

1 HB337
2 148841-4
3 By Representative Wood
4 RFD: Boards, Agencies and Commissions
5 First Read: 21-FEB-13

1
2 ENROLLED, An Act,

3 Relating to the practice of chiropractic; to amend
4 Sections 34-24-121, 34-24-123, 34-24-140, 34-24-143,
5 34-24-160, 34-24-161, 34-24-165, 34-24-166, 34-24-168,
6 34-24-170, 34-24-172, 34-24-175, and 34-24-176, Code of
7 Alabama 1975, relating to the Board of Chiropractic Examiners;
8 to clarify compliance with board advertising rules for permit
9 holders; to provide a state at-large board member; to require
10 applicants for licensure and reinstatement to provide sets of
11 fingerprints and bear the costs of criminal background checks;
12 to require clinic permit applicants to take and pass an exam;
13 to provide for subpoena powers for the board; to provide for
14 permit holder regulation; to provide for certification for
15 specialized areas; to allow disciplinary action for unpaid
16 checks; to clarify who may seek judicial review; and to add
17 Section 34-24-162 to the Code of Alabama 1975, relating to the
18 application process for licensure based on the credentials of
19 a Doctor of Chiropractic in another state.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 34-24-121, 34-24-123, 34-24-140,
22 34-24-143, 34-24-160, 34-24-161, 34-24-165, 34-24-166,
23 34-24-168, 34-24-170, 34-24-172, 34-24-175, and 34-24-176,
24 Code of Alabama 1975, are amended to read as follows:

25 "§34-24-121.

1 "The State Board of Chiropractic Examiners shall
2 have the right to regulate the advertising of chiropractic
3 services by chiropractors or permit holders within the limits
4 prescribed by this article and the rules and regulations
5 governing the practice of chiropractic in this state.

6 "§34-24-123.

7 "(a) It shall be unlawful for any person to practice
8 chiropractic unless he or she shall have first obtained a
9 valid license as provided in this article and possesses all
10 the qualifications prescribed by the terms of this article.
11 Any person who shall practice or attempt to practice
12 chiropractic without such a license or any person who shall
13 buy or fraudulently obtain such a license or shall violate any
14 of the terms of this article, or shall use the title
15 "chiropractic," "D.C.," or any word or title to induce the
16 belief that he or she is engaged in the practice of
17 chiropractic, without first complying with the provisions of
18 this article, shall be guilty of a misdemeanor and, upon
19 conviction thereof, shall be punished by a fine of not less
20 than one hundred dollars (\$100) nor more than five hundred
21 dollars (\$500), or by imprisonment in the county jail for not
22 less than 30 days nor more than one year, either or both, at
23 the discretion of the court. All subsequent offenses shall be
24 separate and distinct offenses and punishable in like manner.

1 "(b) It shall be unlawful for any person who is not
2 otherwise licensed by the board to own, in whole or in part,
3 any chiropractic practice unless he or she shall have first
4 obtained a valid permit in the name of the chiropractic
5 practice or office. Each applicant must pass an examination
6 administered by the board on this article and the rules of the
7 board. Upon completion of all requirements and passage of the
8 examination, a permit shall be issued. Employment of a
9 chiropractor by a hospital, as defined in Section 22-21-7, ~~or~~
10 ~~a public health service provider as defined by 42 U.S.C.~~
11 ~~2.54(b),~~ shall be excluded from the requirements of this
12 subsection. The board shall establish a reasonable fee for the
13 issuance and renewal of the permit, which shall be renewable
14 annually and shall provide a grace period for any permit to be
15 renewed in the same manner as provided for licensees in
16 Section 34-24-165. The holder of a permit issued pursuant to
17 this subsection shall be subject to this article and any rules
18 or regulations issued pursuant thereto.

19 "§34-24-140.

20 "(a) There is created and established a State Board
21 of Chiropractic Examiners. The board shall be composed of nine
22 members. Eight members of the board shall be active licensed
23 chiropractors elected as provided in this section. Seven of
24 the elected members shall be elected one from each
25 congressional district in this state except as otherwise

1 provided in Section 34-24-141. ~~Each of the members elected~~
2 ~~from congressional districts shall be a resident of the~~
3 ~~congressional district from which elected.~~ Any candidate for
4 or member of the board shall be a resident of the appropriate
5 congressional district except one candidate for the board
6 shall be elected from the state at large. One elected member
7 of the board shall be elected from the state at-large and
8 shall be an African-American. Each elected member of or
9 candidate for the board shall ~~be all of~~ meet the following
10 qualifications: A citizen and resident of Alabama who has
11 resided in this state for at least five years; a graduate of a
12 chartered chiropractic school or college, which required
13 actual attendance in the school as a prerequisite to
14 ~~graduation; currently engaged in the clinical practice of~~
15 ~~chiropractic and has been engaged in the clinical practice in~~
16 ~~this state for at least the five immediately preceding years;~~
17 graduation; currently engaged in the clinical practice of
18 chiropractic and has been engaged in the clinical practice in
19 this state for at least the five immediately preceding years;
20 having renewed his or her license to practice chiropractic by
21 September 30 of the year in which the election shall take
22 place; of good moral character; and must not be presently on
23 probation relating to the practice of chiropractic in any
24 state including this state.

1 "(b) One member of the board shall be a consumer
2 member ~~of the board~~ appointed by the Governor. Neither the
3 consumer member, nor his or her spouse, shall be a
4 chiropractor. The consumer member shall not be an immediate
5 family member of a chiropractor, nor shall he or she be
6 employed in the chiropractic field.

7 "(c) The elected members of the board shall be
8 elected as provided in this subsection. In August of any year
9 that the term of a member of the board expires, the Board of
10 Chiropractic Examiners shall mail a notice of the election of
11 the board and the method of qualifying as a candidate to each
12 active licensed chiropractor in the district where the vacancy
13 occurs at his or her permanent mailing address. The election
14 provided for in this section shall be conducted by an
15 independent agency such as a certified public accounting firm
16 unless there is only one candidate for the board and in this
17 situation, the board shall certify the results. The board
18 shall set a period for candidates to qualify and the date for
19 the ballots to be mailed. Candidates shall qualify by
20 submitting their name to the executive director of the board
21 during the qualifying period which shall be not less than 20
22 days nor more than 40 days after the notice is mailed. Not
23 less than 14 days after the deadline for qualification, each
24 licensed chiropractor shall be mailed a ballot for the
25 appropriate congressional district where the vacancy is to be

1 filled. In order to be counted, the ballots shall be received
2 by the board not later than 14 days after the ballots are
3 mailed. The results of the election shall be certified by no
4 less than three members of the board. The ballots shall be
5 maintained for a period of six months. The candidate with a
6 simple majority of the votes cast in each respective
7 congressional district shall be elected to the board position
8 for that congressional district. In the event no candidate in
9 a district receives a majority of the votes, the board shall
10 hold a run-off election in the same manner as provided in this
11 subsection. The members of the board shall take office
12 immediately upon election and the executive director of the
13 board shall set the first meeting of the board after the
14 election of the new board.

15 "(d) Whenever a vacancy occurs on the board, whether
16 by death, resignation of a member, or other cause, the vacancy
17 shall be filled in the same manner as the original election or
18 appointment for the remainder of the term of office.

19 "(e) (1) The board may employ investigators,
20 inspectors, attorneys, and any other agents, employees, and
21 assistants as may from time to time be necessary, and may use
22 any other means necessary to bring about and maintain a rigid
23 administration and enforcement of state and federal law.

24 "(2) The board shall have the power to issue
25 subpoenas and compel the attendance of witnesses and the

1 production of all necessary papers, books, records,
2 documentary evidence and materials, or other evidence. Any
3 person failing or refusing to appear or testify regarding any
4 matter about which he or she may be lawfully questioned or to
5 produce any papers, books, records, documentary evidence or
6 materials, or other evidence in the matter to be heard, after
7 having been required by order of the board or by a subpoena of
8 the board to do so, upon application by the board to any
9 circuit judge of this state, may be ordered to comply
10 therewith; and, upon failure to comply with the order of the
11 circuit judge, the court may compel obedience by attachment as
12 for contempt as in case of disobedience of a similar order or
13 subpoena issued by the court. The president and
14 secretary-treasurer of the board shall have authority to issue
15 subpoenas, and any board member shall have authority to
16 administer oaths to witnesses, or to take their affirmation. A
17 subpoena or other process of paper may be served upon any
18 person named therein, anywhere within the State of Alabama, by
19 any officer authorized to serve subpoenas or other process or
20 paper in civil actions, in the same manner as is prescribed by
21 law for subpoenas issued out of the circuit courts of this
22 state, the fees and mileage and other costs to be paid as the
23 board directs.

24 "(f) The board shall employ an executive director
25 who shall be responsible for the administration of board

1 policy. The executive director may be licensed to practice
2 chiropractic in this state as provided in this article.

3 "(g) The board shall publish annually a directory
4 listing all permit holders and all persons licensed to
5 practice chiropractic in Alabama. Copies of the directory
6 shall be made available from the executive director at a cost
7 set from time to time by rule of the board.

8 "(h) The membership of the board shall be inclusive
9 and reflect the racial, gender, geographic, urban/rural, and
10 economic diversity of the state.

11 "§34-24-143.

12 "All examination fees, certification fees, renewal
13 fees, and other similar funds received by the board under the
14 provisions of this article shall be deposited in the State
15 Treasury to the credit of the State Board of Chiropractic
16 Examiners, and all such funds are hereby appropriated to the
17 board to defray the expenses incurred in carrying out the
18 provisions of this article. The expenses shall include
19 printing, stamps, stationery, clerical help, travel, and other
20 necessary expenditures. In all cases, any fee which is
21 received by the board shall not be refunded, and no applicant
22 shall have the right to recover any part of a fee accompanying
23 his or her application for licensure or otherwise paid to the
24 board except on the death, disability, or retirement from
25 practice of any applicant or licensee between payment of any

1 fee and the expiration of his or her current renewal or the
2 issuance of the initial license or permit or on the failure of
3 the board to conduct any scheduled examination. The books and
4 records of the board shall be subject to state audit in the
5 same manner and to the same extent as any other state agency.
6 The secretary-treasurer or the executive director shall keep a
7 true and accurate account of all funds received by the board
8 and all expenditures made by the board.

9 "§34-24-160.

10 "(a) Any person wishing the right to practice
11 chiropractic shall make application to the State Board of
12 Chiropractic Examiners in the form as the board may prescribe.

13 "(b) In addition to other requirements established
14 by law and for the purpose of determining an applicant's
15 suitability for a license to practice chiropractic, each
16 applicant shall submit a complete set of fingerprints to the
17 State Board of Chiropractic Examiners. The board shall submit
18 the fingerprints provided by each applicant for a license to
19 practice chiropractic to the Alabama Bureau of Investigation
20 (ABI). The fingerprints shall be forwarded by the ABI to the
21 Federal Bureau of Investigation (FBI) for a national criminal
22 history record check. Costs associated with conducting a
23 criminal history background check shall be borne by the
24 applicant. The State Board of Chiropractic Examiners shall
25 keep information received pursuant to this section

1 confidential, except that such information received and relied
2 upon in denying the issuance of a license to practice
3 chiropractic in this state may be disclosed as may be
4 necessary to support the denial. This requirement also shall
5 apply to any person who is not licensed as a chiropractor who
6 applies for a permit pursuant to Section 34-24-123(b).

7 "(c) Each applicant shall be of good moral
8 character, a citizen of the United States or, if not a citizen
9 of the United States, a person who is legally present in the
10 United States with appropriate documentation from the federal
11 government, ~~and.~~

12 "(d) Each applicant shall be a graduate of a
13 chartered chiropractic school or college accredited by the
14 council of chiropractic education which teaches only
15 attendance courses and requires a minimum four-year standard
16 college course. An applicant for licensure prior to December
17 31, 2009, shall also have had literary training equaling as
18 much as a regular high school.

19 "(e) An applicant for licensure who graduated from
20 chiropractic college after January 1, 2010, shall have a
21 bachelor's degree from an accredited college or university.
22 Absent a bachelor's degree, the requirement may be met by an
23 academic graduate degree from a regionally accredited college
24 or university and proof that the applicant has taken a

1 nationally recognized standardized test commensurate with that
2 applicant's graduate degree.

3 "(f) The application shall be signed by the
4 applicant in his or her own handwriting, and shall be
5 notarized, and shall recite the history of the applicant's
6 educational qualifications, how long he or she has studied
7 chiropractic, what collateral branches, if any, he or she has
8 studied, the length of time he or she has engaged in clinical
9 practice, with proof thereof in the form of diplomas,
10 certificates, transcripts, etc.

11 "(g) Each applicant shall submit with his or her
12 application satisfactory evidence of good character and
13 reputation.

14 "(h) Each applicant for licensure shall pay to the
15 board a fee of not less than fifty dollars (\$50) and not more
16 than one hundred fifty dollars (\$150), the exact amount to be
17 fixed annually by resolution of the State Board of
18 Chiropractic Examiners. The fee shall accompany the
19 application. A fee of not less than fifty dollars (\$50) and
20 not more than one hundred fifty dollars (\$150), the exact
21 amount to be fixed by resolution of the State Board of
22 Chiropractic Examiners shall be paid for any subsequent
23 examination.

24 "§34-24-161.

1 "(a) Each applicant, who matriculated into a
2 chiropractic college after January 1, 1973, must pass parts
3 one and two of the examination administered by the National
4 Board of Chiropractic Examiners or other national examination
5 as approved by the board. In addition, each applicant must
6 pass an examination administered by the board on this article
7 and the rules of the board.

8 "(b) The State Board of Chiropractic Examiners shall
9 prescribe rules and regulations regarding which national
10 examination shall be administered, the conduct of and times
11 and places of examinations, and requirements for successful
12 completion of examinations. A license shall be issued for each
13 applicant who successfully completes the examination.

14 "(c) Irrespective of the requirements in subsections
15 (a) and (b), the board may license an applicant if the
16 applicant is licensed in another state that, in the opinion of
17 the board, has standards of practice or licensure equal to or
18 stricter than the requirements imposed by this article;
19 provided further, that if the applicant graduated from
20 chiropractic college after January 1, 2010, he or she must
21 have a bachelor's degree from an accredited college or
22 university. Absent a bachelor's degree, the requirement may be
23 met by an academic graduate degree from a regionally
24 accredited college or university and proof that the applicant

1 has taken a nationally recognized standardized test
2 commensurate with that applicant's graduate degree.

3 "(d) Upon completion of all requirements for
4 licensure an applicant shall be issued a license. The fee for
5 issuance of a license shall not be more than fifty dollars
6 (\$50), the exact amount to be established by the board. Each
7 license shall be dated and numbered in the order of issuance
8 and shall be signed by the executive director and the
9 president of the board.

10 "(e) Replacement licenses:

11 "(1) Any licensee whose license is lost or destroyed
12 may be issued a replacement license upon making application to
13 the board. The application must be accompanied by an affidavit
14 setting out the facts concerning the loss or destruction.

15 "(2) Name change. Any licensee whose name is changed
16 by marriage or court order may surrender his or her license
17 and apply for a replacement license.

18 "(3) The fee for any replacement license shall be
19 not more than fifty dollars (\$50), the exact amount to be
20 established by the board.

21 "(f) Each licensed chiropractor who is actively
22 engaged in practice or who holds himself or herself out as a
23 chiropractor shall place or cause to be placed in a
24 conspicuous place at the entrance of his or her office or
25 place in which he or she practices a sign in intelligible

1 lettering not less than one inch in height containing the name
2 of the chiropractor and in lettering no smaller than half the
3 size of the name of the chiropractor, the words "CHIROPRACTOR"
4 or "CHIROPRACTIC." The intent of this requirement is that the
5 office of the licensee be clearly identified by name and
6 profession.

7 ~~"(g) The board may issue a certification to any~~
8 ~~licensee who meets the qualifications for any specialized area~~
9 ~~of practice recognized in any part of this chapter or by~~
10 ~~existing board rule. A one-time fee not to exceed twenty-five~~
11 ~~dollars (\$25) shall be levied for the issuance of a specialty~~
12 ~~certification.~~

13 "§34-24-165.

14 "(a) Every license to practice chiropractic or
15 permit to own a chiropractic practice shall be subject to
16 renewal on September 30 of the year for which it is issued.
17 Every person having a valid license or permit may on or before
18 September 30 renew the license or permit for the ensuing year
19 by the payment to the State Board of Chiropractic Examiners of
20 a fee of not more than three hundred dollars (\$300), the exact
21 amount to be fixed by rule of the board, adopted in accordance
22 with the Alabama Administrative Procedure Act. The license
23 renewal shall be accompanied by satisfactory evidence that the
24 person has completed during the preceding year a minimum of 18
25 hours of professional educational work approved by the board.

1 The permit renewal shall be accompanied by satisfactory
2 evidence that the primary permit holder has completed during
3 the preceding year a minimum of two hours in Alabama Law and
4 Board rules. The board, for good and reasonable cause shown,
5 may waive the education requirement. The secretary-treasurer
6 or the executive director of the board shall notify each
7 licensee or permit holder at least 30 days prior to September
8 30 of each year of the due date for renewal. In addition to
9 the renewal fee, a late renewal penalty shall be assessed any
10 licensee or permit holder who fails to pay the renewal fee by
11 September 30 of each year based on the following schedule:

12 "(1) For renewal during the month of October, fifty
13 dollars (\$50).

14 "(2) For renewal during the month of November, one
15 hundred dollars (\$100).

16 "(3) For renewal during the month of December, two
17 hundred and fifty dollars (\$250).

18 "A chiropractor may continue to practice or a permit
19 holder may continue to own a chiropractic practice until
20 December 31 of the year for which a license or permit is
21 issued subject to subsection (b).

22 "(b) Failure, by December 31 of each year, to renew
23 a license or permit and pay the renewal fee, late renewal
24 penalty if applicable, and submit proof of completion of ~~a~~ the
25 minimum number of ~~18~~ hours of approved professional

1 educational work, unless waived, shall operate as a forfeiture
2 of the right of the licensee or permit holder to practice his
3 or her profession in this state. During this grace period for
4 renewal, a licensee may complete any continuing education
5 requirements for renewal that the licensee failed to complete
6 during the prior fiscal year. A forfeited license or permit
7 may be reinstated by the board, in its discretion, upon
8 payment of a reinstatement fee as required by Section
9 34-24-176, and all past fees due, including the highest late
10 renewal penalty provided above. All funds received by the
11 board for annual license or permit renewal fees may be used by
12 the board for education, promotion, and welfare of the science
13 of chiropractic.

14 "(c) Any licensee who is no longer in active
15 practice may apply for retirement of his or her license by
16 submitting an affidavit to that effect on a form supplied by
17 the executive director. A licensee whose license is retired is
18 excused from the professional education requirement specified
19 in this article. The annual fee for maintenance of a retired
20 license may not be more than one-half of the amount required
21 by this article for an active license. ~~Licensees who have not~~
22 ~~renewed in the last five years because of the increase in the~~
23 ~~retired renewal fee may renew to "Retired" status without~~
24 ~~having to pay the full amount of back fees and late fees.~~ A
25 retired licensee ~~may not~~ shall be required to pay back fees

1 and reinstatement fees required by this article for
2 reinstatement to active practice. The board may require the
3 retired licensee to enroll in and successfully complete a
4 refresher course approved by the board at an accredited
5 chiropractic college. The decision of the board as to whether
6 a course of study will be required and whether a particular
7 course of study will be approved shall be made on an
8 individual case basis and shall be based on all relevant
9 circumstances of that case.

10 "(d) The board may waive or reduce annual
11 registration and the payment of fees while any licensee is
12 prevented from practicing chiropractic by reason of physical
13 disability, temporary active duty with any of the Armed Forces
14 of the United States, or while any licensee is completely
15 retired from the practice of chiropractic. The waiver of fees
16 shall be effective so long as the disability, temporary active
17 duty, or complete retirement continues.

18 "(e) The State Board of Chiropractic Examiners shall
19 make rules and regulations as necessary and proper for
20 effectuating or enforcing this article.

21 "(f) In addition to other requirements established
22 by law and for the purpose of determining suitability for
23 reinstatement of a license to practice chiropractic, each
24 individual seeking reinstatement shall submit a complete set
25 of fingerprints to the State Board of Chiropractic Examiners

1 and the board shall submit the fingerprints provided by any
2 such individual to the Alabama Bureau of Investigation (ABI).
3 The fingerprints shall be forwarded by the ABI to the Federal
4 Bureau of Investigation (FBI) for a national criminal history
5 record check. Costs associated with conducting a criminal
6 history background check shall be borne by the individual
7 seeking reinstatement. The State Board of Chiropractic
8 Examiners shall keep information received pursuant to this
9 section confidential, except that such information received
10 and relied upon in denying reinstatement may be disclosed as
11 may be necessary to support the denial. In addition to other
12 requirements established by law and for the purposes of
13 determining suitability for renewal, the board, in its
14 discretion, may require an individual seeking renewal of a
15 license to practice chiropractic to submit a complete set of
16 fingerprints to the State Board of Chiropractic Examiners. The
17 board shall submit the fingerprints provided by any such
18 individual to the ABI. The fingerprints shall be forwarded by
19 the ABI to the FBI for a national criminal history record
20 check. Costs associated with conducting a criminal history
21 background check shall be borne by the individual seeking
22 renewal. The State Board of Chiropractic Examiners shall keep
23 information received pursuant this section confidential,
24 except that such information received and relied upon in
25 denying renewal may be disclosed as may be necessary to

1 support the denial. This requirement also shall apply in the
2 same manner to any person who is not licensed as a
3 chiropractor who applies for reinstatement or renewal of his
4 or her permit pursuant to Section 34-24-123(b).

5 "~~(f)~~(g) The board shall also establish an inactive
6 license for persons who desire to be licensed in Alabama but
7 who actually practice in another state. The annual fee for
8 maintenance of an inactive license shall be one-half of the
9 amount required by this section for an active license.

10 "§34-24-166.

11 "(a) The State Board of Chiropractic Examiners may
12 refuse to grant a license or permit to any applicant who is
13 not of good moral character and reputation or has a history of
14 narcotic addiction or has previously been convicted of a
15 felony or any crime of moral turpitude or has previously been
16 diagnosed as having a psychopathic disorder.

17 "(b) The State Board of Chiropractic Examiners may
18 invoke disciplinary action as outlined in subsection (c)
19 whenever the licensee or permit holder shall be found guilty
20 of any of the following:

21 "(1) Fraud in procuring a license or permit, or any
22 fraud in obtaining money or other thing of value.

23 "(2) Immoral conduct.

24 "(3) Unprofessional conduct.

1 "(4) Habitual intoxication or addiction to the use
2 of drugs.

3 "(5) Conviction of a felony or any crime of moral
4 turpitude.

5 "(6) Conviction for violation of any narcotic or
6 controlled substance statute.

7 "(7) Unlawful invasion of the field of practice of
8 any other health practitioner when the licensee is not
9 licensed to practice such profession.

10 "(8) Division of fees or agreeing to split or divide
11 fees received for professional services with any person for
12 bringing or referring a patient.

13 "(9) Continuing to practice after suspension or
14 revocation of license.

15 "(10) A violation of any order issued by the board.

16 "(11) Engaging in the incompetent practice of
17 chiropractic.

18 "(12) Aiding the unauthorized practice of
19 chiropractic.

20 "(13) Advertising in any manner which violates the
21 rules and regulations established by the board.

22 "(14) A violation of any of the provisions of this
23 article or any rule or regulation adopted by the board.

24 "(15) Patient abandonment.

1 "~~(15)~~(16) The suspension, revocation, or probation
2 by another state of a license to practice chiropractic or
3 permit to operate or own a chiropractic office or practice. A
4 certified copy of the record of suspension, revocation, or
5 probation shall be conclusive evidence of the suspension,
6 revocation, or probation.

7 "~~(16)~~(17) The inability to practice chiropractic
8 with reasonable skill and safety to patients by reason of
9 illness, inebriation, excessive use of drugs, narcotics,
10 alcohol, chemicals, or any other substance, or as a result of
11 any mental or physical condition.

12 "(c) (1) The Board of Chiropractic Examiners shall
13 establish rules and regulations which shall govern the
14 practice of chiropractic and shall detail prohibited acts
15 stated in this article. The board shall have the power and it
16 shall be its duty as a consumer protection agency to ~~fine any~~
17 ~~licensee and/or suspend for a specific time or revoke any~~
18 ~~license to practice chiropractic upon a determination of guilt~~
19 ~~on any of the above enumerated grounds~~ impose any of the
20 sanctions set forth in subdivision (2) against any licensee or
21 permit holder upon a determination of guilt of any of the
22 above enumerated grounds.

23 "(2) When the board finds any licensee or permit
24 holder guilty of any of the grounds set forth in subsection

1 (b), the board may enter an order imposing one or more of the
2 following penalties:

3 "a. Revoke the license to practice chiropractic or
4 permit.

5 "b. Suspend the license to practice chiropractic or
6 permit.

7 "c. Enter a censure on the license or permit.

8 "d. Issue an order fixing a period and terms of
9 probation best adapted to protect the public health and safety
10 and to rehabilitate the licensee or permit holder.

11 "e. Impose an administrative fine not to exceed
12 eight thousand dollars (\$8,000) for each count or separate
13 offense.

14 "f. Impose restrictions on the scope of practice.

15 "g. Impose peer review or professional education
16 requirements.

17 "h. Assess the costs of the disciplinary
18 proceedings.

19 "(i) Issue a reprimand.

20 "(3) Failure to comply with any final order of the
21 board, including, but not limited to, an order of censure or
22 probation, is cause for suspension or revocation of the
23 license or permit.

24 "(d) The board may in an emergency situation, when
25 danger to the public health, safety, and welfare requires,

1 suspend any license or permit without a hearing or with an
2 abbreviated hearing in accordance with the following sections
3 of this article.

4 "(e) Any person who engages in the unlawful practice
5 of chiropractic, or who violates any provision of this
6 chapter, shall be guilty of a Class C misdemeanor.

7 "(f) (1) When the issue is whether or not a licensee
8 is physically or mentally capable of practicing chiropractic
9 with reasonable skill and safety to patients, then, upon a
10 showing of probable cause to the board that the licensee is
11 not capable of practicing chiropractic with reasonable skill
12 and safety to patients, the board may order and direct the
13 licensee in question to submit to a physical, mental, or
14 laboratory examination, or any combination thereof, to be
15 performed by a physician designated or approved by the board.
16 The expense of the examination shall be borne by the licensee
17 who is examined.

18 "~~(2) Every licensee who accepts the privilege of~~
19 ~~practicing chiropractic in the State of Alabama by actually~~
20 ~~practicing or by the making and filing of an annual renewal to~~
21 ~~practice chiropractic, and person issued a license to practice~~
22 ~~chiropractic in this state or issued a permit in this state~~
23 upon a showing of probable cause as provided in subdivision
24 (1), shall be deemed to have given consent to submit to a
25 mental, physical, or laboratory examination, or to any

1 combination thereof, and to waive all objections to the
2 admissibility of the testimony or examination reports of the
3 examining physician on the ground that the reports constitute
4 privileged doctor-patient communications.

5 "(g) It shall be the duty and obligation of the
6 board to promote the early identification, intervention,
7 treatment, and rehabilitation of chiropractors licensed to
8 practice in the state who may be impaired by reason of
9 illness, inebriation, excessive use of drugs, narcotics,
10 alcohol, chemicals, or other substances or as a result of any
11 physical or mental condition. The board may enter into an
12 agreement for any of the following:

13 "(1) Contracting with providers for treatment
14 programs.

15 "(2) Receiving and evaluating reports of suspected
16 impairment from any source.

17 "(3) Intervening in cases of verified impairment.

18 "(4) Referring impaired chiropractors to treatment
19 programs.

20 "(5) Monitoring the treatment and rehabilitation of
21 impaired chiropractors.

22 "(6) Providing post-treatment monitoring and support
23 of rehabilitated impaired chiropractors.

24 "(h) All information, interviews, reports,
25 statements, memoranda, or other documents furnished to the

1 board are confidential and shall be used by the board only in
2 the exercise of the proper function of the board and shall not
3 be public records nor available for court subpoena or for
4 discovery proceedings.

5 "§34-24-168.

6 ~~"(a)~~ The board shall specify in its rules and
7 regulations specific guidelines to govern all hearings.

8 ~~"(b) In the event of a settlement of a contested~~
9 ~~case by means of a written guilty plea and waiver of hearing,~~
10 ~~the attorney for the board shall submit the complaint, plea,~~
11 ~~and waiver with a recommendation as to final decision. The~~
12 ~~recommendation shall not be binding upon the board in making~~
13 ~~its final decision.~~

14 "§34-24-170.

15 "The board shall specify in its rules and
16 regulations a schedule of costs or fines, or both, to be
17 imposed upon any person or permit holder who has been found
18 guilty of a violation of Sections 34-24-166 or 34-24-161(f),
19 each not to exceed eight thousand dollars (\$8,000) per
20 violation.

21 "§34-24-172.

22 "The State Board of Chiropractic Examiners, at any
23 time after two years of the refusal or revocation or
24 cancellation of a license or permit under this article, by a
25 majority vote, may issue a new license or permit or grant a

1 license or permit to the person affected, restoring to, or
2 conferring upon the person, all the rights and privileges of
3 and pertaining to the practice of chiropractic as defined and
4 regulated by this article, upon the applicant's showing good
5 moral character and possession of the qualifications required
6 under the terms of this article and as may be specified in the
7 rules ~~and regulations~~ adopted by the board. Any person to whom
8 such license or permit may have been restored shall pay to the
9 board a restoration fee. The restoration fee shall be in an
10 amount determined by the board, but not to exceed one-half the
11 amount of the annual license or permit fee upon the issuance
12 of a new license or permit.

13 "§34-24-175.

14 "(a) Any party whose license or permit is ~~revoked,~~
15 ~~refused, or suspended by the board~~ sanctioned as provided
16 herein, shall not be required to file a motion for rehearing
17 to exhaust his or her remedies available from the board.

18 "(b) Any party ~~whose license is revoked, refused, or~~
19 ~~suspended by the board~~ sanctioned as provided herein, may file
20 a petition for judicial review in the Circuit Court ~~of~~
21 ~~Montgomery County~~ where the board office is located. The
22 filing of the petition must be within 30 days of the date of
23 the board's final decision.

24 "(c) Within 30 days after receipt of the petition
25 for judicial review or within such additional time as the

1 court may allow, the board shall transmit to the reviewing
2 court the original or a certified copy of the entire record
3 and transcript of the proceedings under review. Any party
4 seeking judicial review of ~~the board's revocation, refusal, or~~
5 ~~suspension of his or her license~~ any sanction imposed by the
6 board shall be responsible for all costs associated with
7 preparation, transcription, reproduction, and transmittal of
8 the proceedings under review.

9 "(d) Other than specified in this statute, any
10 judicial review of the board's final decision shall be
11 conducted in accordance with the provisions for review of
12 final agency decisions of contested cases in Sections 41-22-20
13 and 41-22-21.

14 "§34-24-176.

15 "In any event any licensee or permit holder allows
16 his or her license or permit to lapse and desires to return to
17 active practice, he or she must apply to the board for a
18 reinstatement of the license or permit and must submit to the
19 board a reinstatement fee together with all back fees. The
20 reinstatement fee shall be one-half the amount of the annual
21 license or permit fee. The applicant must satisfy the board
22 that he or she is of good moral character and otherwise
23 possesses all qualifications required by law of licensees or
24 permit holders. Licensees who graduated from chiropractic
25 college after January 1, 2010, shall possess a bachelor's

1 degree from an accredited college or university; however,
2 absent a bachelor's degree, the requirement may be met by an
3 academic graduate degree from a regionally accredited college
4 or university and proof that the applicant has taken a
5 nationally recognized standardized test commensurate with that
6 applicant's graduate degree. Those licensees who graduated
7 prior to January 1, 2010, are specifically exempt from the
8 requirements of the preceding sentence. Additionally, the
9 board may require the licensee to enroll in and pass a
10 refresher course approved by the board at an accredited
11 chiropractic college. The board's decision as to whether a
12 course of study will be required and whether a particular
13 course of study will be approved shall be made on an
14 individual case basis and shall be based on all relevant
15 circumstances of that case."

16 Section 2. Section 34-24-162 is added to the Code of
17 Alabama 1975, to read as follows:

18 §34-24-162. Application; licensure by credentials.

19 (a) Every person who desires to practice
20 chiropractic within the State of Alabama shall file an
21 application prescribed by the board. Notwithstanding the
22 method of obtaining licensure or any particular requirement
23 set forth herein, every person as a prerequisite to licensure
24 must be at least 21 years of age, of good moral character, a
25 citizen of the United States or, if not a citizen of the

1 United States a person who is legally present in the United
2 States with appropriate documentation from the federal
3 government, a graduate of a chiropractic school or college
4 accredited and recognized by the board and must satisfy any
5 other requirement set forth in any rule adopted by the board.

6 (b) Any individual who possesses a current license
7 in any state, who has passed a state licensure examination
8 approved by the board and who has, since graduation from
9 chiropractic school, participated in a clinical residency or
10 practiced chiropractic in the Armed Forces or with the Public
11 Health Service shall be eligible for licensure if an
12 application is received by the board within 18 months of the
13 completion of the subject residency or Armed Forces or Public
14 Health Service commitment. All of the above applicants shall
15 pay a fee which shall accompany the application.

16 (c) Licensure by credentials may be utilized to
17 evaluate the theoretical knowledge and clinical skill of a
18 chiropractor when an applicant for licensure by credentials
19 holds a chiropractic license in another state. The board may
20 promulgate rules relating to licensure by credentials in
21 addition to any statutory requirements.

22 (d) An applicant for licensure by credentials must
23 meet all of the following:

24 (1) The chiropractor shall have engaged in the
25 active practice of chiropractic or full-time chiropractic

1 education for the five years immediately preceding his or her
2 application. The active practice of chiropractic or full-time
3 chiropractic education shall mean spending a minimum of at
4 least 5,000 hours engaged in these activities during the
5 relevant time period.

6 (2) The applicant must hold a current, valid,
7 unrevoked, and unexpired license in a state having examination
8 standards regarded by the State Board of Chiropractic
9 Examiners as an equivalent to the Alabama standards.

10 (3) The board of examiners in the state of current
11 practice must verify or endorse that the applicant's license
12 is in good standing without any restrictions.

13 (4) The chiropractor shall not be the subject of a
14 pending disciplinary action in any state in which the
15 individual is or has been licensed which shall be verified by
16 a query to the National Practitioner Data Bank, the Health
17 Integrity Protection Data Bank, the Federation of Chiropractic
18 Licensing Board CINBAD Databank, or any other pertinent bank
19 currently existing or which may exist in the future.

20 (5) The applicant must provide a written statement
21 agreeing to be interviewed at the request of the board.

22 (6) The individual must successfully pass a written
23 jurisprudence examination.

24 (7) The applicant must submit affidavits from two
25 licensed chiropractors practicing in the same geographical

1 area where the applicant currently is practicing or teaching
2 attesting to the applicant's moral character, standing, and
3 ability.

4 (8) The applicant must provide the board with an
5 official transcript with school seal from the chiropractic
6 school which issued the applicant's professional degree or
7 execute a request and authorization allowing the board to
8 obtain the transcript.

9 (9) The applicant must not be the subject of any
10 pending or final action from any hospital revoking,
11 suspending, limiting, modifying, or interfering with any
12 clinical or staff privileges.

13 (10) The applicant must not have been convicted of a
14 felony, a misdemeanor involving moral turpitude, any offense
15 relating to controlled or legend drugs or any offense which
16 would interfere with or impair the ability of the applicant to
17 practice chiropractic with reasonable skill and safety to his
18 or her patients.

19 (11) The board may consider or require other
20 criteria including, but not limited to, any of the following:

21 a. Questioning under oath.

22 b. Results of peer review reports from constituent
23 chiropractic societies or federal chiropractic services.

24 c. Substance abuse testing or treatment.

1 d. Proof of no physical or psychological impairment
2 that would adversely affect the ability to practice
3 chiropractic with reasonable skill and safety.

4 e. Participation in continuing education.

5 f. Background checks for criminal or fraudulent
6 activities.

7 g. An agreement to initiate practice within the
8 State of Alabama within a period of one year from the date of
9 the issuance of a license.

10 h. Proof of professional liability coverage and that
11 coverage has not been refused, declined, cancelled,
12 non-renewed, or modified.

13 i. In the event an applicant has or is practicing in
14 a state which allows an applicant to prescribe or administer
15 drugs, the applicant has not been the subject of any
16 disciplinary action or is subject to the pendency of any
17 disciplinary action or enforcement proceeding of any kind in
18 connection with these activities. This section applies
19 regardless of whether or not a separate permit or license was
20 issued to engage in the described activities.

21 (12) The board may refuse to grant a license to an
22 applicant who does not comply with the requirements of Section
23 34-24-166(a) or who has engaged in any acts constituting the
24 disciplinary grounds set forth in Section 34-24-166(b). The
25 board may further take disciplinary action authorized by this

1 chapter if the board learns or discovers subsequent to the
2 issuance of a license that the individual engaged in any acts
3 constituting the disciplinary grounds set forth in Section
4 34-24-166(b).

5 (13) The board may promulgate rules relating to
6 licensure by credentials including applicable fees in addition
7 to any requirements by law.

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

