

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-6-.01

Rule Title: Petition For Adoption of Rules

 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? 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 *Stella R*

Date April 25, 2012

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-5-.09 Chiropractic Records Required; Release of Records**
- (2) **Rule 190-X-2-.13 Lost or Destroyed License/Permit or Name Change**
- (3) **Rule 190-X-6-.01 Petition for Adoption of Rules**
- (4) **Rule 190-X-6-.02 Notice**
- (5) **Rule 190-X-6-.03 Public Hearings**
- (6) **Rule 190-X-6-.04 Board Decision**
- (7) **Rule 190-X-6-.05 Emergency Rules**
- (8) **Rule 190-X-6-.06 Compliance with Administrative Procedure Act**

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

SUBSTANCE OF PROPOSED ACTIONS:

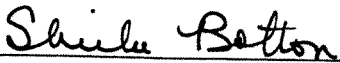
- (1) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to include permit holders and specify a time limit for notification.
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to clarify the rule and add the option of issuing a duplicate license.
- (3) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to clarify the rule making process.
- (4) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-6-.01.
- (5) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-6-.01.
- (6) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-6-.01.
- (7) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-6-.01.
- (8) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-6-.01.

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: July 20, 2012.

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

CHAPTER 190-X-6: AMENDMENT OF RULES

RULE 190-X-6-.01 ~~Petition For Adoption Of Rules.~~ Rule Making Proceedings

(1) Petition for adoption of Rules

- a) ~~(1)~~Any person who wishes to propose that the Board adopt, repeal or amend any rule may do so on the form prescribed by the Board and supplied by the Executive Director.
- b) ~~(2)~~The Board shall meet and consider any petition for adoption, repeal or amendment within sixty days of its submission.

(2) Notice.

- a) The Board shall give at least thirty-five (35) days notice of any proposed action on any rule by publication in the Alabama Administrative Monthly in compliance with Code of Ala. 1975, 41-22-5; and by letter, a copy of proposed changes which is sent to the Alabama Administrative Monthly, to all legally constituted associations of chiropractors in the State of Alabama that has supplied the Executive Director with an address.
- b) Any person who wishes to receive notice by mail of all proposed actions on rules may do so by requesting such notice from the Executive Director and paying an annual charge of \$10.00 to cover costs of the mailings. All annual subscriptions begin October 1 and expire September 30.

(3)Public Hearings.

The Board shall permit all interested persons reasonable opportunity to submit data, views or arguments concerning any proposed rule action. Data, views or arguments submitted in writing must be received by the Executive Director at least two (2) days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views or arguments orally must submit a request to appear before the Board to the Executive Director, and such request must be received by the Executive Director at least five (5) days before the deadline for comment.

(4) Board Decision.

The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

(5) Emergency Rules.

In the event the Board finds that an immediate danger to the public health, safety or welfare requires adoption of a rule upon fewer than thirty-five (35) days notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than thirty-five (35) days notice, the Board may adopt an emergency rule under the provision of the Administrative Procedure Act, Section 5(2).

Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

(6) Compliance With Administrative Procedure Act.

All rules adopted by the Board shall otherwise substantively and procedurally comply with the provisions of the Alabama Administrative Procedure Act.

Effective: 10-1-82; amended 4/2012

Authority: 34-24-144; 34-24-165; 41-22-8