

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Examiners
Rule No. 190-X-2-.17

Rule Title: Non Licensed Chiropractic Practice Ownership

New Amend Repeal Adopt by Reference

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 compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date October 17, 2016

DATE FILED
(STAMP)

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-5-.07 Trust Accounting Procedures for Pre-Payment**

INTENDED ACTION: The Alabama State Board of Chiropractic Examiners proposes to amend the rules as listed above.

SUBSTANCE OF PROPOSED ACTIONS:

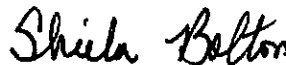
- (1) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to clarify the number of AL Law hours needed for renewal for the year following the initial permit issuance.
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to simplify the requirements.

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 7, 2016.

CONTACT PERSON AND ADDRESS:

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Alabama State Board of Chiropractic Examiners
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Sheila Bolton
Executive Director

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190-X-2-.17 Non Licensed Chiropractic Practice Ownership.

(1) Definition. For the purpose of this rule, practice shall mean an office, clinic or other place that offers or provides chiropractic services which is owned in whole or in part by a non-licensed person or entity.

(2) Permit Required.

(a) A practice shall not offer or provide chiropractic services without all non-licensed owners' first obtaining a permit or renewal permit from the Board.

(b) An applicant for a permit shall submit to the Board an application as prescribed by the Board, along with a permit fee and an examination fee in the amounts set forth by Board Rule. The application must be signed by all owner(s), if a sole proprietorship, or by an authorized representative, if a partnership, corporation, Limited Liability Company or Limited Liability Partnership.

Each applicant shall be of good moral character, a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(c) The following information shall be included in the application and upon renewal:

1. The legal name of the practice and street address, telephone and facsimile numbers of the practice;

2. The type of entity (Sole proprietorship, partnership, corporation, Limited Liability Company, or Limited Liability Partnership);

3. The name, address and percentage of ownership of each person or entity;

4. The name and license number of each chiropractor licensed by the Board who is employed or otherwise engaged to offer or provide chiropractic services at the practice. Each such applicant, i.e. the individual or the person most directly involved should be of good moral character.

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(d) As a condition of the issuance of the initial non-licensed permit, the applicant if an individual(s) or if an entity the person(s) who will be most directly involved in the operation of the practice shall successfully pass a jurisprudence examination to be administered by the Board.

(e) No permit or renewal will be issued on an incomplete submission. Applications or renewals that are submitted without all of the required documents, information and/or fees will be deemed incomplete and returned to the applicant.

(f) Practice permits shall not be required for licensed hospitals as defined in Sections 22-21-7, Code of Ala. 1975.

(g) Late Fees. A practice which does not renew the permit by September 30 shall pay late fees in the same amount as outlined in Board Rule 190-X-1-.08(9).

(h) Continuing Education Required. As a condition for renewal of a non licensed permit, the clinic owner(s) if an individual(s) or if an entity the person(s) who will be most directly involved in the operation of the practice shall obtain a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulations and compliance with the Alabama Chiropractic Practice Act and Board Rules between October 1 and September 30 of each year.

(i) The clinic owner(s) of any non licensed clinic that is initially issued a permit 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 the initial permit issuance.

(3) Any licensed chiropractor who offers or provides chiropractic services for or in a practice as defined in this rule without said practice having first obtained a permit or a timely renewal shall be considered in violation of the Alabama Chiropractic Practice Act. A practice permit shall be subject to the provisions of the Alabama Chiropractic Practice Act in regard to issuance and renewal of the permit or the acts or

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omission of any licensed chiropractor employed or otherwise engaged to offer or provide chiropractic services.

(4) A clinic may continue to operate until December 31 of the year for which a permit is issued subject to Code of Ala. 1975, Section 34-24-165(a).

(5) The permit of any non licensed owner who fails to renew on or before January 1st shall be automatically suspended. Any non licensed owner whose permit is automatically suspended shall be allowed reinstatement if on or before January 31st the non licensed owner submits documentation of compliance for conditions of renewal and submits payment of the applicable reinstatement fee. Any non licensed owner who seeks reinstatement due to nonrenewal after January 31st shall comply with the requirements of Code of Alabama 34-24-176.

Effective: 10/1/04, amended (7) 10/06, (6)(7)(8) amended 3/08, amended (4) 6/2010, (2)(b)(c)(4)(f)(4) amended 6/2013, (2)(g), (4), (5) amended 10/2015, (2)(i) amended 10/2016

Author: J Ward

Statutory Authority: Code of Ala. 1975, §§34-24-123, 34-24-165.

History: New Rule: Filed December 8, 2004; effective January 12, 2005. **Amended:** Filed January 19, 2007; effective February 19, 2007. **Amended:** Filed June 13, 2008; effective July 18, 2008. **Amended:** Filed June 21, 2010; effective July 26, 2010; (g)(h)(i) amended 11/2013