

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-2-.11

Rule Title: Renewal of License

 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 *Sherald J. Collins DC*

Date July 3, 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-2-.09 Recordation of License**
- (2) **Rule 190-X-2-.11 Renewal of License**
- (3) **Rule 190-X-2-.12 Reinstatement of License**
- (4) **Rule 190-X-2-.14 Retirement of License**
- (5) **Rule 190-X-2-.16 Inactive License (Out of State)**
- (6) **Rule 190-X-2-.17 Non Licensed Chiropractic Practice Ownership**
- (7) **Rule 190-X-3-.02 Chiropractic Physiological Therapeutics or Physical Therapy**

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

SUBSTANCE OF PROPOSED ACTIONS:

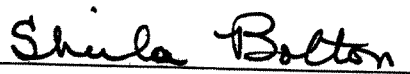
- (1) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to correct reference to Board Rule
- (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2013-414.
- (3) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2013-414..
- (4) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to correct rule # cite.
- (5) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2013-414.
- (6) The Alabama State Board of Chiropractic Examiners proposes to amend this rule per changes in ACT 2013-414 and to clarify.
- (7) The Alabama State Board of Chiropractic Examiners proposes to amend this rule for clarification.

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: September 27., 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

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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 completing the renewal application, submitting documentation as set forth below and with 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, 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) 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.

~~(d)~~(c) The requirement set forth in (a) and (b) 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 as set forth by Board Rule 190-X-1-.19.

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- ~~(b) Providers shall submit to the Board:~~
- ~~1. The required fee and a completed FCLB Uniform Continuing Education Application.~~
 - ~~2. Curriculum Vitae of the course instructor(s).~~
 - ~~3. Proof of policies and procedures for implementation and evaluation of the course and the educational units.~~
 - ~~4. 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 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) A licensee who cannot complete the continuing educational requirements because of personal physical illness

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or disability, 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.

(b) 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 personal physical illness or disability 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.

(c) 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, or credit card.

(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 within

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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 complete pay the renewal fee by September 30. The late penalty for renewal completed during the month of October is fifty dollars (\$50), for renewal completed during the month of November is one hundred dollars (\$100) and for renewal completed 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 Ala. 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, (6) (a) amended 6/2012, (2) (a) (c) amended 10/12, amended (1) (3) (a) (b) (4) (5) (a) (7) 6/2013

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