

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-.11 Renewal of License**
- (2) **Rule 190-X-5-.09 Chiropractic Records Required; Release of Records**

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 Continuing Education hours required for new licensees and to add credit card as a method of payment. (2) The Alabama State Board of Chiropractic Examiners proposes to amend this rule to change the minimum 5 years for retention of records to 7 years to be consistent with HIPAA.

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: January 6, 2012.

CONTACT PERSON AND ADDRESS:

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Executive Director

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Proposed Amended Rule

RULE 190-X-5-.09 Chiropractic Records Required; Release of Records.

(1) The Board finds and declares that the maintenance of an adequate record in the treatment of a patient is an essential component of the standard of care. Chiropractors should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Patient records should be maintained by the treating chiropractor. Any licensee who fails to keep for a minimum of five ~~(5)~~ seven (7) years all written chiropractic records which justify the particular course of treatment of the patient engages in immoral, and / or unprofessional conduct as defined in Rule 190-X-5-.05.

(2) The Board finds and declares that, while physical chiropractic records may rightfully be considered the property of the licensee or the chiropractic clinic facility where the licensee may be employed, the chiropractic patient is just as rightfully entitled to the information contained in any chiropractic records related to his or her care for any legitimate purposes, which such legitimate purposes certainly includes the obtaining of second chiropractic or medical opinions.

- (a) Upon request of a patient or authorized agent of a patient, licensees and clinic permit holders are required to, at a minimum, turn over to a patient or his or her authorized agent legible and accurate copies of any pertinent chiropractic records of the patient when requested to do so by the patient or his or her authorized agent for a legitimate purpose which is stated in writing and signed by the patient. The reasonable costs of reproducing copies of written or typed documents, or reports shall not be more than one dollar (\$1) for each page of the first 25 pages, not more than 50 cents (\$.50) for each page in excess of 25 pages, and a search fee of five dollars (\$5). If the records are mailed to the person making the request, reasonable costs shall include the actual costs of mailing. A person may also charge the actual cost of reproducing X-rays and other special chiropractic records.**
- (b) The release of chiropractic records hereunder may not be made contingent upon payment of any other fee or charge owed by the patient. Failure to provide records to patient upon request in accordance with this rule shall constitute immoral or unprofessional conduct as defined in Rule 190-X-5-.05.**
- (c) The fees provision of this rule shall not apply to records subpoenaed by the State Board of Chiropractic Examiners.**

(3) Request for records from another healthcare practitioner or the Board of Chiropractic Examiners must be released within 10 working / business days.

(4) Upon receipt of a properly signed and executed release from the patient, the licensee or clinic permit holder, at his discretion, may release the original or a copy of x-ray film and a copy of the patient records, etc. to the patient or their designee.

(5) If the Board receives a complaint against a licensee or clinic permit holder where the licensee or clinic will not release the records to a patient at the patient's request, a letter from the Board will be sent via Certified Mail to the licensee / permit holder to release the records to the patient within 10 days of receipt of the certified letter, and submit proof that the records have been mailed to the patient (via Certified Mail) to the Board within 10 days as well. The licensee / permit holder must either submit to the Board proof of the mailing of the records or respond to the Board as to why the records cannot / will not be mailed within 10 days of receipt of the certified letter from the Board.

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(6) If the Board has not received proof that the records have been released to the patient, or has not received a response from the licensee / permit holder within 15 days of the date the request was mailed from the Board's office, the chiropractor will be subject to discipline for unprofessional conduct.

(7) Transfer or Disposal of Records. When a licensee retires, terminates employment or otherwise leaves a chiropractic practice, the licensee is responsible for ensuring that active patients receive reasonable notification and are given the opportunity to arrange for the transfer of their patient records. A licensee or the chiropractic clinic which employs the licensee should not withhold information from a departing chiropractor which is necessary for the notification of patients. A licensee or the estate of a deceased chiropractor transferring patient records in connection with the sale of a practice should notify the active patients that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the patient record.

**Effective: 10/1/82, amended 3/22/84, 7/6/93, (1)(3) amended 6/98, (2)(a)(b)(c) amended 8/99, amended 10/2006, (3)(4)(5)(6) amended 1/07, (2)(c)(3), amended 1/2010 (1) amended 10/2011
Authority: 34-24-144; 34-24-165; 34-24-166(3)**