

1           HB523  
2        128879-1  
3        By Representative Wood  
4        RFD: Health  
5        First Read: 14-APR-11

1 128879-1:n:04/06/2011:MCS/mfp LRS2011-2100

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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

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§34-24-121.

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

"§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)(q) 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.

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

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

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

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

"C. Enter a censure on the license or permit.

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

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

"f. Impose restrictions on the scope of practice.

"g. Impose peer review or professional education requirements.

"h. Assess the costs of the disciplinary proceedings.

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

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

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

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

"(2) Every licensee who accepts the privilege of 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.

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

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

"§34-24-168.

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

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

"§34-24-170.

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

"§34-24-172.

"The State Board of Chiropractic Examiners, at any 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, refused, or suspended by the board~~ sanctioned as provided 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 suspended by the board~~ sanctioned as provided herein, may file  
19 a petition for judicial review in the Circuit Court of  
20 Montgomery County where the board office is located. The  
21 filing of the petition must be within 30 days of the date of  
22 the board's final decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The chiropractor shall not be the subject of a pending disciplinary action in any state in which the 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

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

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

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

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