

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Examiners  
 Rule No. 190-X-5-.08  
 Rule Title: Exploitation of Patients for Financial Gain  
 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.

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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 January 15, 2013

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-5-.08 Exploitation of a Patient for Financial Gain**
- (2) **Rule 190-X-2-.02 Application Fee and Examination Fee Required**
- (3) **Rule 190-X-2-.03 Good Moral Character Required**
- (4) **Rule 190-X-2-.04 Application Required**
- (5) **Rule 190-X-2-.05 Examination Required**
- (6) **Rule 190-X-2-.06 Issuance of License**

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

SUBSTANCE OF PROPOSED ACTIONS:

- (1) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to correct a code reference in paragraph (1).
- (2) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-2-.01.
- (3) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-2-.01.
- (4) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-2-.01.
- (5) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-2-.01.
- (6) The Alabama State Board of Chiropractic Examiners proposes to repeal this rule as it was combined with Rule 190-X-2-.01.

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: March 7, 2013.

CONTACT PERSON AND ADDRESS:

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*Sheila Bolton*

Sheila Bolton  
Executive Director

ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS  
Proposed Amended Rule

**RULE 190-X-5-.08 Exploitation of Patients For Financial Gain.**

**(1) Statement of Policy.** The overutilization 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(2) (3).

**(2) Definition of Overutilization.** Generally. Overutilization of chiropractic services or practice is defined as services or practices rendered, or goods or appliances sold by a chiropractic physician to a patient(s) 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) Overutilization. Specifically. Overutilization 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 charge 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.**

**Effective: 3/6/90, (4) 11/2005, amended 6/06, (1)amended 01/13 Authority: 34-24-144; 34-24-165; 34-24-166(2)**