

1 SB362
2 128879-1
3 By Senator Reed
4 RFD: Health
5 First Read: 06-APR-11

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8 SYNOPSIS: This bill would: Provide further for a state
9 at-large member in addition to members elected from
10 congressional districts; provide for fingerprinting
11 of applicants for licensure or reinstatement;
12 provide for a board administered exam for the
13 issuance of a permit; provide for subpoena powers
14 for the board; provide further for judicial reviews
15 of administrative action; provide for licensure by
16 credentials; and provide for the issuance and
17 renewal of a permit by the board including fees to
18 operate or own a chiropractic office or practice
19 and costs or fines for violations by permit holders
20 and to otherwise specifically include permits
21 within the scope of regulation by the board.
22

23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to the practice of chiropractic; to amend
2 Sections 34-24-121, 34-24-123, 34-24-140, 34-24-143,
3 34-24-160, 34-24-165, 34-24-166, 34-24-168, 34-24-170,
4 34-24-172, 34-24-175, and 34-24-176, Code of Alabama 1975,
5 relating to the Board of Chiropractic Examiners; to clarify
6 compliance with board advertising rules for permit holders; to
7 provide a state at-large board member; to add fingerprinting
8 as a requirement to applicants for licensure and
9 reinstatement; to require clinic permit applicants to take and
10 pass an exam; to provide for subpoena powers for the board; to
11 provide for permit holder regulation; to clarify who may seek
12 judicial review; and to add Section 34-24-162 to the Code of
13 Alabama 1975, relating to the application process for
14 licensure based on the credentials of a Doctor of Chiropractic
15 in another state.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 34-24-121, 34-24-123, 34-24-140,
18 34-24-143, 34-24-160, 34-24-165, 34-24-166, 34-24-168,
19 34-24-170, 34-24-172, 34-24-175, and 34-24-176, Code of
20 Alabama 1975, are amended to read as follows:

21 "§34-24-121.

22 "The State Board of Chiropractic Examiners shall
23 have the right to regulate the advertising of chiropractic
24 services by chiropractors or permit holders within the limits
25 prescribed by this article and the rules and regulations
26 governing the practice of chiropractic in this state.

27 "§34-24-123.

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

19 "(b) It shall be unlawful for any person who is not
20 otherwise licensed by the board to own, in whole or in part,
21 any chiropractic practice unless he or she shall have first
22 obtained a valid permit in the name of the chiropractic
23 practice or office. Each applicant must pass an examination
24 administered by the board on this article and the rules of the
25 board. Upon completion of all requirements and passage of the
26 examination, a permit shall be issued. Employment of a
27 chiropractor by a hospital, as defined in Section 22-21-7,

1 shall be excluded from the requirements of this subsection.
2 The board shall establish a reasonable fee for the issuance
3 and renewal of the permit, which shall be renewable annually
4 and shall provide a grace period for any permit to be renewed
5 in the same manner as provided for licensees in Section
6 34-24-165. The holder of a permit issued pursuant to this
7 subsection shall be subject to this article and any rules or
8 regulations issued pursuant thereto.

9 "§34-24-140.

10 "(a) There is created and established a State Board
11 of Chiropractic Examiners. The board shall be composed of nine
12 members. Eight members of the board shall be active licensed
13 chiropractors elected as provided in this section. Seven of
14 the elected members shall be elected one from each
15 congressional district in this state except as otherwise
16 provided in Section 34-24-141. ~~Each of the members elected~~
17 ~~from congressional districts shall be a resident of the~~
18 ~~congressional district from which elected.~~ Any candidate for
19 or member of the board shall be a resident of the appropriate
20 congressional district except one candidate for the board
21 shall be elected from the state at large. One elected member
22 of the board shall be elected from the state at-large and
23 shall be an African-American. Each elected member of or
24 candidate for the board shall ~~be all of~~ meet the following
25 qualifications: A citizen and resident of Alabama who has
26 resided in this state for at least five years; a graduate of a
27 chartered chiropractic school or college, which required

1 actual attendance in the school as a prerequisite to
2 graduation; currently engaged in the clinical practice of
3 chiropractic and has been engaged in the clinical practice in
4 this state for at least the five immediately preceding years;
5 having renewed his or her license to practice chiropractic by
6 September 30 of the year in which the election shall take
7 place; of good moral character; and must not be presently on
8 probation relating to the practice of chiropractic in any
9 state including this state.

10 "(b) One member of the board shall be a consumer
11 member ~~of the board~~ appointed by the Governor. Neither the
12 consumer member, nor his or her spouse, shall be a
13 chiropractor. The consumer member shall not be an immediate
14 family member of a chiropractor, nor shall he or she be
15 employed in the chiropractic field.

16 "(c) The elected members of the board shall be
17 elected as provided in this subsection. In August of any year
18 that the term of a member of the board expires, the Board of
19 Chiropractic Examiners shall mail a notice of the election of
20 the board and the method of qualifying as a candidate to each
21 active licensed chiropractor in the district where the vacancy
22 occurs at his or her permanent mailing address. The election
23 provided for in this section shall be conducted by an
24 independent agency such as a certified public accounting firm
25 unless there is only one candidate for the board and in this
26 situation, the board shall certify the results. The board
27 shall set a period for candidates to qualify and the date for

1 the ballots to be mailed. Candidates shall qualify by
2 submitting their name to the executive director of the board
3 during the qualifying period which shall be not less than 20
4 days nor more than 40 days after the notice is mailed. Not
5 less than 14 days after the deadline for qualification, each
6 licensed chiropractor shall be mailed a ballot for the
7 appropriate congressional district where the vacancy is to be
8 filled. In order to be counted, the ballots shall be received
9 by the board not later than 14 days after the ballots are
10 mailed. The results of the election shall be certified by no
11 less than three members of the board. The ballots shall be
12 maintained for a period of six months. The candidate with a
13 simple majority of the votes cast in each respective
14 congressional district shall be elected to the board position
15 for that congressional district. In the event no candidate in
16 a district receives a majority of the votes, the board shall
17 hold a run-off election in the same manner as provided in this
18 subsection. The members of the board shall take office
19 immediately upon election and the executive director of the
20 board shall set the first meeting of the board after the
21 election of the new board.

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

26 "(e) (1) The board may employ investigators,
27 inspectors, attorneys, and any other agents, employees, and

1 assistants as may from time to time be necessary, and may use
2 any other means necessary to bring about and maintain a rigid
3 administration and enforcement of state and federal law.

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

1 state, the fees and mileage and other costs to be paid as the
2 board directs.

3 "(f) The board shall employ an executive director
4 who shall be responsible for the administration of board
5 policy. The executive director may be licensed to practice
6 chiropractic in this state as provided in this article.

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

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

15 "§34-24-143.

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

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

11 "§34-24-160.

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

15 "(b) In addition to other requirements established
16 by law and for the purpose of determining an applicant's
17 suitability for a license to practice chiropractic, each
18 applicant shall submit a complete set of fingerprints to the
19 State Board of Chiropractic Examiners. The board shall submit
20 the fingerprints provided by each applicant for a license to
21 practice chiropractic to the Alabama Bureau of Investigation
22 (ABI). The fingerprints shall be forwarded by the ABI to the
23 Federal Bureau of Investigation (FBI) for a national criminal
24 history record check. Costs associated with conducting a
25 criminal history background check shall be borne by the
26 applicant. The State Board of Chiropractic Examiners shall
27 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 after January 1,
20 2010, shall have a bachelor's degree from an accredited
21 college or university.

22 "(f) The application shall be signed by the
23 applicant in his or her own handwriting, and shall be
24 notarized, and shall recite the history of the applicant's
25 educational qualifications, how long he or she has studied
26 chiropractic, what collateral branches, if any, he or she has
27 studied, the length of time he or she has engaged in clinical

1 practice, with proof thereof in the form of diplomas,
2 certificates, transcripts, etc.

3 "(g) Each applicant shall submit with his or her
4 application satisfactory evidence of good character and
5 reputation.

6 "(h) Each applicant for licensure shall pay to the
7 board a fee of not less than fifty dollars (\$50) and not more
8 than one hundred fifty dollars (\$150), the exact amount to be
9 fixed annually by resolution of the State Board of
10 Chiropractic Examiners. The fee shall accompany the
11 application. A fee of not less than fifty dollars (\$50) and
12 not more than one hundred fifty dollars (\$150), the exact
13 amount to be fixed by resolution of the State Board of
14 Chiropractic Examiners shall be paid for any subsequent
15 examination.

16 "§34-24-165.

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

1 hours of professional educational work approved by the board.

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

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

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

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

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

23 "(b) Failure, by December 31 of each year, to renew
24 a license or permit and pay the renewal fee, late renewal
25 penalty if applicable, and submit proof of completion of ~~a~~ the
26 minimum number of ~~18~~ hours of approved professional
27 educational work, unless waived, shall operate as a forfeiture

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

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

1 approved by the board at an accredited chiropractic college.
2 The decision of the board as to whether a course of study will
3 be required and whether a particular course of study will be
4 approved shall be made on an individual case basis and shall
5 be based on all relevant circumstances of that case.

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

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

17 "(f) In addition to other requirements established
18 by law and for the purpose of determining suitability for
19 reinstatement of a license to practice chiropractic, each
20 individual seeking reinstatement shall submit a complete set
21 of fingerprints to the State Board of Chiropractic Examiners
22 and the board shall submit the fingerprints provided by any
23 such individual to the Alabama Bureau of Investigation (ABI).
24 The fingerprints shall be forwarded by the ABI to the Federal
25 Bureau of Investigation (FBI) for a national criminal history
26 record check. Costs associated with conducting a criminal
27 history background check shall be borne by the individual

1 seeking reinstatement. The State Board of Chiropractic
2 Examiners shall keep information received pursuant to this
3 section confidential, except that such information received
4 and relied upon in denying reinstatement may be disclosed as
5 may be necessary to support the denial. In addition to other
6 requirements established by law and for the purposes of
7 determining suitability for renewal, the board, in its
8 discretion, may require an individual seeking renewal of a
9 license to practice chiropractic to submit a complete set of
10 fingerprints to the State Board of Chiropractic Examiners. The
11 board shall submit the fingerprints provided by any such
12 individual to the ABI. The fingerprints shall be forwarded by
13 the ABI to the FBI for a national criminal history record
14 check. Costs associated with conducting a criminal history
15 background check shall be borne by the individual seeking
16 renewal. The State Board of Chiropractic Examiners shall keep
17 information received pursuant this section confidential,
18 except that such information received and relied upon in
19 denying renewal may be disclosed as may be necessary to
20 support the denial. This requirement also shall apply in the
21 same manner to any person who is not licensed as a
22 chiropractor who applies for reinstatement or renewal of his
23 or her permit pursuant to Section 34-24-123(b).

24 "~~(f)~~ (g) The board shall also establish an inactive
25 license for persons who desire to be licensed in Alabama but
26 who actually practice in another state. The annual fee for

1 maintenance of an inactive license shall be one-half of the
2 amount required by this section for an active license.

3 "§34-24-166.

4 "(a) The State Board of Chiropractic Examiners may
5 refuse to grant a license or permit to any applicant who is
6 not of good moral character and reputation or has a history of
7 narcotic addiction or has previously been convicted of a
8 felony or any crime of moral turpitude or has previously been
9 diagnosed as having a psychopathic disorder.

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

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

16 "(2) Immoral conduct.

17 "(3) Unprofessional conduct.

18 "(4) Habitual intoxication or addiction to the use
19 of drugs.

20 "(5) Conviction of a felony or any crime of moral
21 turpitude.

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

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

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

4 "(9) Continuing to practice after suspension or
5 revocation of license.

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

7 "(11) Engaging in the incompetent practice of
8 chiropractic.

9 "(12) Aiding the unauthorized practice of
10 chiropractic.

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

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

15 "(15) Patient abandonment.

16 "~~(15)~~(16) The suspension, revocation, or probation
17 by another state of a license to practice chiropractic or
18 permit to operate or own a chiropractic office or practice. A
19 certified copy of the record of suspension, revocation, or
20 probation shall be conclusive evidence of the suspension,
21 revocation, or probation.

22 "~~(16)~~(17) The inability to practice chiropractic
23 with reasonable skill and safety to patients by reason of
24 illness, inebriation, excessive use of drugs, narcotics,
25 alcohol, chemicals, or any other substance, or as a result of
26 any mental or physical condition.

1 "(c) (1) The Board of Chiropractic Examiners shall
2 establish rules and regulations which shall govern the
3 practice of chiropractic and shall detail prohibited acts
4 stated in this article. The board shall have the power and it
5 shall be its duty as a consumer protection agency to fine any
6 licensee or permit holder and/or suspend for a specific time
7 or revoke any license to practice chiropractic or permit to
8 own a chiropractic practice upon a determination of guilt ~~on~~
9 of any of the above enumerated grounds.

10 "(2) When the board finds any licensee or permit
11 holder guilty of any of the grounds set forth in subsection
12 (b), the board may enter an order imposing one or more of the
13 following penalties:

14 "a. Revoke the license to practice chiropractic or
15 permit.

16 "b. Suspend the license to practice chiropractic or
17 permit.

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

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

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

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

26 "g. Impose peer review or professional education
27 requirements.

1 "h. Assess the costs of the disciplinary
2 proceedings.

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

7 "(d) The board may in an emergency situation, when
8 danger to the public health, safety, and welfare requires,
9 suspend any license or permit without a hearing or with an
10 abbreviated hearing in accordance with the following sections
11 of this article.

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

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

26 "~~(2) Every licensee who accepts the privilege of~~
27 ~~practicing chiropractic in the State of Alabama by actually~~

1 ~~practicing or by the making and filing of an annual renewal to~~
2 ~~practice chiropractic, and~~ person issued a license to practice
3 chiropractic in this state or issued a permit in this state
4 upon a showing of probable cause as provided in subdivision
5 (1), shall be deemed to have given consent to submit to a
6 mental, physical, or laboratory examination, or to any
7 combination thereof, and to waive all objections to the
8 admissibility of the testimony or examination reports of the
9 examining physician on the ground that the reports constitute
10 privileged doctor-patient communications.

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

19 "(1) Contracting with providers for treatment
20 programs.

21 "(2) Receiving and evaluating reports of suspected
22 impairment from any source.

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

24 "(4) Referring impaired chiropractors to treatment
25 programs.

26 "(5) Monitoring the treatment and rehabilitation of
27 impaired chiropractors.

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

3 "(h) All information, interviews, reports,
4 statements, memoranda, or other documents furnished to the
5 board are confidential and shall be used by the board only in
6 the exercise of the proper function of the board and shall not
7 be public records nor available for court subpoena or for
8 discovery proceedings.

9 "§34-24-168.

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

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

18 "§34-24-170.

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

25 "§34-24-172.

26 "The State Board of Chiropractic Examiners, at any
27 time after two years of the refusal or revocation or

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

15 "§34-24-175.

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

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

26 "(c) Within 30 days after receipt of the petition
27 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. Additionally, the board may require the
25 licensee to enroll in and pass a refresher course approved by
26 the board at an accredited chiropractic college. The board's
27 decision as to whether a course of study will be required and

1 whether a particular course of study will be approved shall be
2 made on an individual case basis and shall be based on all
3 relevant circumstances of that case."

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

6 §34-24-162. Application; licensure by credentials.

7 (a) Every person who desires to practice
8 chiropractic within the State of Alabama shall file an
9 application prescribed by the board. Notwithstanding the
10 method of obtaining licensure or any particular requirement
11 set forth herein, every person as a prerequisite to licensure
12 must be at least 21 years of age, of good moral character, a
13 citizen of the United States or, if not a citizen of the
14 United States a person who is legally present in the United
15 States with appropriate documentation from the federal
16 government, a graduate of a chiropractic school or college
17 accredited and recognized by the board and must satisfy any
18 other requirement set forth in any rule adopted by the board.

19 (b) Any individual who possesses a current license
20 in any state, who has passed a state licensure examination
21 approved by the board and who has, since graduation from
22 chiropractic school, participated in a clinical residency or
23 practiced chiropractic in the Armed Forces or with the Public
24 Health Service shall be eligible for licensure if an
25 application is received by the board within 18 months of the
26 completion of the subject residency or Armed Forces or Public

1 Health Service commitment. All of the above applicants shall
2 pay a fee which shall accompany the application.

3 (c) Licensure by credentials may be utilized to
4 evaluate the theoretical knowledge and clinical skill of a
5 chiropractor when an applicant for licensure by credentials
6 holds a chiropractic license in another state. The board may
7 promulgate rules relating to licensure by credentials in
8 addition to any statutory requirements.

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

11 (1) The chiropractor shall have engaged in the
12 active practice of chiropractic or full-time chiropractic
13 education for the five years immediately preceding his or her
14 application. The active practice of chiropractic or full-time
15 chiropractic education shall mean spending a minimum of at
16 least 5,000 hours engaged in these activities during the
17 relevant time period.

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

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

25 (4) The chiropractor shall not be the subject of a
26 pending disciplinary action in any state in which the
27 individual is or has been licensed which shall be verified by

1 a query to the National Practitioner Data Bank, the Health
2 Integrity Protection Data Bank, the Federation of Chiropractic
3 Licensing Board CINBAD Databank, or any other pertinent bank
4 currently existing or which may exist in the future.

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

7 (6) The individual must successfully pass a written
8 jurisprudence examination.

9 (7) The applicant must submit affidavits from two
10 licensed chiropractors practicing in the same geographical
11 area where the applicant currently is practicing or teaching
12 attesting to the applicant's moral character, standing, and
13 ability.

14 (8) The applicant must provide the board with an
15 official transcript with school seal from the chiropractic
16 school which issued the applicant's professional degree or
17 execute a request and authorization allowing the board to
18 obtain the transcript.

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

23 (10) The applicant must not have been convicted of a
24 felony, a misdemeanor involving moral turpitude, any offense
25 relating to controlled or legend drugs or any offense which
26 would interfere with or impair the ability of the applicant to

1 practice chiropractic with reasonable skill and safety to his
2 or her patients.

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

5 a. Questioning under oath.

6 b. Results of peer review reports from constituent
7 chiropractic societies or federal chiropractic services.

8 c. Substance abuse testing or treatment.

9 d. Proof of no physical or psychological impairment
10 that would adversely affect the ability to practice
11 chiropractic with reasonable skill and safety.

12 e. Participation in continuing education.

13 f. Background checks for criminal or fraudulent
14 activities.

15 g. An agreement to initiate practice within the
16 State of Alabama within a period of one year from the date of
17 the issuance of a license.

18 h. Proof of professional liability coverage and that
19 coverage has not been refused, declined, cancelled,
20 non-renewed, or modified.

21 i. In the event an applicant has or is practicing in
22 a state which allows an applicant to prescribe or administer
23 drugs, the applicant has not been the subject of any
24 disciplinary action or is subject to the pendency of any
25 disciplinary action or enforcement proceeding of any kind in
26 connection with these activities. This section applies

1 regardless of whether or not a separate permit or license was
2 issued to engage in the described activities.

3 (12) The board may refuse to grant a license to an
4 applicant who does not comply with the requirements of Section
5 34-24-166(a) or who has engaged in any acts constituting the
6 disciplinary grounds set forth in Section 34-24-166(b). The
7 board may further take disciplinary action authorized by this
8 chapter if the board learns or discovers subsequent to the
9 issuance of a license that the individual engaged in any acts
10 constituting the disciplinary grounds set forth in Section
11 34-24-166(b).

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

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