

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

ENGROSSED

A BILL
TO BE ENTITLED
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, 34-24-161, 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 require applicants for licensure and reinstatement to provide sets of fingerprints and bear the costs of criminal background checks; 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 provide for certification for specialized areas; to allow disciplinary action for unpaid checks; 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, 34-24-161, 34-24-165, 34-24-166,

1 34-24-168, 34-24-170, 34-24-172, 34-24-175, and 34-24-176,
2 Code of Alabama 1975, are amended to read as follows:

3 "§34-24-121.

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

9 "§34-24-123.

10 "(a) It shall be unlawful for any person to practice
11 chiropractic unless he or she shall have first obtained a
12 valid license as provided in this article and possesses all
13 the qualifications prescribed by the terms of this article.
14 Any person who shall practice or attempt to practice
15 chiropractic without such a license or any person who shall
16 buy or fraudulently obtain such a license or shall violate any
17 of the terms of this article, or shall use the title
18 "chiropractic," "D.C.," or any word or title to induce the
19 belief that he or she is engaged in the practice of
20 chiropractic, without first complying with the provisions of
21 this article, shall be guilty of a misdemeanor and, upon
22 conviction thereof, shall be punished by a fine of not less
23 than one hundred dollars (\$100) nor more than five hundred
24 dollars (\$500), or by imprisonment in the county jail for not
25 less than 30 days nor more than one year, either or both, at
26 the discretion of the court. All subsequent offenses shall be
27 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
26 provided in Section 34-24-141. ~~Each of the members elected~~
27 ~~from congressional districts shall be a resident of the~~

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

23 " (b) One member of the board shall be a consumer
24 member ~~of the board~~ appointed by the Governor. Neither the
25 consumer member, nor his or her spouse, shall be a
26 chiropractor. The consumer member shall not be an immediate

1 family member of a chiropractor, nor shall he or she be
2 employed in the chiropractic field.

3 "(c) The elected members of the board shall be
4 elected as provided in this subsection. In August of any year
5 that the term of a member of the board expires, the Board of
6 Chiropractic Examiners shall mail a notice of the election of
7 the board and the method of qualifying as a candidate to each
8 active licensed chiropractor in the district where the vacancy
9 occurs at his or her permanent mailing address. The election
10 provided for in this section shall be conducted by an
11 independent agency such as a certified public accounting firm
12 unless there is only one candidate for the board and in this
13 situation, the board shall certify the results. The board
14 shall set a period for candidates to qualify and the date for
15 the ballots to be mailed. Candidates shall qualify by
16 submitting their name to the executive director of the board
17 during the qualifying period which shall be not less than 20
18 days nor more than 40 days after the notice is mailed. Not
19 less than 14 days after the deadline for qualification, each
20 licensed chiropractor shall be mailed a ballot for the
21 appropriate congressional district where the vacancy is to be
22 filled. In order to be counted, the ballots shall be received
23 by the board not later than 14 days after the ballots are
24 mailed. The results of the election shall be certified by no
25 less than three members of the board. The ballots shall be
26 maintained for a period of six months. The candidate with a
27 simple majority of the votes cast in each respective

1 congressional district shall be elected to the board position
2 for that congressional district. In the event no candidate in
3 a district receives a majority of the votes, the board shall
4 hold a run-off election in the same manner as provided in this
5 subsection. The members of the board shall take office
6 immediately upon election and the executive director of the
7 board shall set the first meeting of the board after the
8 election of the new board.

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

13 "(e) (1) The board may employ investigators,
14 inspectors, attorneys, and any other agents, employees, and
15 assistants as may from time to time be necessary, and may use
16 any other means necessary to bring about and maintain a rigid
17 administration and enforcement of state and federal law.

18 "(2) The board shall have the power to issue
19 subpoenas and compel the attendance of witnesses and the
20 production of all necessary papers, books, records,
21 documentary evidence and materials, or other evidence. Any
22 person failing or refusing to appear or testify regarding any
23 matter about which he or she may be lawfully questioned or to
24 produce any papers, books, records, documentary evidence or
25 materials, or other evidence in the matter to be heard, after
26 having been required by order of the board or by a subpoena of
27 the board to do so, upon application by the board to any

1 circuit judge of this state, may be ordered to comply
2 therewith; and, upon failure to comply with the order of the
3 circuit judge, the court may compel obedience by attachment as
4 for contempt as in case of disobedience of a similar order or
5 subpoena issued by the court. The president and
6 secretary-treasurer of the board shall have authority to issue
7 subpoenas, and any board member shall have authority to
8 administer oaths to witnesses, or to take their affirmation. A
9 subpoena or other process of paper may be served upon any
10 person named therein, anywhere within the State of Alabama, by
11 any officer authorized to serve subpoenas or other process or
12 paper in civil actions, in the same manner as is prescribed by
13 law for subpoenas issued out of the circuit courts of this
14 state, the fees and mileage and other costs to be paid as the
15 board directs.

16 "(f) The board shall employ an executive director
17 who shall be responsible for the administration of board
18 policy. The executive director may be licensed to practice
19 chiropractic in this state as provided in this article.

20 "(g) The board shall publish annually a directory
21 listing all permit holders and all persons licensed to
22 practice chiropractic in Alabama. Copies of the directory
23 shall be made available from the executive director at a cost
24 set from time to time by rule of the board.

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

1 "§34-24-143.

2 "All examination fees, certification fees, renewal
3 fees, and other similar funds received by the board under the
4 provisions of this article shall be deposited in the State
5 Treasury to the credit of the State Board of Chiropractic
6 Examiners, and all such funds are hereby appropriated to the
7 board to defray the expenses incurred in carrying out the
8 provisions of this article. The expenses shall include
9 printing, stamps, stationery, clerical help, travel, and other
10 necessary expenditures. In all cases, any fee which is
11 received by the board shall not be refunded, and no applicant
12 shall have the right to recover any part of a fee accompanying
13 his or her application for licensure or otherwise paid to the
14 board except on the death, disability, or retirement from
15 practice of any applicant or licensee between payment of any
16 fee and the expiration of his or her current renewal or the
17 issuance of the initial license or permit or on the failure of
18 the board to conduct any scheduled examination. The books and
19 records of the board shall be subject to state audit in the
20 same manner and to the same extent as any other state agency.
21 The secretary-treasurer or the executive director shall keep a
22 true and accurate account of all funds received by the board
23 and all expenditures made by the board.

24 "§34-24-160.

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

1 "(b) In addition to other requirements established
2 by law and for the purpose of determining an applicant's
3 suitability for a license to practice chiropractic, each
4 applicant shall submit a complete set of fingerprints to the
5 State Board of Chiropractic Examiners. The board shall submit
6 the fingerprints provided by each applicant for a license to
7 practice chiropractic to the Alabama Bureau of Investigation
8 (ABI). The fingerprints shall be forwarded by the ABI to the
9 Federal Bureau of Investigation (FBI) for a national criminal
10 history record check. Costs associated with conducting a
11 criminal history background check shall be borne by the
12 applicant. The State Board of Chiropractic Examiners shall
13 keep information received pursuant to this section
14 confidential, except that such information received and relied
15 upon in denying the issuance of a license to practice
16 chiropractic in this state may be disclosed as may be
17 necessary to support the denial. This requirement also shall
18 apply to any person who is not licensed as a chiropractor who
19 applies for a permit pursuant to Section 34-24-123(b).

20 "(c) Each applicant shall be of good moral
21 character, a citizen of the United States or, if not a citizen
22 of the United States, a person who is legally present in the
23 United States with appropriate documentation from the federal
24 government, and.

25 "(d) Each applicant shall be a graduate of a
26 chartered chiropractic school or college accredited by the
27 council of chiropractic education which teaches only

1 attendance courses and requires a minimum four-year standard
2 college course. ~~An applicant for licensure prior to December~~
3 ~~31, 2009, shall also have had literary training equaling as~~
4 ~~much as a regular high school.~~

5 "(e) An applicant for licensure who graduated from
6 chiropractic college after January 1, 2010, shall have a
7 bachelor's degree from an accredited college or university.
8 Absent a bachelor's degree, the requirement may be met by an
9 academic graduate degree from a regionally accredited college
10 or university and proof that the applicant has taken a
11 nationally recognized standardized test commensurate with that
12 applicant's graduate degree.

13 "(f) The application shall be signed by the
14 applicant in his or her own handwriting, and shall be
15 notarized, and shall recite the history of the applicant's
16 educational qualifications, how long he or she has studied
17 chiropractic, what collateral branches, if any, he or she has
18 studied, the length of time he or she has engaged in clinical
19 practice, with proof thereof in the form of diplomas,
20 certificates, transcripts, etc.

21 "(g) Each applicant shall submit with his or her
22 application satisfactory evidence of good character and
23 reputation.

24 "(h) Each applicant for licensure shall pay to the
25 board a fee of not less than fifty dollars (\$50) and not more
26 than one hundred fifty dollars (\$150), the exact amount to be
27 fixed annually by resolution of the State Board of

1 Chiropractic Examiners. The fee shall accompany the
2 application. A fee of not less than fifty dollars (\$50) and
3 not more than one hundred fifty dollars (\$150), the exact
4 amount to be fixed by resolution of the State Board of
5 Chiropractic Examiners shall be paid for any subsequent
6 examination.

7 "§34-24-161.

8 "(a) Each applicant, who matriculated into a
9 chiropractic college after January 1, 1973, must pass parts
10 one and two of the examination administered by the National
11 Board of Chiropractic Examiners or other national examination
12 as approved by the board. In addition, each applicant must
13 pass an examination administered by the board on this article
14 and the rules of the board.

15 "(b) The State Board of Chiropractic Examiners shall
16 prescribe rules and regulations regarding which national
17 examination shall be administered, the conduct of and times
18 and places of examinations, and requirements for successful
19 completion of examinations. A license shall be issued for each
20 applicant who successfully completes the examination.

21 "(c) Irrespective of the requirements in subsections
22 (a) and (b), the board may license an applicant if the
23 applicant is licensed in another state that, in the opinion of
24 the board, has standards of practice or licensure equal to or
25 stricter than the requirements imposed by this article;
26 provided further, that if the applicant graduated from
27 chiropractic college after January 1, 2010, he or she must

1 have a bachelor's degree from an accredited college or
2 university. Absent a bachelor's degree, the requirement may be
3 met by an academic graduate degree from a regionally
4 accredited college or university and proof that the applicant
5 has taken a nationally recognized standardized test
6 commensurate with that applicant's graduate degree.

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

14 "(e) Replacement licenses:

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

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

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

25 "(f) Each licensed chiropractor who is actively
26 engaged in practice or who holds himself or herself out as a
27 chiropractor shall place or cause to be placed in a

1 conspicuous place at the entrance of his or her office or
2 place in which he or she practices a sign in intelligible
3 lettering not less than one inch in height containing the name
4 of the chiropractor and in lettering no smaller than half the
5 size of the name of the chiropractor, the words "CHIROPRACTOR"
6 or "CHIROPRACTIC." The intent of this requirement is that the
7 office of the licensee be clearly identified by name and
8 profession.

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

15 "§34-24-165.

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

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

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

1 chiropractic college. The decision of the board as to whether
2 a course of study will be required and whether a particular
3 course of study will be approved shall be made on an
4 individual case basis and shall be based on all relevant
5 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 and/or suspend for a specific time or revoke any~~
7 ~~license to practice chiropractic upon a determination of guilt~~
8 ~~on any of the above enumerated grounds~~ impose any of the
9 sanctions set forth in subdivision (2) against any licensee or
10 permit holder upon a determination of guilt of any of the
11 above enumerated grounds.

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

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

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

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

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

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

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

1 "g. Impose peer review or professional education
2 requirements.

3 "h. Assess the costs of the disciplinary
4 proceedings.

5 "(i) Issue a reprimand.

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

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

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

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

1 The expense of the examination shall be borne by the licensee
2 who is examined.

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

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

23 "(1) Contracting with providers for treatment
24 programs.

25 "(2) Receiving and evaluating reports of suspected
26 impairment from any source.

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

1 "(4) Referring impaired chiropractors to treatment
2 programs.

3 "(5) Monitoring the treatment and rehabilitation of
4 impaired chiropractors.

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

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

13 "§34-24-168.

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

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

22 "§34-24-170.

23 "The board shall specify in its rules and
24 regulations a schedule of costs or fines, or both, to be
25 imposed upon any person or permit holder who has been found
26 guilty of a violation of Sections 34-24-166 or 34-24-161(f),

1 each not to exceed eight thousand dollars (\$8,000) per
2 violation.

3 "§34-24-172.

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

20 "§34-24-175.

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

25 "(b) Any party ~~whose license is revoked, refused, or~~
26 ~~suspended by the board~~ sanctioned as provided herein, may file
27 a petition for judicial review in the Circuit Court of

1 ~~Montgomery County~~ where the board office is located. The
2 filing of the petition must be within 30 days of the date of
3 the board's final decision.

4 "(c) Within 30 days after receipt of the petition
5 for judicial review or within such additional time as the
6 court may allow, the board shall transmit to the reviewing
7 court the original or a certified copy of the entire record
8 and transcript of the proceedings under review. Any party
9 seeking judicial review of ~~the board's revocation, refusal, or~~
10 ~~suspension of his or her license~~ any sanction imposed by the
11 board shall be responsible for all costs associated with
12 preparation, transcription, reproduction, and transmittal of
13 the proceedings under review.

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

19 "§34-24-176.

20 "In any event any licensee or permit holder allows
21 his or her license or permit to lapse and desires to return to
22 active practice, he or she must apply to the board for a
23 reinstatement of the license or permit and must submit to the
24 board a reinstatement fee together with all back fees. The
25 reinstatement fee shall be one-half the amount of the annual
26 license or permit fee. The applicant must satisfy the board
27 that he or she is of good moral character and otherwise

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

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

21 §34-24-162. Application; licensure by credentials.

22 (a) Every person who desires to practice
23 chiropractic within the State of Alabama shall file an
24 application prescribed by the board. Notwithstanding the
25 method of obtaining licensure or any particular requirement
26 set forth herein, every person as a prerequisite to licensure
27 must be at least 21 years of age, of good moral character, a

1 citizen of the United States or, if not a citizen of the
2 United States a person who is legally present in the United
3 States with appropriate documentation from the federal
4 government, a graduate of a chiropractic school or college
5 accredited and recognized by the board and must satisfy any
6 other requirement set forth in any rule adopted by the board.

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

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

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

25 (1) The chiropractor shall have engaged in the
26 active practice of chiropractic or full-time chiropractic
27 education for the five years immediately preceding his or her

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

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

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

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

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

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

23 (7) The applicant must submit affidavits from two
24 licensed chiropractors practicing in the same geographical
25 area where the applicant currently is practicing or teaching
26 attesting to the applicant's moral character, standing, and
27 ability.

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

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

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

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

18 a. Questioning under oath.

19 b. Results of peer review reports from constituent
20 chiropractic societies or federal chiropractic services.

21 c. Substance abuse testing or treatment.

22 d. Proof of no physical or psychological impairment
23 that would adversely affect the ability to practice
24 chiropractic with reasonable skill and safety.

25 e. Participation in continuing education.

26 f. Background checks for criminal or fraudulent
27 activities.

1 g. An agreement to initiate practice within the
2 State of Alabama within a period of one year from the date of
3 the issuance of a license.

4 h. Proof of professional liability coverage and that
5 coverage has not been refused, declined, cancelled,
6 non-renewed, or modified.

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

15 (12) The board may refuse to grant a license to an
16 applicant who does not comply with the requirements of Section
17 34-24-166(a) or who has engaged in any acts constituting the
18 disciplinary grounds set forth in Section 34-24-166(b). The
19 board may further take disciplinary action authorized by this
20 chapter if the board learns or discovers subsequent to the
21 issuance of a license that the individual engaged in any acts
22 constituting the disciplinary grounds set forth in Section
23 34-24-166(b).

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

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Boards, Agencies
and Commissions..... 21-FEB-13

Read for the second time and placed
on the calendar 1 amendment 07-MAR-13

Read for the third time and passed
as amended..... 09-APR-13

Yeas 83, Nays 10, Abstains 2

Jeff Woodard
Clerk