

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-.11 Renewal of License**
- (2) **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 Continuing Education hours required for new licensees and to add credit card as a method of payment. (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to change the minimum 5 years for retention of records to 7 years to be consistent with HIPAA.

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 6, 2012.

CONTACT PERSON AND ADDRESS:

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Sheila Bolton

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Executive Director

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RULE 190-X-2-.11 Renewal of License

(1) Annual Renewal Required.

Each license shall be subject to renewal on September 30 of the year for which it is issued and every person having a valid license may on or before September 30th renew the license for the ensuing year by the payment to the State Board of Chiropractic Examiners of the fees set forth below. Each licensee shall complete a renewal form provided by the Executive Director of the Board. Renewal notices will be mailed or emailed in August of each year.

(2) Continuing Professional Education Required. A minimum of 18 hours of continuing education as approved by the Alabama State Board of Chiropractic Examiners is required annually for license renewal.

(a) As a condition of licensure renewal for those who are currently licensed and actively practicing in this state, a chiropractor must obtain every year a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board rules. The two (2) hours are included in the minimum of 18 hours.

~~(b) For those who receive a license after October 1, 2004 and are actively practicing in this state a chiropractor must obtain four (4) hours of the continuing education referred to in (a) above within one (1) year of licensure.~~ Any individual who is initially licensed as a chiropractor in this state after October 1, 2011 shall complete as part of the continuing education requirement four (4) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board Rules as a condition of renewal for the year following their initial licensure.

~~(c) For those who are licensed to practice in this state but who are not actively practicing in this state, the continuing education referenced in (a) above must be obtained within twelve months of actively practicing in this state.~~ Any licensed chiropractor in this State who does not reside or practice in Alabama shall not be required to complete the continuing education set forth in section (a) above; however once any such chiropractor resides in Alabama or returns to practice in Alabama in any manner the requirements of section (a) above shall be completed as a condition for the next renewal of his/her chiropractic license.

(d) The requirement set forth in (a) (b) and (c) above may be satisfied by distance based continuing education in addition to the distance based education allowed in paragraph (3).

(3) No more than one third (1/3) of the required hours may be completed in a distance based continuing education format which complies with the provisions of this rule. Annually shall mean October 1 - September 30 of each year.

(a.) All providers of distance based continuing education courses must be an entity approved by the Board.

(b.) Providers shall submit to the Board:

(aa.) the required fee and a completed FCLB Uniform Continuing Education Application,

(bb.) Curriculum Vitae of the course instructor(s).

(cc.) Proof of policies and procedures for implementation and evaluation of the course and the educational units.

(dd.) Electronic records of contact hours awarded to the licensee in a format and method specified by the Board.

(4) All seminars, workshops, and / or conventions staged in or out of the State of Alabama must be submitted to the Board for their approval. After examination of the subject material, the Board, in its discretion, may grant credit towards license renewal. In determining whether

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credit is granted and the number of credit hours granted, the Board shall consider the apparent quality of the material taught and its professional value to the practitioner.

The continuing educational requirement for the purpose of license renewal for any person who has graduated from a recognized CCE chiropractic college within the licensure year immediately preceding the licensure year indicated on the license renewal form except hours required in (2)(b) above may be met through attendance at a recognized CCE chiropractic college (a minimum of 18 hours). This applies only to the first license renewal period after initial licensing.

During the grace period (October 1 to December 31) for renewal, a licensee may complete any continuing education requirements for renewal that the licensee failed to complete during the prior fiscal year. Hours obtained during the grace period do not qualify or apply to the deferral procedure outlined below. Hours must be received in the board office before January 1 to avoid reinstatement.

(5) Educational Requirement May be Waived or Deferred.

A licensee who cannot complete the continuing educational requirements because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose a hardship may apply for a waiver or deferral of time to complete the continuing education requirements. Any waiver or deferral of time to complete the education requirements will be granted solely in the discretion of the board.

A licensee seeking a waiver or deferral must make application on the form provided by the Executive Director of the Board, prior to the December 31 license expiration for completion of the education requirement. For waivers or deferrals due to illness, the application form must be accompanied by a written statement from a physician stating the diagnosis, prognosis and length of time the licensee will be unable to practice or attend an educational program. Waivers or deferrals due to illness may be granted only to a licensee who has suffered a personal illness or personal disability of a nature that prevented or will prevent him/ her from engaging in the active practice of chiropractic for a significant portion of the continuing education period.

All licensees seeking waiver or deferral shall provide full and complete written documentation of the grounds supporting the reasons for which a deferral is sought. A licensee who requests a waiver or deferral of time to complete the required hours of continuing education shall not engage in the active practice of chiropractic beyond December 31 of any year and until the board grants the licensee's request for waiver or deferral.

(6) Renewal Fee Required.

(a) A fee not exceeding \$300.00 to be fixed by rule of the Board is required for annual license renewal. The renewal fee is \$300.00. This fee may be submitted in cashier's check, bank certified check, money order, credit card or personal check. If a personal check is returned for insufficient funds, a \$30.00 bookkeeping charge will be levied.

(b) A licensee who is prevented from practicing chiropractic by reason of physical disability, temporary active duty with any of the armed forces of the United States, or while any licensee is completely retired from the practice of chiropractic may request a waiver or reduction of the fee for annual renewal. The waiver or reduction shall be effective so long as the disability, temporary active duty or complete retirement continues. Licensee must notify the Board

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within fifteen (15) days from the onset of any claimed physical disability, temporary active duty or complete retirement as set forth above. Licensee shall notify the Board within fifteen (15) days when any such condition no longer is applicable. Forms for waiver or reduction of fees must be obtained from the Office of the Executive Director.

(7) Late Penalty. A penalty shall be charged any person who fails to pay the renewal fee by September 30. The late penalty for renewal during the month of October is fifty dollars (\$50), for renewal during the month of November is one hundred dollars (\$100) and for renewal during the month of December is two hundred and fifty dollars (250).

(8) Lapsed License. A chiropractor may continue to practice until December 31 of the year for which a license is issued subject to Code of Alabama (1975) Section 34-24-165(b).

Effective: 3/6/90, (1) amended 5/91, (4) amended 8/96, (4) amended 1/97, (1) amended 7/12/97, (4) amended 6/98, (6) amended 5/99, (1)(3)(4)(5)(6) amended 1/2000, (4) amended 12/2000, (2) (3) amended 2/2001, (2) amended 3/2002, (2)(d), (3), (4) amended 8/2003, (2)(a)(b)(c)(d)(e) 1/2004, (2)(a)(c)(e), (3)(a)(b)amended 6/2006, (1)(2)(a) amended 10/06; (6)(a)amended 1/09, (1)(5)(6)(b) amended 3/2009, (2)(b)(c) (6)(c) amended 10/2011

Authority: 34-24-165; 34-24-144; 34-24-176; 34-24-172