TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Rule No. 190-X-404	Examiners
Rule Title: Pre Hearing Discovery	
New XX Amend Repeal Adopt by Reference	ence
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 accompanied by a fiscal note prepared in accordance with subsection (f) of 22-23, Code of Alabama 1975.	to be Section 41-
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 can applicable filing requirements of the Administrative Procedure Division of Legislative Reference Service. Signature of certifying officer	onforms to all
	FILED

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

<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 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:

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

190-X-4-.04 Pre-Hearing Discovery.

- (1) Permitted. Pre-hearing discovery shall be permitted in accordance with this rule. Any party to a contested case before the Board may seek discovery by the filing of a motion or request with the Board's Hearing Officer. It shall be within the discretion of the Board's
 Hearing Office to allow any such discovery.
- (2) Extent Allowed. The attorney for the Board or the respondent may upon application to the hearing officer obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action, whether it relates to the charge of the Board or the defense of the respondent. The method(s) or type(s) of discovery allowed and/or any limitations or conditions of the same shall be within the discretion of the Board's Hearing Officer; however, interrogatories or request for admissions shall not be allowed.
- (3) Methods of Discovery. The Board's Hearing Officer shall also have the authority to perform those acts set forth in Code of Alabama, (1975) §41-22-12(e).
- (a) Upon written application to the hearing officer, and in his discretion, the following discovery may be allowed:
- 1. Deposition upon oral examination of any expert witness.
- 2. Interrogatories to respondent.
- 3. Request for production and copying of documents or for inspection.
- (b) The discovery must be had in accordance with any terms and conditions imposed by the hearing officer. The hearing officer may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression, or undue burden or expense.

Author: Board of Chiropractic Examiners

Statutory Authority: Code of Ala. 1975, \$\\$34-24-144, 34-24-165.

History: Filed September 30, 1982.

Amended: Filed June 12, 2000; effective July 17, 2000;

(1)(2)(3) amended 11/2013