

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Examiners
Rule No. 190-X-5-.07

Rule Title: Trust Accounting Procedures For Pre-Payment Plans
 New XX 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

Proposed Amended Rule

190-X-5-.07 Trust Accounting Procedures For Pre-Payment Plans. ~~A chiropractor who offers any treatment plan over five hundred dollars (\$500.00) which includes payment of fees for services, goods or appliances to be performed or supplied in the future i.e. prior to the furnishing or supplying of any services, goods or appliances shall comply with all of the following requirements.~~

~~(a) Hold all funds in a separate federally insured checking account at a financial institution located in this State. No personal funds of any chiropractor or chiropractic practice shall ever be deposited in this separate account except for maintenance fees, such as service charges on the account.~~

~~(b) Designate the separate account, as well as deposit slips and checks drawn thereon as "Trust Account".~~

(c) Maintain for each patient from whom funds are deposited into the referenced account a signed and witnessed statement which explains fully and completely the services, goods or appliances to be provided and the terms and conditions of payment. This statement shall include provisions for an accounting to the patient upon request as well as provisions for the return of all unearned fees in the event the patient chiropractic relationship is terminated.

~~(d) Funds may only be transferred to the chiropractor after the service, goods or appliance is performed or supplied and only in the amounts authorized in the statement referenced above.~~

(e) The treatment plan shall include an accurate description of the services, goods or appliances to be performed or supplied as well as the period of time in which the referenced services, goods or appliances will be performed or supplied.

(f) Complete records of such account funds shall be maintained for ~~seven (7)~~ five (5) years after the performance or supplying of the services goods or appliances or from the termination of treatment. In addition, records shall include a ledger of all funds received and payments made which must be patient specific.

Author: Alabama State Board of Chiropractic Examiners

Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

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

Amended (a) (b) (c) (d) (f) 10/2016

History: Filed September 30, 1982. **Amended:** Filed February 16, 1984. **Amended:** Filed June 4, 1997; effective July 9, 1997. **Amended:** Filed January 23, 1998; effective February 27, 1998. **Amended:** Filed August 24, 2006; effective September 28, 2006. **Repealed and New Rule:** Filed March 12, 2008; effective April 16, 2008.