

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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Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

**190-X-5-.09 Chiropractic Records Required; Release Of
Records.**

(1) The Board finds and declares that the maintenance of an adequate record in the treatment of a patient is an essential component of the standard of care. Chiropractors and clinic permit holders should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Patient records should be maintained by the treating chiropractor. Any licensee or clinic permit holder or permit holder who fails to keep for a minimum of five (5) years all written chiropractic records which justify the particular course of treatment of the patient engages in ~~immoral and/or~~ unprofessional conduct as defined in Rule 190-X-5-.05.

(2) The Board finds and declares that, while physical chiropractic records may rightfully be considered the property of the licensee or the chiropractic clinic facility where the licensee may be employed, the chiropractic patient is just as rightfully entitled to the information contained in any chiropractic records related to his or her care for any legitimate purposes, which such legitimate purposes certainly includes the obtaining of second chiropractic or medical opinions.

(a) Upon request of a patient or authorized agent of a patient, licensees and clinic permit holders are required to, at a minimum, turn over to a patient or his or her authorized agent legible and accurate copies of any pertinent chiropractic records of the patient when requested to do so by the patient or his or her authorized agent for a legitimate purpose which is stated in writing and signed by the patient. The reasonable costs of reproducing copies of written or typed documents, or reports shall not be more than one dollar (\$1) for each page of the first 25 pages, not more than 50 cents (\$.50) for each page in excess of 25 pages, and search fee of five dollars (\$5). If the records are mailed to the person making the request, reasonable costs shall include the actual costs of mailing. A person may also charge the actual cost of reproducing X-rays and other special chiropractic records.

(b) The release of chiropractic records hereunder may not be made contingent upon payment of any other fee or charge owed by the patient. Failure to provide records to a patient upon request in accordance with this rule shall constitute

Alabama State Board of Chiropractic Examiners Proposed Amended Rule

information from a departing chiropractor which is necessary for the notification of patients. A licensee/permit holder or their estate(s) transferring patient records in connection with the sale of a practice shall notify the active patients no more than 30 days preceding the sale that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the patient record.

Author: Board of Chiropractic Examiners

Amended: (1) amended 11/2013

Statutory Authority: Code of Ala. 1975, §§34-24-144, 34-24-165, 34-24-166(2).

History: Filed September 30, 1982. **Amended:** Filed February 16, 1984. **Amended:** Filed May 18, 1993; effective June 22, 1993. **Amended:** Filed September 28, 1998; effective November 2, 1998. **Amended:** Filed January 28, 2000; effective March 3, 2000. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Amended:** Filed August 13, 2007; effective September 17, 2007. **Amended:** Filed January 29, 2010; effective March 5, 2010. **Amended:** Filed October 18, 2012; effective November 22, 2012.