TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Rule No. 190-X-508	ic Examiners
Rule Title: Exploitation of Patients For Financial Gain New XX Amend Repeal Adopt by Reference Adopt by Ref	erence
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.	
Certification of Authorized Official	month and month of contrary decay that and the last the contract of the contra
I certify that the attached proposed rule has been proposed in full complication requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it applicable filing requirements of the Administrative Procedure Division of Legislative Reference Service.	conforms to all
Signature of certifying officer Lucid fally oc	
	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-1-.08 Voting
- (2) Rule 190-X-2-.10 Display of License
- (3) Rule 190-X-4-.01 Complaints
- (4) Rule 190-X-5-.08 Exploitation of Patients For Financial Gain

<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 delete irrelevant language.
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to delete irrelevant language.
- (3) The Alabama State Board of Chiropractic Examiners proposes to amend this to correct language regarding complaint form.
- (4) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to reflect statutory authority.

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: December 13, 2013.

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-5-.08 Exploitation Of Patients For Financial Gain.

- (1) Statement of Policy. The over utilization of chiropractic services or practice by exercising influence on a patient in such a manner as to exploit the patient or a third party payor for the financial gain of a licensee or a third party is hereby found and declared to constitute immoral or unprofessional conduct in violation of Code of Ala. 1975, §34-24-166(3).
- (2) Definition of Over utilization, Generally. Over utilization of chiropractic services or practice is defined as services or practices rendered, or goods or appliances sold by a chiropractic physician to a patient for financial gain of the chiropractic physician or a third party which are excessive in quality or quantity to the justified needs of the patient or are excessive in price.
- (3) Over utilization, Specifically. Over utilization occurs when:
- (a) The physician's written chiropractic records do not justify or substantiate the quantity or number of chiropractic services, or practices rendered, or goods or appliances sold by a chiropractic physician to a patient;
- (b) A claim or claims for chiropractic services, practices, goods or appliances is submitted to that patient or third party payor which represents multiple charges for one specific chiropractic diagnostic service or treatment practice, good or appliance.
- (c) A charge or claim for chiropractic services, practices, goods or appliances exceeds the usual and customary charges for such services, practices, goods or appliances to the extent that the charge or claim is unconscionable.
- (d) A charge or claim is submitted to the patient or to a third party payor for services, practices, goods or appliances which were not rendered or supplied.
- (e) A chiropractic doctor renders any chiropractic services, practices, goods or appliances for which a fee may be charged after such time as a patient has requested but has not been provided with a written itemized statement of any chiropractic services, practices, goods or appliances to be rendered during a particular office visit, and the corresponding fees that will be charges for such services.
 - (4) A chiropractor shall not engage in the following:
- (a) Routinely waive co payments or deductibles for the purpose of financial gain; or
- (b) Waive co payments or deductibles for the purpose of enticing or encouraging individuals to become patients.

Alabama State Board of Chiropractic Examiners Proposed Amended Rule

Effective: 3/6/90, (4) 11/2005, amended 6/06, (1)amended 01/13, (1) amended 10/2013

Author: Board of Chiropractic Examiners

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

34-24-166(2).

History: Filed September 30, 1982. Amended: Filed January 29, 1990. Amended: Filed January 23, 2006; effective February 27, 2006. Amended: Filed August 24, 2006; effective September 28, 2006. Amended: Filed March 12, 2013; effective

April 16, 2013.