TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Rule No. 190-X-409	c Examiners
Rule Title: Conflict And Bias	
New _XX_Amend Repeal Adopt by Refer	rence
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 compliant requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it capplicable filing requirements of the Administrative Procedure Division of Legislative Reference Service. Signature of certifying officer Hueld fully oc	conforms to all
Signature of certaining officer	
	E FILED AMP)

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

Alabama State Board of Chiropractic Examiners Proposed Amended Rule

190-X-4-.09 Conflict And Bias.

- (1) No Board member shall participate in any disciplinary hearing before the Board or be entitled to vote in such a hearing who has a disqualifying conflict or bias against the licensee or permit holder who is the subject of the hearing any disciplinary matter if the Board member is personally biased against the respondent or when such voting would violate the provisions of Code of Ala. 1975, \$41-22-18.
- upon any alleged conflict or bias shall be filed within the time set for the filing of Motions as established by the Hearing Officer. Any such challenge must be accompanied by an affidavit(s) stating with specificity the basis for the alleged conflict or bias. Any respondent in a disciplinary action who wishes to assert bias or conflict may do so by filing with the Executive Director at least three days before scheduled disciplinary hearing an affidavit asserting the disqualification together with the underlying factual bias for assertion.
- (3) The Board shall consider the assertion of disqualification on the record as a preliminary matter at the hearing before any other question is decided.

Author:

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 41-22-18(1).

History: Filed September 30, 1982.

Amended: Filed January 29, 1990; (1)(2)(3) amended 11/2013

Amended: Filed June 18, 2009; effective July 23, 2009.