation, is cause for suspension or revocation of the license or permit.

(2) Fines. Upon finding that a licensee or permit holder has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following schedule of fines for each such violation. The Board shall not renew the annual certificate of registration of any licensee or permit holder against whom an administrative fine has been assessed by the Board until the fine is paid in full.

(a) The Board may impose a fine not to exceed \$2,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class A violation):

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) (13); and-

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12. Section 34-24-166(b)15.

(b) The Board may impose a fine not to exceed \$1,000.00 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class B violation):

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 \$500.00 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class C violations):

1. Section 34-24-166(b) (14);
2. Section 34-24-166(b) ~~(15)~~ (16); and
3. Section 34-24-166(b) ~~(16)~~ (17).

(3) Additional Discipline. Upon finding the licensee or permit holder has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following additional penalties:

- (a) Revoke the license or permit.
- (b) Suspend the license or permit.
- (c) Enter a censure on the license or permit.
- (d) Place the license or permit on probation fixing a period and terms best adapted to protect the public health and safety and to rehabilitate the licensee.
- (e) Impose restrictions on the scope of practice of the licensee.
- (f) Impose peer review
- (g) Impose professional education requirements.

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(h) Issue a reprimand to the licensee or permit holder.

(i) Order and direct a licensee to submit to a physical, mental or lab examination as outlined in §34-24-166.

(4) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to revoke or suspend respondent's license or permit.

(5) Considerations. In determining whether disciplinary action should be invoked, or whether a fine should be imposed and in what amount, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors, including, but not limited to, the following:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of repetitions of offenses;
- (d) the length of time since the violation;
- (e) the number of complaints filed against the licensee or permit holder;
- (f) the length of time the licensee has practiced or permit holder has had permit;
- (g) the actual damage, physical or otherwise, to the patient;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the licensee's or permit holder's livelihood;
- (j) any efforts of rehabilitation; and
- (k) any other mitigating or aggravating circumstances.

Effective: 8/5/89, amended 7/6/93, (a) (b) (c) amended 5/99,
(a) (b) (c) amended 1/2001, amended 8/2003, amended 6/06,

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(2) (a) (c) amended 3/08, (3) (a) (b) (d) (4) (5) (e) (f) (i) amended
3/2009, amended (2) (a) (c) (3) 6/2013

Authority: 34-24-144; 34-24-165