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TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 190 Department or Agency: Alabama State Board of Chiropractic Examiners

Rule No. 190-X-2-19

Rule Title: Application; Licensure by Credentials

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 Shirley 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-.19 Application; Licensure by Credentials

INTENDED ACTION: The Alabama State Board of Chiropractic Examiners proposes the new rule as-listed above.

SUBSTANCE OF PROPOSED ACTIONS:

(1)The Alabama State Board of Chiropractic Examiners proposes this new rule per ACT 2013-414.

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:

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Alabama State Board of Chiropractic Examiners
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Sheila Bolton

Sheila Bolton
Executive Director

Alabama State Board of Chiropractic Examiners
Proposed Amended Rule

190-X-2-.19 Application; Licensure by Credentials.

(1) Definitions: The following definitions shall apply to these rules:

(a) LICENSURE BY CREDENTIALS. Licensure by credentials is to be used to evaluate the theoretical knowledge and clinical skill of a chiropractor when an applicant holds a chiropractic license in another state.

(b) BOARD. Board shall mean the Board of Chiropractic Examiners of Alabama.

(c) ACT. Code of Alabama, (1975) § 34-24-120 et seq.

(2) To be eligible for licensure by credentials in the State of Alabama, the applicant shall meet the provisions of Code of Alabama, (1975) § 34-24-162 and this Rule, which are as follows:

(a) The chiropractor must have been engaged in the active practice of chiropractic or in full time chiropractic education for no less than five thousand (5,000) hours over the five (5) year period immediately preceding the application.

(b) The applicant must hold a current, valid, unrevoked, and unexpired license in a state having examination standards regarded by the Board of Chiropractic Examiners of Alabama as an equivalent to the Alabama standards. For purposes of this requirement, these exam standards shall include passing the National Chiropractic Board Examination Parts I and II administered by NBCE.

(c) The Board of Examiners in the state of current practice shall verify or endorse that the applicant's license is in good standing without any restrictions.

(d) The chiropractor shall not be the subject of pending or final disciplinary action in any state in which the individual has been licensed which shall be verified through inquiry to the National Practitioner Data Bank, the Health Integrity Protection Data Bank, the Federation of Chiropractic Licensing Board CINBAD Databank for Disciplinary Information, or any other pertinent Bank currently existing or which may exist in the future.

(e) The applicant shall provide a written statement agreeing to be interviewed at the request of the Board.

(f) The applicant must successfully pass a written jurisprudence examination to be designed and administered by the Board.

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- (g) The applicant shall submit affidavits from two licensed chiropractors practicing in the same geographical area where the applicant currently is practicing or teaching attesting to the applicant's moral character, standing, and ability.
- (h) The applicant must complete an application for licensure by credential.
- (i) Upon the Board's request, the applicant shall execute any necessary release or authorization to obtain information in connection with the application or the requirements of this rule.
- (j) The applicant must be a graduate of a chiropractic school or college approved by the board and shall provide the Board with an official transcript with school seal from the school of chiropractic which issued the applicant's professional degree or execute a request and authorization allowing the board to obtain the transcript.
- (k) The applicant must not be the subject of any pending or final action from any hospital revoking suspending, limiting, modifying, or interfering with any clinical or staff privileges.
- (l) The applicant must not have been convicted of a felony, a misdemeanor involving moral turpitude, any offense relating to controlled or legend drugs or any offense which would interfere with or impair the ability to practice chiropractic with reasonable skill and safety to his or her patients.
- (m) The board may consider or require other criteria including, but not limited to, any of the following:
 - 1. Questioning under oath.
 - 2. Results of peer review reports from constituent chiropractic societies or federal chiropractic services.
 - 3. Substance abuse testing or treatment.
 - 4. Proof of no physical or psychological impairment that would adversely affect the ability to practice chiropractic with reasonable skill and safety.
 - 5. Participation in continuing education.
 - 6. Background checks for criminal or fraudulent activities.
 - 7. An agreement to initiate practice within the State of Alabama within a period of one year.
 - 8. Proof of professional liability coverage and that coverage has not been refused, declined, cancelled, nonrenewed, or modified.

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9. In the event an applicant has or is practicing in a state which allows an applicant to prescribe or administer drugs, the applicant has not been the subject of any disciplinary action or is subject to the pendency of any disciplinary action or enforcement proceeding of any kind in connection with these activities. This section applies regardless of whether or not a separate permit or license was issued to engage in the described activities.
- (3) The Board may refuse to grant a license to an applicant who does not comply with the requirements of 34-24-166(a) or who has engaged in any acts constituting the grounds for discipline pursuant to Code of Alabama, (1975) § 34-24-166(b).
- (4) An applicant shall submit to the Board with the application, a non-refundable fee to be determined by the Board. If an applicant is granted a license, this fee includes the licensing fee for the first licensing year.
- (5) An applicant granted a license by credentialing will be subject to the Act and all Board rules.

If all criteria and requirements are satisfied and the Board determines, after notice and hearing, that the individual committed fraud or in any way falsified any information in the application process, the license may be revoked by the Board or the Board may impose other disciplinary sanctions allowed by the provisions of the Act.

Author: Board

Statutory Rulemaking Authority: Code of Alabama, (1975) § 34-24-162 and §34-24-144

History: New Rule: Filed