

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-2-.17 Non Licensed Chiropractic Practice Ownership**
- (2) **Rule 190-X-4-.04 Pre Hearing Discovery**
- (3) **Rule 190-X-4-.09 Conflict And Bias**
- (4) **Rule 190-X-5-.09 Chiropractic Records Required; Release of Records**

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 to clarify who is required to complete continuing education for a Non Licensed Permit renewal.
- (2)The Alabama State Board of Chiropractic Examiners proposes to amend this rule to update language based on a five year review of all rules.
- (3)The Alabama State Board of Chiropractic Examiners proposes to amend this rule to update language based on a five year review of all rules.
- (4)The Alabama State Board of Chiropractic Examiners proposes to amend this rule to update language based on a five year review of all rules.

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: January 3, 2014.

CONTACT PERSON AND ADDRESS:

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Sheila Bolton
Executive Director

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190-X-2-.17 Non Licensed Chiropractic Practice Ownership.

(1) Definition. For the purpose of this rule, practice shall mean an office, clinic or other place that offers or provides chiropractic services which is owned in whole or in part by a non-licensed person or entity.

(2) Permit Required.

(a) A practice shall not offer or provide chiropractic services without all non-licensed owners' first obtaining a permit or renewal permit from the Board.

(b) An applicant for a permit shall submit to the Board an application as prescribed by the Board, along with a permit fee and an examination fee in the amounts set forth by Board Rule. The application must be signed by all owner(s), if a sole proprietorship, or by an authorized representative, if a partnership, corporation, Limited Liability Company or Limited Liability Partnership.

Each applicant shall be of good moral character, a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(c) The following information shall be included in the application and upon renewal:

1. The legal name of the practice and street address, telephone and facsimile numbers of the practice;

2. The type of entity (Sole proprietorship, partnership, corporation, Limited Liability Company, or Limited Liability Partnership);

3. The name, address and percentage of ownership of each person or entity;

4. The name and license number of each chiropractor licensed by the Board who is employed or otherwise engaged to offer or provide chiropractic services at the practice. Each such applicant, i.e. the individual or the person most directly involved should be of good moral character.

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(d) As a condition of the issuance of the initial non-licensed permit, the applicant if an individual(s) or if an entity the person(s) who will be most directly involved in the operation of the practice shall successfully pass a jurisprudence examination to be administered by the Board.

(e) No permit or renewal will be issued on an incomplete submission. Applications or renewals that are submitted without all of the required documents, information and/or fees will be deemed incomplete and returned to the applicant.

(f) Practice permits shall not be required for licensed hospitals as defined in Sections 22-21-7, Code of Ala. 1975.

~~(g) At least 30 days prior to the expiration of a practice permit, the Board shall send a renewal reminder to owner(s) of a practice.~~

(hg) Late Fees. A practice which does not renew the permit by September 30 shall pay late fees in the same amount as outlined in Board Rule 190-X-2-.11(78).

(ih) Continuing Education Required. As a condition for renewal of a non licensed permit, the clinic owner(s) if an individual(s) or if an entity the person(s) who will be most directly involved in the operation of the practice shall obtain a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulations and compliance with the Alabama Chiropractic Practice Act and Board Rules between October 1 and September 30 of each year.

(3) Any licensed chiropractor who offers or provides chiropractic services for or in a practice as defined in this rule without said practice having first obtained a permit or a timely renewal shall be considered in violation of the Alabama Chiropractic Practice Act. A practice permit shall be subject to the provisions of the Alabama Chiropractic Practice Act in regard to issuance and renewal of the permit or the acts or omission of any licensed chiropractor employed or otherwise engaged to offer or provide chiropractic services.

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(4) Lapsed Permit. A clinic may continue to operate until December 31 of the year for which a permit is issued subject to Code of Ala. 1975, Section 34-24-165(ba).

Author: J Ward

Effective: 10/1/04, amended (7) 10/06, (6) (7) (8) amended 3/08, amended (4) 6/2010, (2) (b) (c) (4) (f) (4) amended 6/2013; (g) (h) (i) amended 11/2013

Authority: 34-24-123; 34-24-165